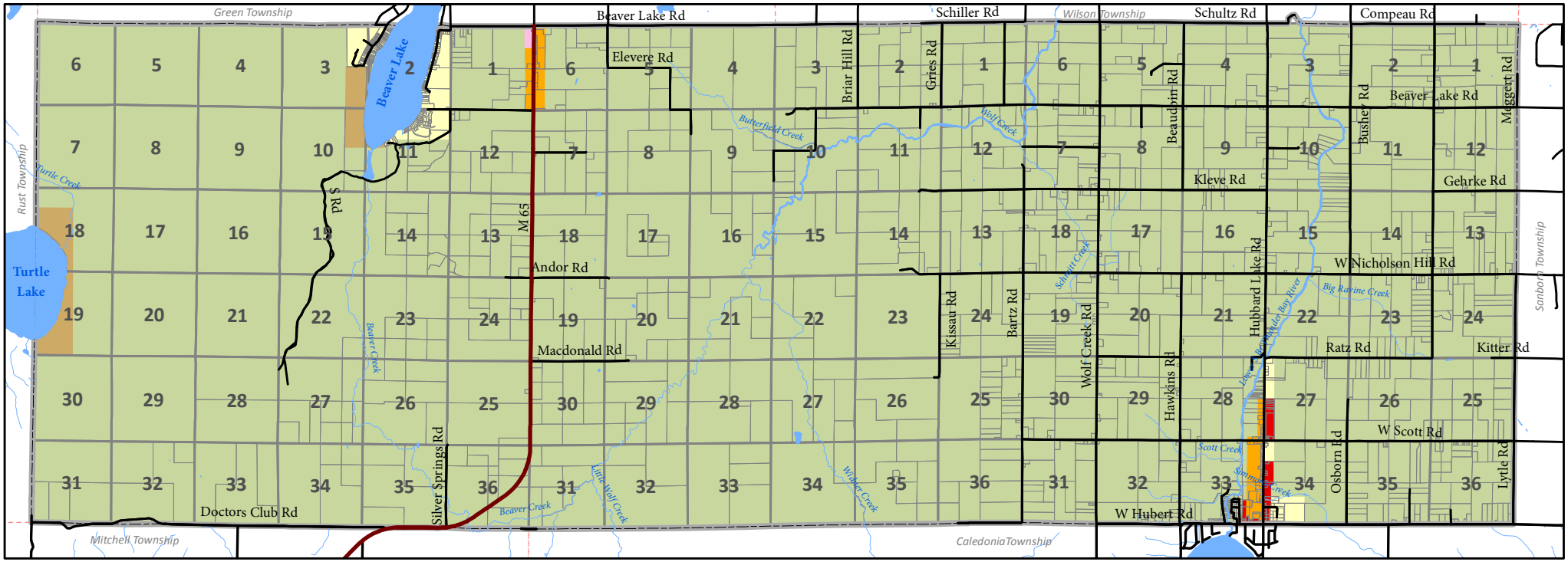
Ossineke Township

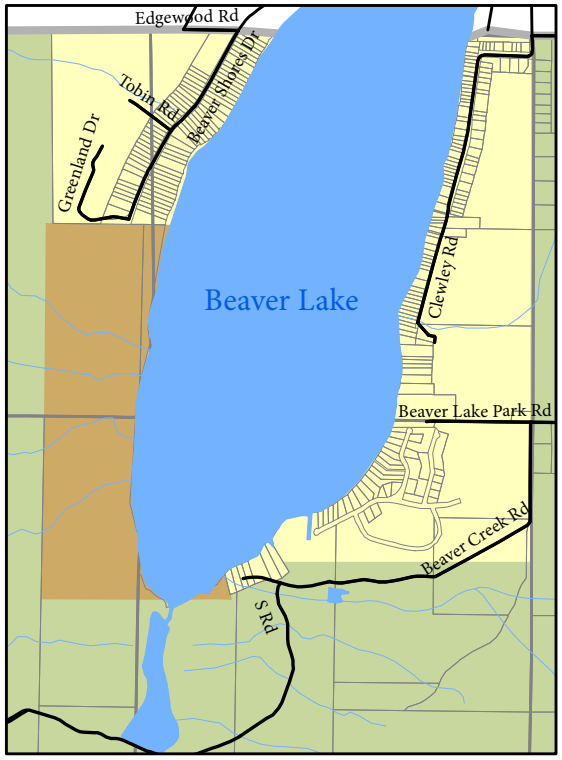
Alpena County, Michigan

Zoning Ordinance

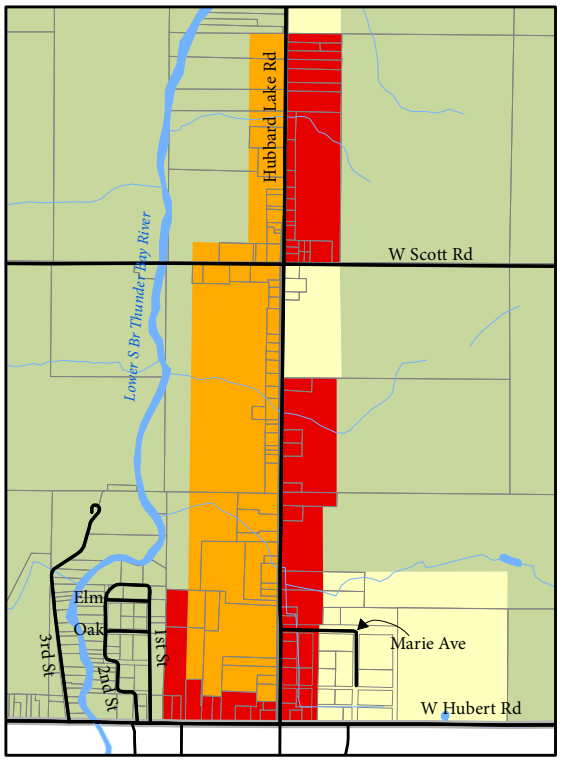
Ossineke Township
9041 W. Nicholson Hill Road
Ossineke, MI 49766
989.727.2880



Beaver Lake



Hubbard Lake



Zoning Districts

- R-1: One Family Residential
- R-3: General Residential
- R-R: Recreational Residential
- FF-1: Farm & Forest
- B-1: Local-Tourist Business
- B-2: General Business
- I: Industrial

Other Features

- State Trunklines
- Roads
- Rivers & Streams
- Water Bodies
- Ossineke Boundary
- Other Twp Boundary
- Parcels

Zoning Districts

Ossineke Township

Alpena County, MI

Adopted January 12, 2015
Effective January 29, 2015

Map produced by Northeast Michigan Council of Governments
www.nemcog.org

Ossineke Township
ZONING ORDINANCE

Ossineke Township
Alpena County
Michigan

Adopted: 1-12-15

Effective: 1-29-15

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

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ARTICLE 1
PURPOSE & AUTHORITY

Section 1.0 Purpose

An Ordinance enacted under Public Act 110 of 2006, as amended, governing Ossineke Township in Alpena County, Michigan to establish districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings shall be regulated by this ordinance, and within which districts regulations shall be established; to provide for the enforcement of this ordinance, and for any amendments, supplements, or changes hereto; and to provide penalties for the violation of this ordinance.

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Ossineke Township. The provisions herein are intended to regulate land development; establish districts within Ossineke Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air, water, and health conditions in dwellings and buildings hereafter erected or altered; to facilitate multiple housing opportunities; to integrate residential and non-residential uses where appropriate and beneficial to the community; to promote the establishment of mixed-use development on appropriate properties; to facilitate adequate and efficient provision for transportation systems, parking, public facilities, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the current Master Plan.

It is the purpose of this Ordinance to manage the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to promote development in Ossineke Township that enhances the quality of the built and natural environment and the overall quality of life of both residents and visitors, and to provide a reasonable and serviceable means to safeguard the economic structure of development in the Township. Within each district, regulations shall be provided designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district and its structures, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

Section 1.1 Authority

This Ordinance is enacted into law pursuant to Act 110, Public Acts 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 1.2 Title

This Ordinance shall be known as the Ossineke Township Zoning Ordinance of 2015 and shall be referred to herein as "this Ordinance."

ARTICLE 2
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.0 Construction of Language

For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.

A. The particular shall control the general.

B. In the case of any difference of meaning of implication between the text of this Ordinance and any caption or illustration, the text shall control.

C. Unless the context clearly indicated to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this Ordinance; and the word "this Ordinance" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended".

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

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

F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

G. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:

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

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

3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

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

J. "Township" shall refer specifically to Ossineke Township.

Section 2.1 Definitions

A

ABUTTING: Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

ACCESS: A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

ACCESSORY BUILDING OR ACCESSORY STRUCTURE: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

ACCESSORY USE: A use which is clearly incidental and subordinate to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related.

ADJACENT PROPERTY: All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

ADULT FOSTER CARE FACILITY: See "State Licensed Residential Facility".

AGGRIEVED PERSON: A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

ALTERATIONS: Any change, addition or modification in construction or type of occupancy, or 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."

AMUSEMENT ARCADE: Any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of amusement devices, or in which more than five mechanical amusement devices are located and available for operation. For purposes of this Zoning Ordinance, a mechanical amusement arcade shall not include the following:

1. Mechanical amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and

2. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

***AMUSEMENT DEVICE**:* Any machine or device which, upon the insertion of a coin, slug, token, plate, disc, or card, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical, or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical, or electronic baseball, football, basketball, hockey and similar sports-type games, mechanical, electrical, or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

***ANIMAL HOSPITAL**:* A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

***ANTENNA**:* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

***APARTMENT**:* A dwelling in a multiple dwelling building or mixed use building intended for residence by one family or group of individuals living together as a single housekeeping unit.

***APPLICANT**:* Any person who applies for a permit or petition.

***APPLICATION**:* The process by which the owner of a parcel of land within the Township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Township concerning such a request.

***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.

***AUTOMOBILE REPAIR GARAGE**:* A structure housing any activity involving the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles or components, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

***AUTOMOBILE SERVICE STATION**:* A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

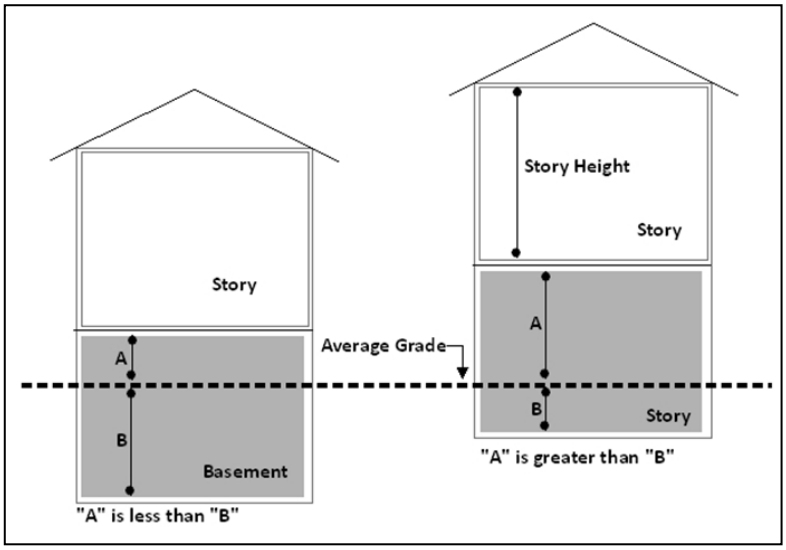
***AUTOMOBILE OR TRAILER SALES AREA**:* Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

***AUTOMOBILE STORAGE, DAMAGED**:* Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

***AWNING**:* Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

***BASEMENT**:* That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story nor counted as floor area, unless the room has emergency egress.



BEACH: The land between the ordinary high water mark and the first line of terrestrial vegetation.

BED AND BREAKFAST ESTABLISHMENT: A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

BERM: A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

***BLOCK**:* The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing

and any other barrier to the continuity of development or corporate boundary lines of the Township.

BOARDING HOUSE: See Rooming House.

BOAT LAUNCH RAMP: Facility to launch and retrieve recreational watercraft from a trailer.

BOAT LIVERY AND/OR CANOE LIVERY AND BOAT YARD: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing or providing use thereof to persons other than the owners for a charge or fee.

BOAT SLIP: A space used for the mooring/docking of a one (1) or more watercraft.

BREEZEWAY: Any covered passageway with open or enclosed sides between two buildings.

BUFFER STRIP: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

BUILDABLE AREA: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

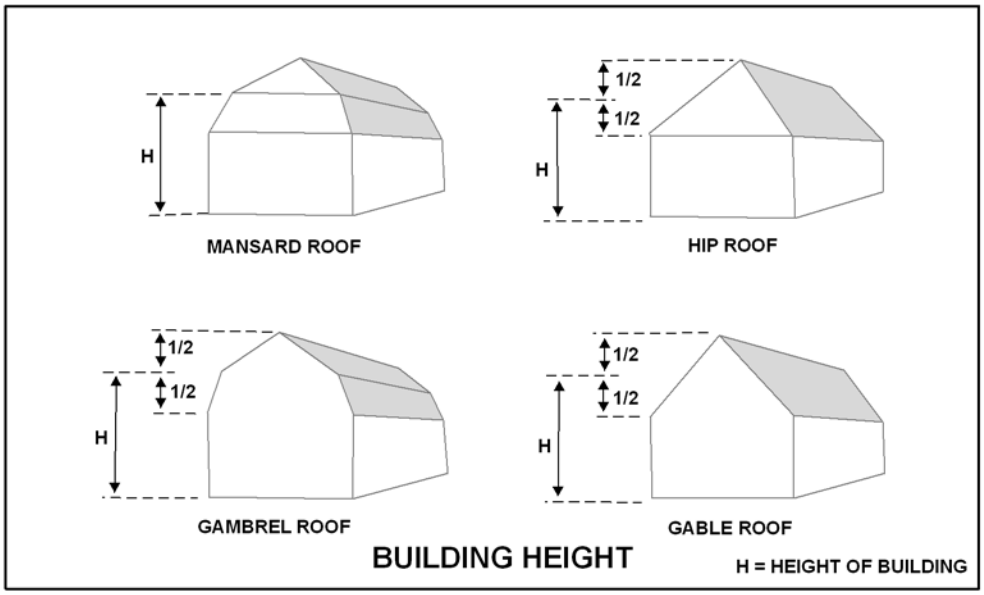
BUILDING AREA: The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed porches, terraces, and steps.

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

BUILDING, EXISTING: An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance provided that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

BUILDING, FRONT: That façade of the building most nearly parallel to and nearest the front lot line.

***BUILDING HEIGHT**:* The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs, and the average height between the lowest point and the highest point on a shed roof. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



***BUILDING LINE**:* A line formed by the wall of the building, and for the purposes of this Ordinance, a minimum building line is the same as a setback line.

***BUILDING, PRINCIPAL**:* A building in which is conducted the principal use of the premises on which it is situated.

C

CABIN: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

***CAMPGROUND**:* Any parcel or tract of land, under the control of any person, wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

***CANOPY**:* A permanent roof-like shelter that extends from part or all of a building face.

CAR WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

CEMETERY: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

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:

1. ***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.

2. ***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.

3. ***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.

4. ***PRIVATE HOME****:* A private residence in which the registered facility operator permanently resides as a member of the household.

CHURCH: See Religious Institution.

CLINIC, HUMAN*:* A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

CLUB*:* An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

***COLLEGE**:* A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

COMMERCIAL: A business use or activity at a scale greater than a home occupation involving retail or wholesale marketing of goods or services.

***COMMISSION**:* Ossineke Township Planning Commission.

***COMMON AREAS, USES AND SERVICES**:* Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

COMMUNITY/EMERGENCY & OTHER RELIEF SERVICES: Establishments engaged in providing food, clothing, medical relief, resettlement, and counseling services.

***CONDOMINIUM ACT**:* Act 59, Public Acts of 1978, as amended.

***CONDOMINIUM UNIT**:* That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.

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: A retail store with a floor area of less than twenty-five hundred (2,500) square feet that sells groceries and may also sell gasoline; does not include automotive service stations or automotive repair shops.

COTTAGE INDUSTRY: A home occupation of which the sale of goods or products on the premises is a significant portion.

CUL-DE-SAC: A street with only one outlet having sufficient space at the closed end to provide vehicular turning facilities.

D

***DECK**:* A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

***DENSITY**:* The number of dwelling units on, or to be developed upon, a net acre of land.

***DEVELOPMENT**:* All structures and other modifications of the natural landscape above and below ground or water on a particular site.

***DISTRICT**:* A portion of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or “overlay district”.

DRIVE-THROUGH: An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

***DRIVEWAY**:* A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

***DWELLING UNIT**:* A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

***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 UNIT, MODULAR: A dwelling unit which has the majority of its structural components built off-site and shipped for final assembly on the foundation.

***DWELLING UNIT, SITE-BUILT**:* A dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

***DWELLING, ONE-FAMILY**:* A building designed exclusively for and occupied exclusively by one (1) family.

***DWELLING, TWO-FAMILY OR DUPLEX**:* A building designed exclusively for occupancy by two (2) families living independently of each other.

***DWELLING, MULTIPLE-FAMILY**:* A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

E

ERECTED: Built, constructed, reconstructed, or moved upon; includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

***ESSENTIAL SERVICES**:* The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

EXCAVATION: The removal of rock, sand, soil or fill material below the average grade of the surrounding land and or road grade, whichever is the highest. This does not include alterations for farming, gardening, or ground care.

F

FAÇADE: The exterior wall of a building exposed to public view.

***FAMILY**:* either of the following:

A. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

B. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the

functional equivalent of a domestic family, with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. The number of persons who may reside as a functional equivalent family shall be limited to five exclusive of domestic employees.

***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, 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**:* A man-made structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FLOOD PLAIN: 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 floor 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).

***FLOOR AREA, RESIDENTIAL**:* For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

***FLOOR AREA, USABLE COMMERCIAL*:** That area used for or intended to be used for the sale of merchandise or services, or used 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, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area".

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.

G

***GARAGE, COMMERCIAL**:* Any premises used for repair and maintenance of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

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

***GARAGE, YARD OR PORCH 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.

GARBAGE: Waste material which will or may decompose and become offensive or dangerous to public health.

GAS PROCESSING PLANT: A surface installation designed to separate and recover natural gas liquids from a stream of produced natural gas through the processes of condensation, absorption, adsorption, refrigeration, or other methods and to control the quality of natural gas marketed and/or returned to oil or gas reservoirs for pressure maintenance, repressuring, or cycling.

***GASOLINE SERVICE STATION**:* See "Automobile Service Station".

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS): Those practices as defined by the Michigan Commission of Agriculture.

***GRADE**:* The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

***GREENBELT**:* A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

H

***HAZARDOUS SUBSTANCES**:* Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

***HOME OCCUPATION**:* An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

HOMELESS SHELTER: See "Residential Human Care Facility".

HOSPITAL: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

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

I

INDIVIDUAL AND FAMILY SERVICES: Establishments engaged in providing nonresidential individual and family social assistance services.

IMPERVIOUS SURFACE: Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPROVEMENTS: Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety and welfare of the residents of the Township, and future users or inhabitants of the proposed project or project area.

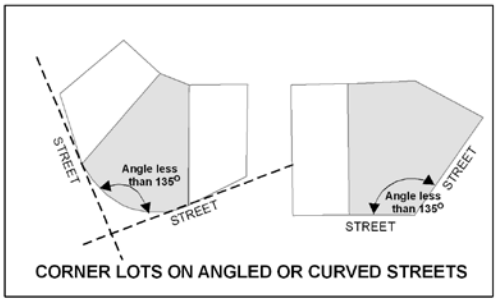
INDUSTRIAL PARK: A legally recorded subdivision that has been specifically designed for industrial purposes and use.

INOPERABLE VEHICLE: A vehicle which cannot be operated legally on a public street.

J

JUNK: All rubbish, refuse, and debris including, but not limited to, the following: nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

JUNK YARD: Place, structure or parcel of land over 200 square feet where junk, waste, discarded, salvaged or similar materials, such as old iron or, other metal, wood, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house-wrecking and structural steel materials and equipment and excluding pawnshops, establishments for the sale, purchase or storage of used cars, salvaged machinery, used furniture, radios, stoves, refrigerators or similar household goods, and the processing of used, discarded or salvaged materials as part of manufacturing operations.



CORNER LOTS ON ANGLED OR CURVED STREETS

K

KENNEL: Any lot or premises on which more than four (4) dogs (6) months of age or older are kept. Kennel shall also include any lot or premise where household pets are bred or sold for remuneration.

L

LABORATORY: A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

LANDSCAPING: Some combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, ponds, art works, screens, walls, fences, benches, walks, paths, steps, terraces, garden structures, etc.

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 materials.

LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

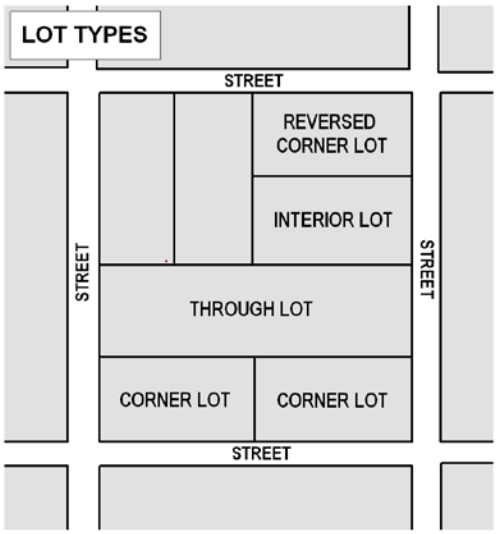
LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135)

degrees.

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

LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

LOT, THROUGH (DOUBLE FRONTAGE): Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



LOT, WATERFRONT: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

LOT AREA: The total horizontal area within the lot lines of the lot.

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above 8" above grade, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences.

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

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

1. ***FRONT LOT LINE***: In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot, that line separating said lot from either street or right-of-way. In the case of a corner lot, is that line separating said lot from the street that is designated as the front street in the plat and in the application for a building permit.

2. ***REAR LOT LINE***: That lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.

3. ***SIDE LOT LINE***: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from

another lot or lots is an interior side lot line.

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

***LOT WIDTH**:* The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

M

***MANUFACTURED HOME**:* see Dwelling, Manufactured.

***MANUFACTURED HOUSING COMMUNITY**:* A parcel or tract of land under the control of a person upon which 3 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.

***MANUFACTURED HOUSING COMMUNITY HOMESITE**:* The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

MANUFACTURING: The production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

***MARQUEE**:* A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

***MASTER DEED**:* The condominium document recording the condominium project as approved by the Township to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

MASTER PLAN: The Ossineke Township Master Plan including background information, maps, goals and objectives, and plans for the development of the Township and including any part of such plan and any amendments to such plan or parts thereof.

MDNR: Michigan Department of Natural Resources or any subsequently named agency.

MEDICAL MARIHUANA DEFINITIONS:

1. ***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.

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

3. ***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.

4. ***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.

5. ***PRIMARY CAREGIVER FACILITY****:* A building in which the activities of a Primary Caregiver are conducted.

6. ***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.

MEZZANINE*:* An intermediate floor in any story occupying not to exceed one-half (1/2) of the floor area of such story.

MINI-STORAGE: Mini-storage buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer's goods or wares.

MOBILE HOME*:* See "Manufactured Home".

MOBILE HOME PARK*:* See "Manufactured Housing Community".

MOTEL*:* A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels.

MUNICIPAL CIVIL INFRACTION: An action or omission that violates a local ordinance that is not a misdemeanor, or a felony, for which, upon a finding of responsibility by a court of competent

jurisdiction, the defendant may be ordered to pay fines, damages, expenses, and costs as authorized by law.

***MUNICIPALITY**:* Ossineke Township, Michigan.

N

NET ACRE: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

***NONCONFORMING SIGN**:* A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

***NONCONFORMING STRUCTURE**:* A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not comply with the provisions of the Ordinance in the district in which it is located.

***NONCONFORMING USE**:* A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not comply with the use regulations of the district in which it is located.

***NUISANCE**:* An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

***NURSERY, PLANT MATERIALS**:* A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for 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.

***NURSERY SCHOOL OR PRE-SCHOOL**:* A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

***NURSING HOME**:* See "Convalescent or Nursing Home".

O

OFFICE: A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated,

displayed. warehoused, exchanged or sold.); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

***OPEN SPACE**:* Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

***OUTDOOR STORAGE**:* A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

***ORDINARY HIGH WATER LINE**:* 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 soil and the vegetation.

***OWNER**:* A person holding any legal, equitable, option or contract of interest in land.

P

***PARCEL**:* See "Lot".

***PARK**:* Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for recreational purposes.

***PARKING, OFF-STREET**:* Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

PARKING LOT, OFF-STREET: A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two (2) vehicles.

***PARKING SPACE**:* An area of definite length and width, said area shall be exclusive of drives, aisles, maneuvering lanes or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

***PATIO**:* A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

***PETS, DOMESTIC*:** Mammals, rodents, birds, and reptiles that are partially or totally dependent on humans; live inside a residence in close proximity with humans; form bonds with humans; and interact with human companion.

PETS, EXOTIC: Breeds of animals that are uncommonly found as either pets or livestock. These

breeds are often not indigenous, are undomesticated, unusual in appearance, poisonous, and can be potentially dangerous if they escape. Examples include monkeys, apes, chimps, most snakes and reptiles, large birds, spiders and other insects.

***PERFORMANCE GUARANTEE**:* Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Township Board.

PLACE OF WORSHIP: See Religious Institution.

***PLANNED UNIT DEVELOPMENT (PUD)**:* A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the Township with increased oversight and guidance in the design process.

***PLANNING COMMISSION**:* The body appointed by the Township Board under the provisions of Public Act 33 of 2008, the "Michigan Planning Enabling Act" as amended. Refers to the Ossineke Township Planning Commission.

PLAT: A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

PLOT PLAN: The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

***PORCH, ENCLOSED**:* A covered entrance to a building or structure which has a roof and/or walls and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

***PORCH, OPEN**:* An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

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.

***PUBLIC PLACE**:* Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any

kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

PUBLIC SERVICE: Public service facilities within the context of this ordinance shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses.

PUBLIC UTILITY: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation, or water.

PUBLIC UTILITY BUILDINGS: This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations and similar structures.

R

RECREATIONAL EQUIPMENT: Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

RECREATIONAL FACILITY: A public or private facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, indoor and outdoor swimming pools, and similar facilities.

RECREATIONAL VEHICLE: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and pop-up campers.

RECREATIONAL VEHICLE PARK (RV PARK): A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities.

RECYCLING CENTER: See Resource Recovery Facility.

REFINERY: An installation that manufactures finished petroleum products from crude oil, unfinished oils, natural gas liquids, other hydrocarbons, and oxygenates.

RELIGIOUS INSTITUTION: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

RESEARCH AND DEVELOPMENT FACILITY: A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such

research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

***RESIDENTIAL HUMAN CARE FACILITY**:* A facility providing:

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

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

3. Emergency shelter for individuals who are homeless.

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

***RESIDENTIAL STRUCTURE**:* Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by families or individuals.

RESORT: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

RESOURCE RECOVERY FACILITY: Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

***RESTAURANT**:* A building in which food or beverages are prepared and offered for sale in a ready to consume state, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. See also "Drive-Through" and "Drive-In Restaurant".

RESTAURANT, DRIVE-IN: An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

***RETAIL AND RETAIL STORES**:* Any building or structure in which goods, wares, or merchandise are sold to the ultimate 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.

***ROADSIDE STAND**:* An accessory and temporary structure operated for the purpose of temporarily selling goods or products.

***ROOMING HOUSE**:* A residential building where rooms or suites of rooms are rented, for compensation, by arrangement for definite periods, where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, tourist homes, two and multi-family dwellings or fraternity and sorority houses.

S

***SCHOOL**:* A public or private educational institution for the purpose of elementary or secondary education, offering students an academic curriculum and which meets all of the requirements of the compulsory education laws of the State of Michigan. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

SCRAP YARD: An establishment where scrap metals are collected, processed, stored, and/or sold.

SEASONAL RESIDENCE: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

***SEASONAL USE**:* Any use or activity that cannot be conducted or should not be conducted during each month of the year.

SEASONAL USE SALES: Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

SECONDARY 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.

***SETBACK**:* The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

***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.

1. ***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.

2. ***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:

    a. 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

    b. 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.

3. ***ADULT CABARET***: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

    a. Persons who appear in a state of nudity;

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

    c. 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

    d. 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.

4. ***ADULT MOTEL***: A hotel, motel or similar commercial establishment that:

    a. 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;

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

c. 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.

5. ***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.

6. ***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.

7. ***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.

8. ***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:

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

   b. 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.

   c. 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.

9. ***SPECIFIED ANATOMICAL AREAS:*** Means and includes any of the following:

   a. Less than completely and opaquely covered:

      (1) Human genitals;
      (2) Pubic region;
      (3) Buttocks
      (4) Female breast below a point immediately above the top of the areola.

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

10. ***SPECIFIED SEXUAL ACTIVITIES****:* Means and includes any of the following:

    a. Human genitals in a state of sexual arousal;

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

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

    d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

SHOPPING CENTER*:* A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

SIGN*:* A name, identification, announcement, declaration, billboard, description, display or illustration, letter, work, model, banner, streamer, flag, pennant, insignia, trade name, trademark, representation or device of any kind whatsoever, which is affixed to, or painted, or represented, directly or indirectly, upon a building structure or piece of land, and which attracts general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content, or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. "Sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag, and any similar device of any type or kind whether bearing lettering or not. Signs not exceeding one (1) square foot in area bearing only property numbers, mail box numbers or names of occupants of premises are excluded from this definition.

SIGN AREA*:*

1. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

2. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.

3. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing:

a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.

b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

***SIGN HEIGHT**:* The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

***SIGN TYPES**:* The following definitions 1 through 29 are related to signs:

1. ***ABANDONED SIGN**:* A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

2. ***A-FRAME SIGN**:* Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property.

3. ***ANIMATED OR MOVING SIGN**:* A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

4. ***AWNING SIGN**:* A sign painted on, printed on, or attached flat against the surface of an awning.

5. ***BANNER***: A sign made of natural or synthetic material used to call attention to a land use or product, service, or activity; however, not including pennants or flags.

6. ***BUSINESS CENTER SIGN**:* An on-premises sign which identifies a business complex or group of contiguous stores which may contain the names of the individual stores, businesses, institutions, or other organizations located within the complex or group.

7. ***CANOPY SIGN**:* A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

8. ***CONSTRUCTION SIGN**:* A sign listing the names of the project, developers, contractors, engineers, and architects on the site being developed.

9. ***ELECTRONIC MESSAGE BOARD**:* A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

10. ***FREESTANDING SIGN**:* A pylon sign or monument sign.

11. ***INFORMATIONAL SIGN:*** A non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps, fuel pump information and similar features.

12. ***INGRESS-EGRESS SIGN:*** A directional sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.

13. ***LIGHTED SIGN****:* Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

14. ***MARQUEE SIGN****:* Any sign attached to or supported by a marquee structure.

15. ***MESSAGE BOARD, STATIC*****:** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

16. ***MESSAGE BOARD, ELECTRONIC***: A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

17. ***MONUMENT SIGN****:* Any sign attached directly to the ground by a solid base and foundation constructed of masonry, brick, stone, decorative metal, wood or other durable material.

18. ***NAME PLATE:*** A sign indicating the name and/or address of a building or the name of an occupant thereof and the nature of a permitted occupation therein.

19. ***OFF-PREMISE ADVERTISING SIGN (BILLBOARD)****:* A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.

20. ***OFF-PREMISE ADVERTISTING SIGN, DIGITAL (DIGITAL BILLBOARD):*** A billboard displaying static images controlled by electronic communications.

21. ***OFF-PREMISE DIRECTIONAL SIGN***: A sign which provides directions to a commercial or industrial establishment which is not located on a primary street within the Township.

22. ***POLITICAL SIGN****:* A sign relating to the election of a person to public office or relating to a political party or to a matter to be voted upon at a general election called by a public body.

23. ***PORTABLE SIGN***: Any sign not permanently attached to the ground or a building and is designed to be transported by trailer or wheels including such signs with wheels removed.

24. ***PROJECTING SIGN****:* A sign which is affixed to any building or structure, other than a marquee, where the face of the sign is generally perpendicular to the face of the

building or structure.

25. ***PYLON SIGN***: A sign which is an elevated sign supported by one (1) or more bearing columns.

26. ***ROOF SIGN***: A display sign which is erected, constructed, and maintained above the roof of the building provided, however, that this definition shall not include signs attached to the vertical face of a mansard roof.

27. ***SPINNING SIGN***: A self-supporting sign that spins to attract attention and display its message.

28. ***TEMPORARY SIGN***: A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance.

29. ***WALL SIGN***: A display sign which is painted on or attached directly to the building wall (including the vertical face of a mansard roof).

30. ***WINDOW SIGN***: a sign affixed to a window or within three (3) feet of the window so as to be observable from the opposite side of the window to which such sign is affixed.

SINGLE OWNERSHIP: Ownership by a person or by two or more members of the same family of a lot.

SITE CONDITIONS: Shall mean or refer to height and area regulations, parking area regulations, screening, landscaping and all other items regulated by this Ordinance.

SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION): A method of subdivision where the sale and ownership of sites is regulated by the condominium Act (P.A. 59 of 1978, as amended MCLA 559.101) as opposed to the subdivision Control Act of 1967 (MCL 560.101). Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning Ordinance.

SITE CONDOMINIUM SUBDIVISION PLAN: Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

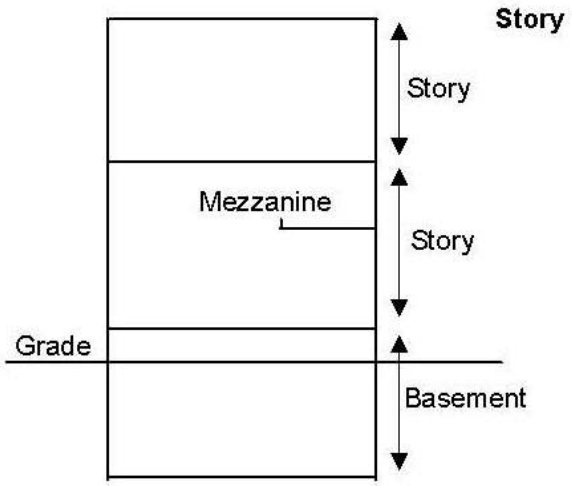
SITE PLAN: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

SOLID WASTE TRANSFER FACILITY: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in

the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

SPECIAL LAND USE: A use which is subject to approval by the Township Planning Commission. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming Use.

SPECIAL LAND USE PERMIT: A permit issued by the Township to a person or persons intending to undertake the operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Land Use and which has been given approval by the Planning Commission.



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.

STORAGE: To leave or deposit in a place for preservation or disposal in one or more of the following ways:

1. ***STORAGE-ACCESSORY***: Storage which is accessory to the principal use of the premises.

2. ***STORAGE BUILDING***: A building in which storage is the principal activity.

3. ***STORAGE FACILITY***: A building or property on which storage is carried out as the principal use of the property.

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

STORY, HALF: An uppermost story lying under a sloping roof the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it.

STORY, HEIGHT OF: The vertical distance from the top surface of one floor to the top surface of the next above.

***STREET**:* A dedicated public right-of-way or private roadway, other than an alley, which affords the principal means of access to abutting property. Street includes such designations as road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace or any similar designation.

***STREET, PRIVATE**:* Any street which is privately owned and has not been accepted for maintenance by a public street agency.

***STREET, PUBLIC**:* Any street or portion of street which has been dedicated to and accepted for maintenance by a public street agency.

***STREET RIGHT-OF-WAY LINE**:* The line which forms the outer limits of a street right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

***STRUCTURE**:* Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A structure may or may not be a building.

STRUCTURE, PRINCIPAL: A structure in which is conducted the principal use of the lot upon which it is situated.

SUBDIVISION: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

***SWIMMING POOL**:* Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T

TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS:

1. ***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.

2. ***ANTENNA ARRAY*:** An Antenna Array is 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.

3. ***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.

4. ***CO-LOCATION/SITE SHARING*****:** Co-location/Site Sharing shall mean 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.

5. ***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.

6. ***FTA*****:** Federal Telecommunications Act of 1996, as amended.

7. ***HEIGHT*****:** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.

8. ***SETBACK*****:** Setback shall mean 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.

9. ***SUPPORT STRUCTURE*****:** A Support Structure is 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.

10. ***TEMPORARY WIRELESS COMMUNICATION FACILITY*****:** Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

11. ***WIRELESS COMMUNICATIONS:*** Wireless communications shall mean 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.

12. ***WIRELESS COMMUNICATION FACILITY:*** A Wireless Communication Facility is 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).

TEMPORARY USE OR BUILDING*:* A use or structure permitted to exist for one hundred eighty

(180) days or less.

THEATRE: An enclosed building used primarily for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

TOWNHOUSES: A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling on the ground floor. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

TRANSIT CENTER*:* A fixed location where passengers interchange from one route or vehicle to another that has significant infrastructure such as a waiting room, benches, restrooms, sales outlet, ticket or pass vending machines and other services.

TRANSITION*:* For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

TRAVEL TRAILER*:* See "Recreational Vehicle".

TRUCK WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing large vehicles designed for hauling goods.

TOURIST HOME: Any dwelling used or designed in such a manner that certain rooms in excess of those used by family and occupied as a dwelling unit are rented to the transient public for compensation.

U

UNAUTHORIZED ACTIVITY*:* Any use contrary to the provisions of this Ordinance.

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.

USE, PRINCIPAL*:* The primary use to which the premises are devoted.

V

VARIANCE*:* A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or unnecessary hardship.

VARIANCE, DIMENSIONAL*:* A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or development requirement/limitation.

***VEHICLE*:** A conveyance that transports people or objects, operates by a motor, and requires a license to operate.

***VEHICLE SALES - NEW**:* An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

***VEHICLE SALES - USED**:* An authorized dealership for the sale of used vehicles with an office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

***VETERINARY CLINIC**:* A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

VIDEO ARCADE: See Amusement Arcade.

VOCATIONAL REHABILITATION SERVICES: Establishments primarily engaged in providing job counseling, job training, and work experience to the unemployed or underemployed persons, persons with disabilities, and persons who have a job market disadvantage because of lack of education, job skill, or experience.

W

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

WAREHOUSE OR TRAFFIC TERMINAL: A building wherein goods, merchandise and materials are stored for subsequent sale, distribution or use other than on the site of said warehouse.

***WATERS EDGE**:* A fluctuating line where the water and the land meet. May or may not be the ordinary high water line.

WATERFRONT SETBACK: The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

***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.

WIND ENERGY DEFINITIONS:

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

2. ***ANEMOMETER***: A device used to measure wind speed.

3. ***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.

4. ***DECIBEL***: The unit of measure used to express the magnitude of sound pressure and sound intensity.

5. ***HUB HEIGHT***: The distance measured from the ground level to the center of the turbine hub.

6. ***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.

7. ***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.

8. ***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.

9. ***SOUND PRESSURE LEVEL*****:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

10. ***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.

11. ***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:

    a. 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.

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

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

12. ***WIND TURBINE (HORIZONTAL AXIS):*** A wind energy system in which the rotor(s) rotate around a horizontal shaft.

13. ***WIND TURBINE (VERTICAL AXIS):*** A wind energy system in which the rotor rotates around a vertical shaft.

14. ***WIND TURBINE GENERATOR TOTAL HEIGHT***:

    a. ***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.

    b. ***VERTICAL AXIS WIND TURBINE***: The distance between the ground and the highest point of the wind turbine generator.

Y

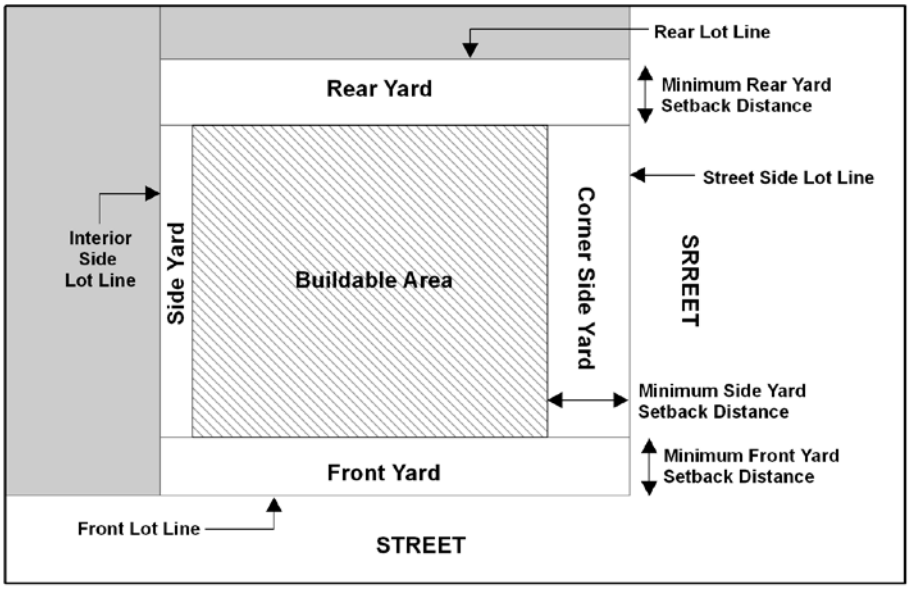
YARD*:* An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Ordinance. Yards are further defined herein:

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

2. ***REAR YARD****:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite from the front lot line.

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

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



Z

ZERO LOT LINE*:* The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZONING ADMINISTRATOR*:* The person retained by the Township to administer and enforce this Zoning Ordinance.

ZONING APPEAL*:* An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

ZONING BOARD OF APPEALS*:* As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

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

ZONING PERMIT*:* A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

Article 3
General Provisions

Section 3.0: Effects of Zoning

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. The provisions of this Article shall apply to all districts, except as noted herein. 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. The applicable zoning permit or building permit shall be obtained. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and 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, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. Lawful nonconforming uses shall be regulated by the provisions contained in **§3.22.**

C. 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.

D. 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.

Section 3.1: Application of Regulations

A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

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

1. To accommodate or house a greater number of persons or 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.

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

3. 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.

C. 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.

Section 3.2: 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 3.3: Permit Required – Conformance to Zoning

In accordance with other ordinances and regulations duly adopted by the Township Board, and in accordance with this ordinance, no structure shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any structure shall be begun until a building permit and a zoning permit from the Township have been issued. With respect to this Zoning Ordinance, eligibility for a zoning permit shall be established upon conformance with the provisions contained herein.

Section 3.4: Zoning Lots/Zoning Lot Occupancy/Illegal Dwellings

A. ZONING LOTS:

1. **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.

2. 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.

3. 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. The owner shall elect, and so designate in his application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard.

B. **ZONING LOT OCCUPANCY:** 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.

C. **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. 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 3.5: Restoration of Unsafe Buildings/Barrier-Free Modifications

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 3.6: Access

Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.

Section 3.7: Temporary Buildings for Construction Purposes

A. Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, and for temporary residency during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board

of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling or construction purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

B. 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.

C. 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:

1) 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.

2) 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.

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

Section 3.8: Accessory Structures & Accessory Uses

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

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

2. **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.

3. **RELATIONSHIP TO PRINCIPAL STRUCTURE**: No detached accessory structure shall be located closer than ten (10) feet to any principal structure.

4. **LOCATION IN YARDS**: Except as provided in subsection 6 below, all detached accessory structures shall be located in the rear or side yard of the lot of R-1, R-3, and R-R Districts.

5. **SETBACKS**:

a. Accessory structures shall be setback a minimum of ten (10) feet from the interior side lot line and ten (10) feet from a rear lot line.

b. Where there are existing accessory buildings on the same or adjacent lot, such accessory building shall not be constructed closer than four (4) feet to such existing accessory building

6. **ACCESSORY STRUCTURE ON WATERFRONT LOTS**: Accessory structures are permitted in the front (street side), rear (waterfront side), and side yard of waterfront lots and shall adhere to the waterfront setback **(§3.12**). Accessory structures in the front yard of waterfront lots shall not be located nearer than ten (10) feet to a street right-of-way line. Side setbacks shall be consistent with those listed in subsection 5 (above).

7. **ACCESSORY STRUCTURES ON THROUGH LOTS**:
The rear setback of an accessory structure on a through lot shall be equal to the front yard setback in the district in which it is located.

8. **ACCESSORY STRUCTURE HEIGHT**:

a. **Waterfront Lots**: Accessory structure height shall not exceed height of the principal structure. Where no principal structure exists, accessory structure height shall not exceed the maximum height of a principal structure in the district.

b. **Non-Waterfront Lots**: Accessory structure height shall not exceed the maximum structure height for the district.

9. **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. 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

10. **ACCESSORY STRUCTURE AS A DWELLING:** No detached accessory structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

B. <u>ACCESSORY USES:</u>

1. **RECREATIONAL VEHICLE OCCUPANCY**: Overnight camping in a recreation vehicle on a lot in the Township shall be permitted in all residential districts providing that the recreational vehicle shall be occupied for no more than 90 days in a calendar year. Overnight camping in a recreational vehicle shall only occur on a lot with a principal structure or on a lot which is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way. The Zoning Administrator may allow recreational vehicle occupancy in districts

other than residential on a case by case basis. No zoning permit is required for recreational vehicle occupancy in any district.

2. **STORAGE OF RECREATIONAL EQUIPMENT AND TRAILERS**: The open storage of any recreational vehicle or trailer such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all terrain vehicles, utility trailer, boat trailer, and other similar conveyance, shall be permitted only within the confines of the side or rear yard and a five (5) foot setback shall be maintained. No zoning permit is required for recreational vehicle and trailer storage in any district.

Section 3.9: Corner and Driveway Clearance/Residential Entranceway

A. **CORNER CLEARANCE:** No fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of four (4) 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 3.9 A: Corner Clearance

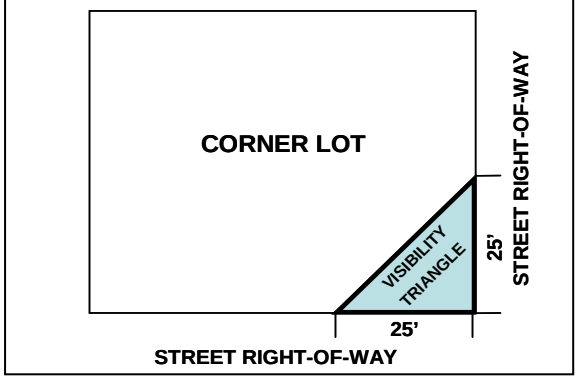
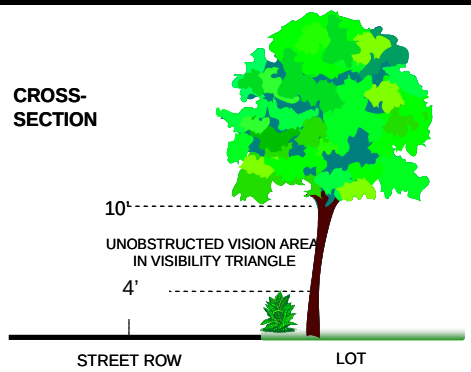
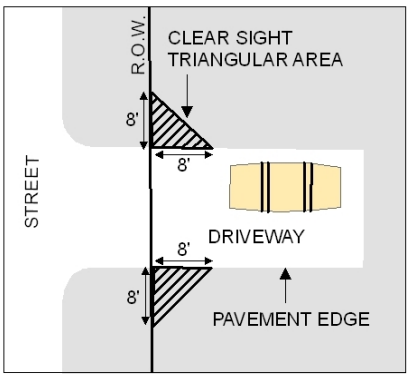


FIGURE 3.9 B: Corner Clearance: Cross-Section



B. **DRIVEWAY CLEARANCE:** At intersections of driveways and alleys with streets, no fence, wall, shrubbery, sign or other structure or planting shall obstruct vision between a height of four (4) feet and ten (10) feet above the established driveway or alley grade level in the area bounded by the driveway or alley lines and lot lines and a line joining points along the lines eight (8) feet from the point of intersection of the driveway or alley lines and such lot lines.

FIGURE 3.9 C: Driveway Clearance



C. **RESIDENTIAL ENTRANCEWAY:** In all Residential Districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single-family homes, single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **subsections A and B above**, provided that such entranceway structures, except for single-family homes, shall be approved by Township during any required Planning Commission review.

Section 3.10: Relocation of Buildings

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 Ossineke Township without first obtaining a zoning permit from the Zoning Administrator.

Section 3.11: *Reserved*

Section 3.12: Waterfront Regulations

A. **PURPOSE AND APPLICATION OF PROVISIONS**: The provisions of this waterfront section are intended to protect the unique and sensitive natural environment of waterfront property in Ossineke Township. Regulations contained within this Section apply to lakefront property only. Its purpose is based on the recognition that:

- The economic and environmental well-being and health, safety, and general welfare of Ossineke Township is dependent on and connected with the preservation of its shoreline areas;
- The shoreline zone has unique physical, biological, economic, and social attributes;
- Future land development and redevelopment should not be conducted at the expense of these attributes;
- Property values will be enhanced when the natural features of the shoreline zone are preserved;
- Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands should be prevented or minimized.

B. **WATERFRONT SETBACK**
To provide minimum setback standards in the Zoning Ordinance to protect surface water resources from adverse construction or alteration, these measures are deemed to be the minimum necessary in order to:

- Avoid structural encroachment of the natural waters and waterways, except in the situation of uses traditionally depending upon direct water access.

- Promote high water quality through the encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and to prevent erosion.

- Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.

1. **SETBACK**:

   a. All structures proposed to be built upon property bordering a lake shall be set back fifty (50) feet from the ordinary high water mark (unless modified by subsection 2 or 3 below), except for the following uses: pump houses, recreational docks, boat ramps, marinas, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways and walkways, or other water-dependent uses.

   b. Decks and patios shall not extend beyond the Ordinary High Water Mark.

   c. Walkways or stairs necessary for water access shall be limited to a maximum width of five (5) feet or the width required to comply with ADA standards, whichever is wider.

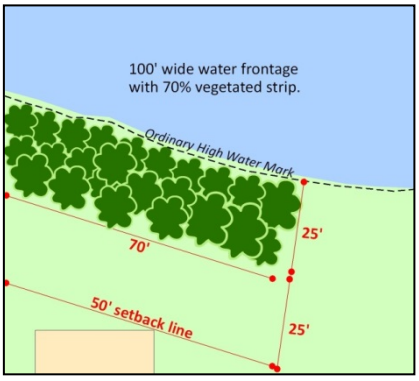
2. **AVERAGE SETBACK LINE**: If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the Ordinary High Water Mark as the average distance of the principal buildings located within two hundred (200) feet, but shall be located no closer than 30 feet from the Ordinary High Water Mark. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the Ordinary High Water Mark as the average of the distance of the principal building within two hundred (200) feet and the district setback of fifty (50) feet from the Ordinary High Water Mark.

3. **HISTORICAL SETBACK LINE**: A proposed building or structure may be located the same distance from the Ordinary High Water Mark as an existing principal building that has suffered loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) period shall run from the date of the casualty.

C. **DEVELOPMENT STANDARDS WITHIN WATERFRONT SETBACK**

Within the waterfront setback of fifty (50) feet, the following development standards shall apply:

1. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on at least seventy percent (70%) of the width of the lake frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn and shall commence at the ordinary high water mark and be measured inland twenty-five (25) feet.



2. Individual trees within the natural vegetation strip may be removed which are in danger of falling, causing damage to dwellings or other structures or causing blockage of the shoreline.

3. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.

4. No structures shall be allowed except for those listed in subsection B.1 above.

5. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the natural vegetation strip.

6. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.

7. The use of pesticides, herbicides, fungicides and fertilizers is prohibited in the natural vegetation strip (per item 1 above) or within twenty-five feet of ordinary high water mark, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak and for the eradication of other species identified as invasive by the MDEQ and except when a zero phosphorus fertilizer is used. Any fertilizer used in the waterfront setback (50 feet) shall be zero phosphorus fertilizer. Property owners are encouraged to contact the local MSU Extension office for assistance and recommendations.

8. No Zoning Permit for any construction or authorization for any grading shall be granted until it is determined that any removal of ground cover conforms to the sedimentation control rules of the Alpena County Soil Erosion & Sedimentation Control Office.

9. Natural drainage courses shall be protected from grading activity.

10. Natural vegetation strip shall be shown on plot plan filed with the Zoning Administrator, or on site plan.

Section 3.13: Manufactured Homes on Individual Lots

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 Ossineke 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 3.14: Improper or Hazardous Storage Practices

A. **PURPOSE**: The purpose of this section is to protect the health, safety and welfare of Ossineke Township residents, property owners and visitors; to preserve environmental quality; to prevent the creation or maintenance of nuisance conditions; and to protect the economic value of Township properties from deterioration due to the negative effects of improper or hazardous storage practices.

B. **SCOPE**: This section governs the use of land in Ossineke Township for outdoor storage of the following items of personal property:

1. Unlicensed or inoperable motor vehicles, where three (3) or more such vehicles are stored outdoors on one lot or parcel.

2. Wrecked or partially dismantled motor vehicles or an accumulation of three (3) or more vehicle parts or debris, including used tires.

3. Discarded, abandoned or nonfunctional household appliances, including washers, dryers, refrigerators, freezers, stoves or similar appliances, where one (1) or more such appliances are stored outdoors on one lot or parcel.

4. Abandoned, discarded or nonfunctional personal property or other personal property which the Township Board, by motion, determines may jeopardize public health, safety and welfare, environmental quality or property values when accumulated and stored outdoors in residential or recreational zoning districts.

C. **FINDINGS**:

1. The Township Board finds that the use of land for accumulation and open storage of the personal property items described in B (above) constitutes a land use similar to auto repair, equipment storage, or materials handling. Such uses are permitted only the B-2 or I Districts, subject to conditions set forth in this Ordinance.

2. The Township further finds that continuation of the uses listed in B (above) which have been established as of the date of adoption of this ordinance within a recreational or residential district constitutes a nonconforming use. Continuation or expansion of a nonconforming use is subject to the limitations set forth in this Ordinance.

3. The Township further finds that continuation of a nonconforming use described in B (above) within a residential or recreational district causes a potential or actual threat to public health, safety, and welfare, environmental quality and property values unless additional mitigating measures are taken.

D. GENERAL REGULATIONS AND MITIGATION REQUIREMENTS

1. The accumulation and open storage of the personal property items listed in B (above) is prohibited within residential and recreational zoning districts in Ossineke Township, including R-1, R-2, R-3, RR, and CR.

2. The negative impacts of any existing nonconforming use described in B (above) shall be mitigated by one or more of the following methods:

   a. Removal.

   b. Complete enclosure within a building or structure.

   c. Screening by installation of a privacy fence, wall, evergreen trees, hedge, or landscaped earth mound such that the nonconforming use is effectively hidden from public view and casual access.

   d. Any enclosing or screening device installed must meet all applicable requirements for the district in which it is located.

E. THREATS TO PUBLIC HEALTH, SAFETY OR ENVIRONMENTAL QUALITY

1. Where the Zoning Administrator has reason to believe that an immediate threat to human health, safety or environmental quality may exist, the Zoning Administrator shall take reasonable steps to remove or eliminate the threat. In evaluating such cases, the Zoning Administrator may consult with the Health Department, the Michigan Department of Environmental Quality, the Michigan Department of Natural Resources, or other health, safety or environmental experts, and/or may rely on personal judgment based on site inspection and other relevant information gathered to carry out this section.

2. Immediate threats to human health, safety or environment may include, but are not limited to:

   a. Fire hazard.

   b. Existing or potential air pollution.

   c. Existing or potential pollution or ground water or surface water.

   d. Existing or potential breeding area for disease and pest species.

   e. Exposure of persons, and especially children, to potential accident or injury resulting from dangerous footing, broken glass, jagged metal or wood, devices which can cause accidental entrapment, hazardous substances, or similar unhealthy or unsafe conditions.

F. REMOVAL BY TOWNSHIP

1. Where removal of personal property is required to protect public health, safety or environmental quality, the Zoning Administrator will so notify the owner of the land where such personal property is stored, using the enforcement procedure for Ordinance violation set forth in Article 9 of this Ordinance.

2. In addition, the Zoning Administrator shall place a conspicuous sticker or mark on all items proposed for removal due to health, safety or environmental concerns. The sticker or mark shall be in place on or before the date of land owner notification. Where the number or extent of such items make individual stickers impractical, the perimeter of the area to be cleared shall be marked by conspicuous stakes.

3. The land owner shall have thirty (30) days after notification to remove, properly store, or screen the personal property causing the nonconformity or hazardous conditions. A longer period of time, not to exceed six (6) months, may be permitted by the Zoning Board of Appeals.

4. If, at the expiration of the thirty (30) day owner notification period, or any longer time period permitted by the Zoning Board of Appeals, the nonconformity or hazardous condition is not removed by the land owner, the Township may so remove.

G. Hazardous Waste Storage

All storage and containment facilities for hazardous waste shall be designed in conformance with all current USEPA and/or MDEQ standards and applicable sections of the Michigan Building Code, as adopted.

A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.

B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

C. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.15: Land Clearing/Removal or Dumping Of Material/Waste

A. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership or any other organization or entity to strip any topsoil, sand, clay, gravel, or similar material, or to use lands for filling within the area of the Township without first obtaining written permission from the Zoning Administrator.

1. Exceptions:

a. Excavations for building construction purposes pursuant to a duly issued building permit.

b. Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found and according to a site plan approved by the Zoning Administrator or the Planning Commission.

c. Mining as a Special Use

B. **DUMPING OF SOIL, SAND, CLAY, OR GRAVEL**: The dumping of any soil, sand, clay or gravel on any parcel of land within Ossineke 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 Ossineke 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.

C. **TEMPORARY STORAGE OF USED MATERIALS:** The temporary storage, collection or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and or construction periods, not to exceed six (6) months. Temporary storage must comply with all Federal and State Regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

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

E. **EXCAVATION OR HOLES**: The construction, maintenance or existence of unprotected or unbarricaded holes, pits, wells, building pads or similar excavations which cause, or are likely to cause a danger to life, health and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling or expansion of structures, or industrial operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams or other major natural resources created or existing by the authority of the State of Michigan, Alpena County, Ossineke Township, or other units of government. Excavation resulting from the extraction of sand, gravel or other minerals for commercial purposes shall be required, upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible to its natural state, including planting of vegetation indigenous to the area.

Section 3.16: On-Site Drainage and 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 3.17: Exterior Site Lighting

A. **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.

B. **GENERAL STANDARDS**:

1. **EXEMPTED AREAS AND TYPES**. The following types of outdoor lighting shall not be covered by this Ordinance:

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

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

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

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

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

   f. 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.

2. **REGULATED LIGHTING**. The following types of lighting shall be regulated by this Ordinance:

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

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

   c. Privately-owned street lighting.

   d. Building facade lighting.

   e. Security lighting, spotlights, and floodlights.

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

   g. Standards related to the lighting of signs are contained in **§3.21**.

3. **STANDARDS**: Lighting shall be designed and constructed as per the following requirements:

   a. **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.

   b. **LIGHTING DIRECTED DOWNWARD/SHIELDED**: Except for diffused globe-style walkway lights and the lighting addressed in **subsection c 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.

   c. **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.

   d. **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.

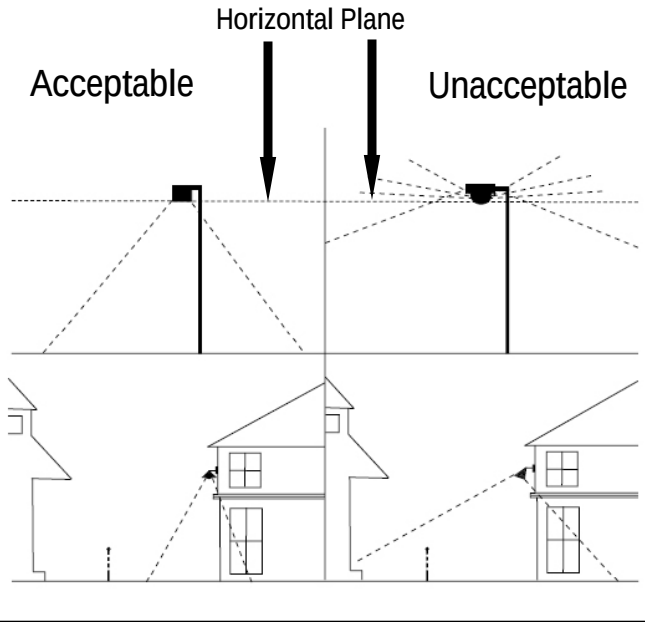
e. **LOCATION OF POLES**: Lighting poles and structures shall be located within landscaped areas where possible.

f. **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.

g. **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.

h. **GAS STATIONS**: Ceiling lights in gas pump island canopies shall be recessed.

Lighting Direction



4. Administrative & Planning Commission Departures:

a. Greater intensities may be allowed where additional security may be needed.

b. Higher fixtures may be permitted for pole lighting if the fixture is located at least two hundred (200) feet from a Residential District or use.

Section 3.18 Fences and Walls

A. **CONSTRUCTION AND MAINTENANCE:**

1. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link.

2. Fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity.

3. Fences located in the side or rear yard of industrial lots may contain barbed wire.

4. 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.

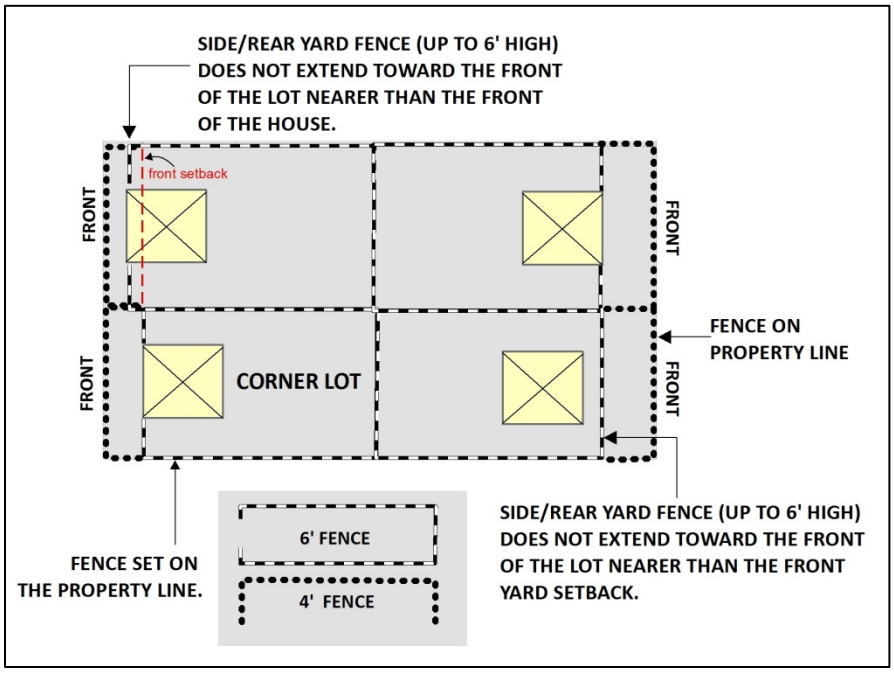
5. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

6. **Visibility Triangle**: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in **§3.9.**

B. RESIDENTIAL 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 3.18 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.
Waterfront Lots	▪ Up to 4’ high in all yards. ▪ Fences may be set on the property line in side yards and streetside front yards. ▪ Fences shall adhere to the waterfront setback.



Residential Fence Diagram[1]

[1]**Visibility Triangle**: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct visibility triangles as regulated in **§3.9.**

C. 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 3.18 B Commercial and Industrial Fences & Walls	
Front Yard	▪ Up to 4' high. ▪ May be set on the property line.
Rear Yard & Interior/Street Side Yard	▪ Up to 8' high. ▪ 6 additional inches allowed for fence posts. ▪ 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 principal building or the front yard setback, whichever is closer to the front lot line.

D. **COMMERCIAL AND 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 3.18 C: Fences & Walls for Residential Screening Purposes	
SIDE AND REAR YARD SCREENING REQUIREMENTS	
All off street parking areas	4‘ high fence or wall
B-1 and B-2 or 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	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

1. **Screening Materials**: Chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. 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. Greenbelt plantings shall be regulated under **§3.19**. 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.

2. **Location**: Required fences and walls may abut the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines on abutting residential lots. Upon review of the site plan, the Planning Commission may approve an alternate location for the fence or wall or may waive the fence or wall requirement if in specific cases it would not serve the purposes of effectively screening the use.

3. **Construction for Screening Purposes**:

    a. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and

maintained at all times.

b. Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface where uses to be screened do not generate noise which may impact abutting residential uses. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

   Walls which screen uses that do generate noise which may impact abutting uses shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning Administrator.

c. Required walls shall be constructed of sound absorbing materials when, in the opinion of the Planning Commission or the Zoning Administrator, the use could result in noise of such frequency and/or magnitude as to pose a potential nuisance to abutting residents.

4. **Maintenance Guarantee**: The Township may require that a suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.

5. 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.

6. 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 D**.

Section 3.19: Landscaping and Buffering

These requirements apply to all uses for which site plan review is required in the B-1, B-2, and I Districts as well nonresidential uses in residential districts.

A. **INTENT**: It is the intent of this section to protect and manage vegetation to:

1. Contribute to air purification, oxygen regeneration, groundwater protection and recharge and the control of stormwater runoff.

2. Safeguard and enhance private and public property values and encourage continued investment in the community.

3. Enhance community appearance, identify unique natural beauty, and promote quality development at a suitable scale.

4. Provide visual screens between land uses of differing character and use intensities.

5. Provide for the preservation of native trees and vegetation.

B. **FLEXIBLE DESIGN STANDARDS**:

1. It is recognized that alternative design concepts exist which, if adopted, could exceed the results envisioned using these development standards. It is intended that the requirements of this chapter be flexible and permit latitude in site design and the use of plant materials when it can be shown that variation from the requirements will provide a development substantially better than that achievable using the minimum standards of this section. The provisions of this section shall be considered the minimum development standards and not a design goal.

2. The Planning Commission may approve variations from strict compliance with this section when an applicant can demonstrate that any of the following apply to a specific development site:

    a. When topography, shape, size or other natural features make full compliance impractical or impossible.

    b. When space limitations or prevailing development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the Township.

    c. When safety considerations warrant alternative compliance.

    d. When there is not an alternative in the practical siting of a building, location of site access, or the location of underground utilities to service the site.

e. When the alternative compliance plan is equal to or superior in its ability to fulfill the intent of this section.

C. LANDSCAPING STANDARDS:

1. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed 25 percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.

2. Grass or other living plants shall be primary ground cover in required landscape areas. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.

3. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible.

4. The substitution of natural vegetation in lieu of landscaping may be approved on a case by case basis.

5. No synthetic plant material shall be used to fulfill any landscaping requirement.

6. All trees shall be located to allow sufficient room for growth.

7. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy or the next appropriate planting season, whichever comes first, and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.

8. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.

9. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.

10. Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2½“	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2”	dbh
Evergreen Tree:	5’	height
Narrow Evergreen Trees	3’	height
Deciduous Shrub:	2’	height
Large Evergreen Shrub:	2’	height
Spreading Evergreen Shrub:	18” – 24”	spread

11. **Existing Vegetation:** Existing plant material, which complies with the standards and intent of the Ordinance shall be credited toward meeting the landscape requirements.

    a. Existing healthy trees and shrubs in areas not required for development shall be preserved and incorporated into the final development plan where possible.

    b. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the respective species shall be maintained.

    c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at approximately the critical root zone or dripline.

    d. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.

    e. Healthy, younger trees on development sites shall be preserved wherever possible to allow normal succession as older trees are lost.

12. Berms:

    a. Berms shall be constructed so as to maintain a side slope not to exceed a one foot (1’) rise to a three feet (3’) run ratio.

    b. Berms not containing planting beds shall be covered with grass or vegetative groundcover maintained in a healthy growing condition.

    c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.

    d. Trees shall be allowed to be placed on berms.

D. GREENBELTS AND BUFFERS

1. For nonresidential uses which abut a residential use or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts or buffers.

2. The selection, spacing and size of plant material shall be such as to create a horizontal obscuring effect for the entire length of the required greenbelt area, and a vertical

obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses.

3. The relationship between deciduous and evergreen plant materials shall insure that a maximum obscuring effect will be maintained throughout the various seasonal periods.

4. Greenbelts shall be reviewed by the Planning Commission to determine adequate width, length, and materials for screening purposes.

5. Required screening may be interrupted to provide reasonable pedestrian, bicycle, or vehicular access to a property from a public right-of-way.

6. Required screening of parking areas shall be achieved through the use of a decorative masonry/brick wall, decorative fencing, earth berms and landscape plant materials, either in combination or independently.

7. The Planning Commission may require or allow the substitution of fences, walls and/or earth berms in those instances where a greenbelt or planting screen will not appropriately provide necessary screening to abutting properties.

E. SUGGESTED PLANT MATERIALS

EVERGREEN TREES:		
Fir	Pine	Spruce
Douglas Fir	Hemlock	
NARROW EVERGREEN TREES		
Cedar	Junipers	Arborvitae
LARGE DECIDUOUS TREES		
Oaks	Ash (disease and insect resistant)	Black Cherry
Hard Maples	Ginkgo (male only)	Basswood
Beech	Lindens	Sycamore (Plane Tree)
Honey locusts (seedless & thornless)	Birch	Elms (disease-resistant)
SMALL DECIDUOUS TREES		
Flowering Dogwood	Hawthorn (thornless)	Serviceberry
Sweet Birch	Mountain Ash	Hornbeam
Purple Leaf Plum	Kwansan Cherry	Redbud
Magnolia	River Birch	Flowering Crabapple (disease resistant)
LARGE DECIDUOUS SHRUBS:		
Honeysuckle	Flowering Quince	Lilac
Buckthorn	Barberry	Border Privet
Pyracantha	Forsythia	Yellow Osier
Viburnum	Cotoneaster (Peking, Spreading)	Burning Bush
Spirea	Sargent Crabapple	Ninebark
Dogwood (Red Osier, Grey)		
LARGE EVERGREEN SHRUBS:		
Irish Yew	Pfitzer Juniper	Mugo Pine

Hicks Yew	Savin Juniper	
SMALL DECIDUOUS SHRUBS:		
Potentilla	Japanese Quince	Cotoneaster (Cranberry, Rockspray)
Compact Burning Bush	Regal Privet	
SMALL EVERGREEN SHRUBS:		
Spreading Yews (Dense, Brown's, Ward, etc.)	Low Spreading Junipers (Andora, Hughes, Tamarack, etc.)	Big Leaf Winter-creeper (Euonymus)
Dwarf Mugo Pine	Bird's Nest Spruce	
TREES NOT PERMITTED		
Box Elder	Poplars	Catalpa
Soft Maples	Elms (unless disease-resistant)	Tree of Heaven
Willows	Cottonwoods	Scotch Pine
Horse Chestnut (nut bearing)	Jack Pine	Ash (unless disease-resistant)

Section 3.20: Circulation and Parking

A. PURPOSE:

The purpose of parking regulations is to make Ossineke 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 Ossineke Township.

B. MOTOR VEHICLE PARKING: SINGLE-FAMILY RESIDENTIAL USES

1. 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.

2. Parking areas may be located in the front, side or rear yard but may not occupy more than fifty (50) percent of any yard. Such parking area shall provide two (2) parking spaces per dwelling unit where no garage is provided.

C. MOTOR VEHICLE PARKING: MULTI-FAMILY AND NONRESIDENTAL USES

1. **COMPLIANCE REQUIRED**: Off-street parking and loading provisions of this section shall apply to the following:

   a. **New Construction:** For all buildings and structures erected and all uses of land established after the effective date of this chapter.

   b. **Enlargement:** Whenever a building is expanded to increase its usable floor area.

   c. **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.

   d. **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.

   e. Regulations pertaining to off-street parking shall not apply to:

1) Commercial buildings in existence at the time of adoption of this Ordinance, unless b-d above occurs; or

2) New commercial construction projects where it can be demonstrated that adequate public parking exists.

2. **PERMIT REQUIRED**: No parking lot shall be constructed unless and until a zoning permit therefore is issued. Applications for a permit shall be submitted with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

3. **PLAN REVIEW**: Any off-street parking lots, parking structures or loading areas required under this chapter shall be required to submit a plan for review and approval of applicable regulations. All elements shall be dimensioned on the plan and distances from property lines and structures shall be noted. The plan may be submitted as part of the site plan. The plan shall show the following:

   a. Total number of parking spaces provided, existing and proposed; and total required by ordinance;
   b. Location and size of spaces;
   c. Parking aisles;
   d. Vehicle circulation;
   e. Ingress and egress;
   f. Sidewalks and pedestrian circulation;
   g. Signage;
   h. Lighting;
   i. Storm water retention areas;
   j. Proposed and existing grades;
   k. Landscaping islands;
   l. Landscape and buffer areas; and
   m. Any other information deemed necessary by Ossineke Township.

4. **LOADING SPACE**: Loading space as required elsewhere in this ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.

5. **CHANGES TO REQUIRED PARKING**: Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas shall be revised and approved by the Zoning Administrator.

6. **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.

7. **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 30%.

8. **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%.

9. **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.

10. **INGRESS/EGRESS**:

    a. A maximum of one (1) ingress and egress driveway for each sixty-six (66) feet of lot width shall be allowed in commercial and industrial zones. Modification of this standard shall only be allowed where the plan for such access can be demonstrated to the satisfaction of the Planning Commission that traffic movement and traffic safety can better be served by such modification.

    b. Entrances shall be designed to allow vehicles entering the site to be stacked to prevent backup on the adjacent street. Parking lot entrances and exits shall be consolidated when possible to limit the number of access points to the site. In instances where parking areas are 100 feet or more wide, the parking lot entrance shall be a minimum of 50 feet from the nearest existing access drive.

    c. Ingress/egress to parking lots shall be located as far away from street intersections as possible to prevent impeding the flow of traffic in the parking lot and prevent hazards in the street.

11. **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.

12. **PARKING AREAS IN NONRESIDENTIAL DISTRICTS**:

    a. **Off-Site Locations:** All off-street parking areas shall be located on the immediate premises or within 300 feet for commercial and industrial uses as measured from

the nearest point of the parking area to the nearest point of the building intended to be served.

b. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than 24 hours and shall not be used as an off-street loading area.

c. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.

d. **Screening**: Parking areas shall conform to the requirements set forth in **§3.18**.

e. **Design Standards**:

(1) Parking Space Design:

Parking Pattern (in degrees)	Maneuvering Lane Width	Parking Space		
		Width	Length	Total Width of 2 Parking Stalls Plus Maneuvering Aisle
0 degrees (parallel parking)	12'	8'	22'	28' (one-way) 38' (two-way)
30 degrees	12'	9'	18'	48' (one-way)
45 degrees	14'	9'	18'	52' (one-way)
60 degrees	18'	9'	18'	58' (one-way)
90 degrees	22'	10'	19'	60' (two-way)

(2) Parking Lot Design

All parking areas shall be provided with circulation aisles of adequate dimension to assure efficient internal circulation.

(3) **Drainage:** Except for one- and two-family dwellings, off-street parking areas shall be drained with internal site drainage so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

Storm water retention or detention facilities on site shall be provided to assure storm water runoff at a rate of flow in keeping with Township standards and with capacity of existing public storm water drainage-ways.

(4) All spaces shall be provided adequate access by means of maneuvering lanes. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

(5) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

(6) Ingress and egress to a parking lot lying in an area zoned for other than single-family or two-family residential use shall not be across land zoned for single-family or two-family residential use.

13. Parking Spaces Required:

a. **Computing the Number of Spaces**: For the purpose of determining off-street parking requirements, usable floor area shall be calculated.

b. **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.

c. **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.

d. **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.	

e. **Number of Spaces Required**:

(1) The requirements of the following table shall not be applicable to those uses located in the CBD District. In order to meet their parking needs, those land uses located in the CBD District may utilize public parking which currently exists at the time they are determining their parking needs. However, such public parking is not guaranteed to meet those parking needs. In addition, Ossineke Township is not obligated to provide additional public parking to meet those needs.

(2) If a use is not listed in the following tables, the requirements for a similar use may be used to determine the parking requirements for the proposed use.

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 and repair	1 space per pump, plus 2 spaces per service bay, plus 1 for each employee, plus 1 for each 250 square feet of gross floor area devoted to retail sales.
Auto body shop	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
Dance Halls, Exhibition Halls, Pool Halls without fixed seats	1 per every 3 persons allowed within the maximum occupancy load.
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

D. 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:

1. Required Off-Street Loading Berths:

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 – 4,999 square feet	None
5,000 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 100,000 square feet

2. 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.

3. Such space may occupy all or any part of any required yard or court space, except the front yard.

4. Where an alley exists or is provided at the rear or side of buildings, loading spaces shall be computed from the center of the alley.

5. Loading areas shall be designed to provide internal drainage.

6. 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.

E. 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 sidewalks and street rights-of-way.

Section 3.21: Signs

A. PURPOSE:

The purpose of this section is to regulate outdoor signs, designed to be visible to the public, in a manner which does not restrict the content while recognizing the mass communications needs of both businesses and other parties; protecting property values and neighborhood character; creating a more attractive business environment; promoting pedestrian and traffic safety by reducing sign distractions, obstructions, and other hazards; promoting pleasing community aesthetics; and the protection of the dark night sky.

B. **APPLICATION OF REGULATIONS**:

No sign, except those indicated in subsection D.4 (below), 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. All signs within the Township of Ossineke shall conform to the regulations herein, whether or not a permit is required.

C. **APPLICATION REQUIREMENTS**:

Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
3. Site plan showing the location of the sign and nearby structures.
4. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
5. Name of person, firm, corporation or association erecting structure.
6. Written consent of the owner where the sign is to be erected on vacant land.
7. In all cases where wiring is to be used in connection with the sign, it shall comply with the National Electrical Code and the necessary permits shall be obtained.
8. Such other information as the Zoning Administrator shall require to show full compliance with this and all other Ordinances of the Township.
9. Fee as described in the currently adopted fee schedule.

D. APPROVAL PROCEDURES:

1. **SIGN PERMIT**: It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the Township, the permit shall be issued.

2. **SIGN PERMIT FEE**: It shall be unlawful in the Township for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have

been obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

3. **SIGN PERMIT REVOCABLE AT ANY TIME:** All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within twelve (12) months after date of issuance, said permit shall become null and void.

4. **SIGNS EXCLUDED FROM PERMITS**: The following signs are permitted in all districts except where restrictions are indicated, in accordance with the provisions of this section and shall not require permits for erection.

   a. Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area.

   b. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of non-ferrous metal.

   c. 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 noncommercial information.

   d. Traffic or other municipal or State regulatory signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the Township.

   e. Sign advertising the rental, sale or lease of the property upon which it is located.

   f. Political campaign signs.

   g. Official signs of a noncommercial nature erected by public utilities.

   h. Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising service.

   i. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.

   j. Signs indicating a special temporary event of a governmental, institutional, or nonprofit organization such as a carnival, circus, festival, or similar event.

   k. Signs for yard sales or other similar temporary activity.

   l. Wall or projecting signs which are used to communicate that a business is open, not to exceed three (3) square feet in area.

   m. Non-advertising signs demarking an historically significant place, building, or area when sanctioned by national, state, or local historic-oriented agencies, in accordance with national or state design standards.

n. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, etc.) provided the sign does not exceed a total area of two (2) square feet.

o. Projecting identification 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.

p. Permanent signs on accessory structures such as gas pumps or storage sheds indicating only the name, contents, price, and services of such devices.

q. Banners across public rights-of-way subject to any terms or conditions Township Board or its designee deems appropriate.

r. Temporary signs.

s. Bulletin boards for public, charitable or religious institutions when they are located on the premises of such institutions.

t. Signs erected by the Township of Ossineke, or State of Michigan as part of a community wayfinding program.

E. GENERAL SIGN STANDARDS

1. **SIGNS IN RIGHT-OF-WAY**: No sign, except those established and 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.

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, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

3. **SIGNS AFFIXED TO NONTRADITIONAL SURFACES**: No commercial sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects except signs of any political subdivision of this State. No sign shall be affixed to a fence without first being approved by the Zoning Administrator as meeting a special purpose. No sign shall be affixed to a stationary motor vehicle or other similar object not usually used for signage and put on non-mobile display for the purpose of advertising.

4. **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.

5. **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 5 shall be barber shop poles.

6. **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.

7. **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.

8. **SUBSTITUTION CLAUSE**: Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

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.

10. **SIZE LIMITATIONS:** Size limitations apply to the sign face only, not the support structure.

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.

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 f** above shall not apply to signs advertising seasonal businesses.

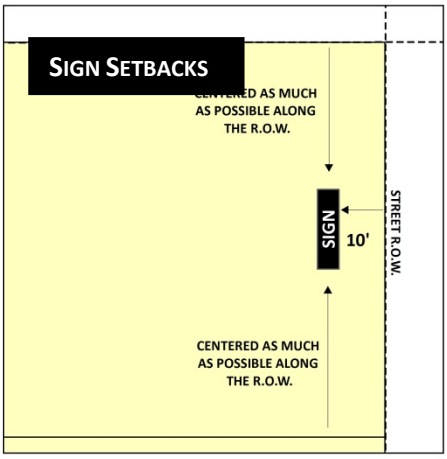
13. **UNSAFE, DAMAGED, AND ILLEGAL SIGNS:**
In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of 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.

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.

    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.

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.



F. SIGN STANDARDS FOR RESIDENTIAL USES

The use of outdoor advertising signs shall be limited as follows:

TABLE 3.21 A: Sign Standards for Residential Uses

	Single & Two-Family Uses	Multiple Family, Subdivisions, Manufactured Housing Development	Home Business/ Cottage Industry
Free-Standing Signs	**Number Allowed:** 1 **Size:** 8 sq ft **Height:** 4 ft None allowed if a freestanding home based business/cottage industry signs exist.	**Number Allowed:** 1 double-sided or 2 single-sided per entrance **Size:** 32 sq ft	**Number Allowed:** 1 **Size:** 8 sq ft **Height:** 6 ft
Wall Signs	**Number Allowed:** 1 **Size:** 8 sq ft None allowed if a wall-mounted home based business/cottage industry signs exist.	**Number Allowed:** 1 **Size:** 32 sq ft	**Number Allowed:** 1 **Size:** 8 sq ft

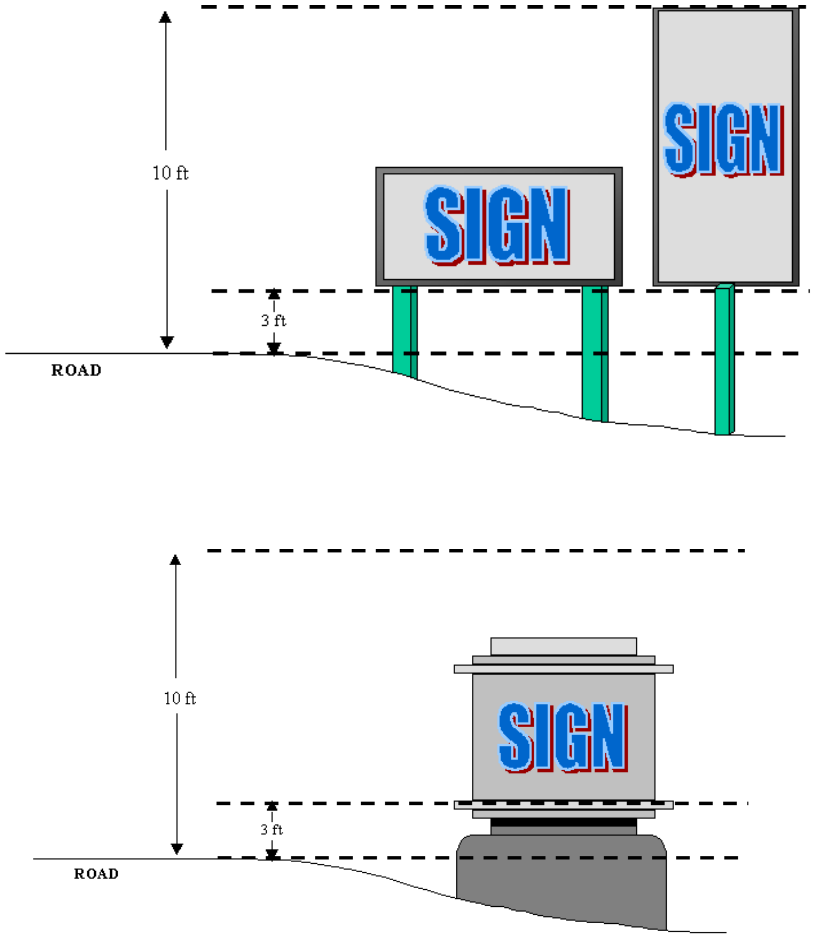
G. SIGN STANDARDS FOR COMMERCIAL, GOVERNMENTAL & INDUSTRIAL DISTRICTS & NONRESIDENTIAL USES IN A RESIDENTIAL DISTRICT:

The use of outdoor advertising signs shall be limited as follows:

TABLE 3.21 B: Sign Requirements for Agricultural, Business, Governmental & Industrial Uses

	Number Allowed	Maximum Area	Maximum Height	Additional Standards
Free-Standing Signs	1 per road frontage	64 sq ft	The top of any ground-mounted sign shall be not more than ten (10) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. See Figure 3.21A.	
Wall Signs	n/a	Not to exceed an area of 25% of each mounting wall.	Shall not project above the roof line.	All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, strips of wood, or nails.
Projecting Signs	1	10 sq ft per side	**n/a**	See subsection G.1 (below)
Marquee, Awning or Canopy Signs	See G.2 (below)			
Temporary Signs	10	40 sq ft (in sum)		Community events are excluded from this provision.
Portable Sign	1	32 sq ft		In no instance shall such sign be located so as to obstruct automobile or pedestrian travel lanes. Such signs may be illuminated but not flashing. Such signs shall not constitute a safety hazard to the public.
A-Frame Signs	1 per street frontage	12 sq ft (3 ft wide X 4 ft high)	**4 ft**	See subsection G.3 (below)
Multiple Development/ Business Center Signs				See subsection G.4 (below)
Message Boards (Static & Digital)	1 per road frontage	32 sq ft See subsection G.5 (below)	**See free-standing sign above.**	See subsection G.5 (below)

Figure 3.21A



1. PROJECTING SIGNS

The Planning Commission may authorize a sign to project into the public right-of-way subject to the following conditions:

a. One (1) projecting sign limited to not more than ten (10) square feet of sign area for each side of such sign.

b. 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.

c. The distance measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.

d. In the case of a zero front lot line establishment, a projecting sign may project beyond the property line by no more than five (5) feet.

e. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.

f. All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts, supports, rods, or braces.

2. MARQUEE, AWNING, OR CANOPY SIGNS

a. The signable area of a marquee, awning or canopy sign shall be limited to seventy-five (75) percent of the area of the front or top plane and fifty (50) percent of the side plane of the marquee, awning or canopy.

b. Signage shall be attached directly to the marquee, awning or canopy.

c. Letters shall not project above, below, or beyond the physical dimensions of the awning or canopy.

d. A marquee may extend above the building to which it is attached.

e. No marquee, awning, or canopy sign shall extend below a minimum height of eight (8) feet.

f. Every marquee sign shall be constructed entirely of noncombustible materials.

g. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods, braces, or other means as approved by the Zoning Administrator.

h. Awnings and marquees may project into the public right-of-way subject to the following conditions:

(1) The awning or marquee is located on a building wall that is set back no more than two (2) feet from the property line.

(2) The setback requirement for the yard in which the architectural feature is located is zero (0) feet.

(3) The architectural feature shall not extend into the public right-of-way by more than forty (40) percent of the distance from the front property line to the edge of the street curb, unless otherwise permitted by ordinance.

(4) The architectural feature will not interfere with any existing or planned public improvement.

3. A-Frame Signs (Sandwich Boards)

a. No more than one sign per business per street frontage.

b. Must be constructed of durable materials

c. Maximum size 3' wide by 4' in total height for each panel with a maximum of 2 panels per sign. Maximum spread between the two panels at the base shall be 2'6".

d. Must be located on or adjacent to the lot in which the business it is advertising is located. Exception: If a building has no front yard the sign may be located on the sidewalk upon approval of the Zoning Administrator so long as the sign is not an obstacle to either pedestrians or vehicles.

e. Shall count toward the maximum number of temporary signs permitted at any one time on a property.

f. Sign may be located in a right-of-way as a directional off-premise sign upon approval by the Zoning Administrator**.**

4. **Multiple Development/Business Center Signs**: A development containing multiple buildings, separate parties, tenants, or uses shall be considered as a single development and shall adhere to the freestanding sign regulations of this ordinance, regardless of the number of buildings, separate parties, tenants, or uses contained therein. Business Center Signs denoted the name of the business center shall not exceed the maximum square footage for an allowable freestanding sign in each district. Each tenant 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.

5. Message Boards

1. **STATIC MESSAGE BOARDS**: One (1) static message board shall be allowed in addition to the primary freestanding or wall sign for Non-Residential Uses.

   (1) Message boards may contain advertising for on-premise or off-premise establishments.

   (2) 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.

2. **ELECTRONIC MESSAGE BOARDS**: One (1) electronic message board shall be allowed in addition to the primary freestanding or wall sign for Non-Residential Uses.

   (1) Message boards may contain advertising for on-premise or off-premise establishments.

(2) 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.

(3) An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.

(4) 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.

(5) An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

(6) An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

(7) Number Allowed: Only one (1) static and one (1) electronic message board shall be permitted per property.

(8) 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.

6. **Construction of Signs**:

(1) All pylon signs shall be securely built, constructed and erected upon posts and standards sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided.

(2) The base upon which a monument sign is erected shall not count toward the allowable sign area but shall count toward the allowable sign height.

(3) **Sign Face Elements**: All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(4) **Distance between Faces**: The distance measured between the principal faces of any freestanding sign shall not exceed eighteen (18) inches.

(5) **Multi-Sided Signs**: In the case of a sign with more than two (2) sides, the applicable square footage for a two- (2) sided sign shall apply.

(6) Non-rigid material which is used to cover an existing permanent sign shall be placed on the sign on a temporary basis not to exceed six (6) months. Such material shall not be considered a temporary sign and shall not be affixed permanently to the sign.

H. **PARKING LOTS:** The use of outdoor advertising signs in parking lots shall be limited to the following in all districts:

TABLE 3.24 C: SIGNS FOR PARKING LOTS	
ENTRANCE & EXIT SIGNS (may contain the business name)	**Number Allowed:** 2 entrance 2 exit **Maximum Size:** 4 sq ft each **Maximum Height:** 4 ft
CONDITION OF USE SIGN (may contain the business name)	**Number Allowed:** 1 (EITHER FREESTANDING OR WALL SIGN) **Size:** 9 sq ft each **Maximum Height:** 6 ft (IF FREESTANDING)

I. **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 sign regulations address the location, size, height and related characteristics of such signs. Off-premise advertising signs require a Special Use Permit.

1. **Location**: Static and digital off-premise signs may be erected only in the B-2 District and the I District. 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.

2. **Area and Height Limitations**: No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet in the B-2 District and five hundred (500) square feet in the Industrial District for each side of such sign. The top of the sign shall be no more than fifteen (15) feet above the ground and the bottom of the sign shall be at least three (3) 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.

3. **Spacing**: Off-premise signs shall be located no closer to one another than two thousand (2000) feet.

4. **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.

5. **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.

6. **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.

7. **Digital Off-Premise Signs**:

   a. **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.

   b. **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.

   c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

8. 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).

9. 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.

J. 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 Ossineke.

   a. Off-premise directional signs shall be no greater than six (6) square feet.

   b. Off-premise directional signs must be located at intersections.

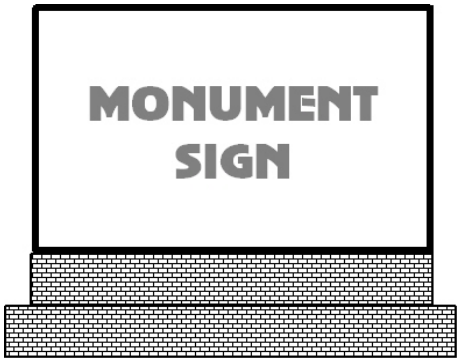
   c. Sign lettering may display the off-premise business name, address, and an arrow indicating direction.

d. Six (6) off-premise direction signs are permitted per non-residential zoning lot.

K. SIGN TYPE DIAGRAMS

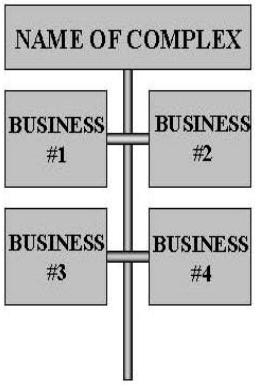
Pylon Sign (Freestanding)

Monument Sign (Freestanding)

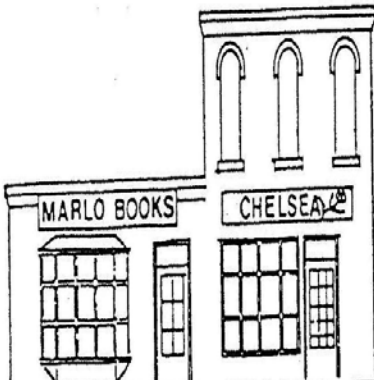


Message Board

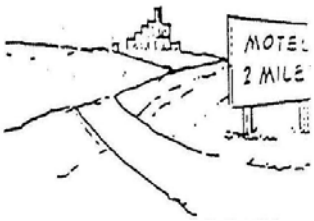
Business Center Sign



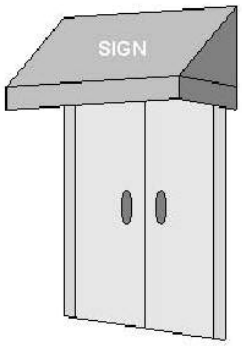
Wall Signs



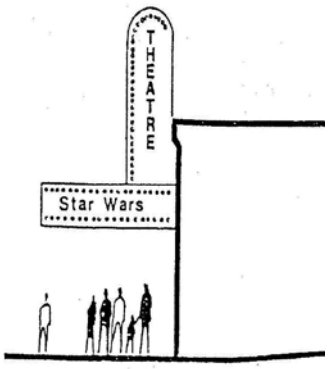
Off-Premise Sign



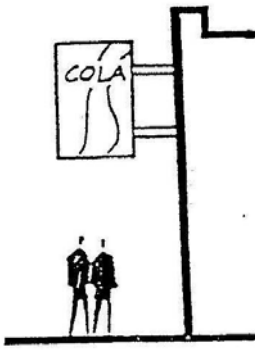
Awning Sign



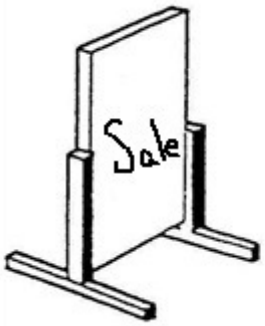
Marquee Sign



Projecting Sign



Temporary Signs



A-Frame Sign

Portable Sign

Section 3.22: Nonconforming Structures, Uses and Lots

A. INTENT:

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.

B. **ELIMINATION OF NONCONFORMITIES:**

The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the Township as expressed in this ordinance to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned. In order to accomplish the elimination of those nonconforming uses which constitute a nuisance or are detrimental to the public health and general welfare, Ossineke Township, pursuant to Section 208 (3) and (4), Act 110, Public Acts of Michigan, 2006, as amended may acquire by purchase; condemnation or otherwise private property for the removal of nonconforming uses and structure; provided, however, that such property shall not be used for public housing. The Council may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district.

C. 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.

D. NONCONFORMING STRUCTURES:

Where a lawful structure exists on the effective date of adoption or amendment of this Ordinance which could not be built under the requirements of this Ordinance by reason of restrictions in area, lot coverage, height, yards, its location on the lot, bulk, or other

requirements concerning the structure, such structure may be continued subject to the following provisions:

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 Alpena 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.

2. Alterations to Nonconforming Structures

a. Alterations, extension or enlargement of a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity provided that it is conclusively shown that such alteration, extension, or enlargement:

(1) Will not further reduce the value or otherwise limit the lawful use of adjacent premises.

(2) Will essentially retain the character and environment of abutting premises.

(3) Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding and related).

b. Should such structure which is nonconforming due to setbacks be moved for any reason for any distance whatever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved.

3. Damage or Total Destruction of Nonconforming Structures

In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height and placement of the original building or structure. Restoration of a nonconforming structure pursuant to this subsection shall not increase the degree of nonconformance or noncompliance existing prior to such damage.

E. NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or

amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion of Nonconforming Use:

a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of *land* than was occupied at the effective date of adoption or amendment of this Ordinance except for the following:

(1) The expansion of a nonconforming use to the maximum extent of twenty (20) percent of the original nonconforming use may be permitted as a Special Land Use under the following additional conditions:

(a) Any permitted expansion shall not be for the accommodation of any type of use or activity which is not currently engaged in within the existing structure.

(b) No expansion shall reduce or eliminate any ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.

(c) Any expansion of a structure or use permitted hereunder shall terminate at the time of termination of the original non-conforming use or structure and shall not be allowed to continue independently of such original use or structure.

(d) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations or conditions pertaining to the existing non-conforming use or structure which shall remain in full force and effect.

(2) The erection of any accessory building, including private garage incidental to an existing dwelling.

b. Any nonconforming use may be extended throughout any parts of a *building* which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance.

2. **Destruction of Nonconforming Use**: In the event any nonconforming use of a building or use of land shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored.

3. Change of Nonconforming Use

a. Any nonconforming use may be changed to another nonconforming use provided the new use is equally or more appropriate to the district than the existing nonconforming use (current language)

b. 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.

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.

F. NONCONFORMING LOTS OR PARCELS

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 3.23: General Exceptions

A. 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 Ossineke 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.

B. 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.

C. HEIGHT LIMIT

1. 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.

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

3. 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 7: Supplemental Regulations**.

D. PROJECTIONS INTO YARDS (ENCROACHMENTS)

1. **Roofed Porch:** A roofed porch may project into a front or rear setback for a distance not exceeding five (5) feet. Side setbacks shall be maintained.

2. **Open Porches and Decks:** An open, unenclosed and unroofed porch, deck, terrace, or similar structure may project into a front or rear setback for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies. Side setbacks shall be maintained.

3. **Patios and Grade-Level Decks:** A patio or grade-level deck shall maintain a two (2) foot setback from all property lines.

4. **Architectural Features: C**himneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twelve (12) inches.

5. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback to within five (5) feet of the property line.

E. **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 3.24: Unclassified 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 3.25: Site Condominiums

A. **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.

B. **GENERAL REQUIREMENTS**

1. **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.

2. **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.

    a. 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.

    b. 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.

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

3. **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 5 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.

    a. **Application**

(1) An application for site plan approval shall be filed for review as per the requirements of Article 5 of this Ordinance. All procedures and standards of Article 5 shall apply to site condominium projects.

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

(3) 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.

(4) 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.

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

(1) 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.

(2) 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.

c. **Performance Guarantees**
As a condition of approval of the site plan, the Planning Commission shall require performance guarantee**s** by the developer in accordance with the provisions of **§9.4**, 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.

4. **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.

5. **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:

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

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

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

Section 3.26: Pets & Livestock

A. 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 of more than six (6) dogs, other than dogs under six months of age born to a female dog under the care, custody, or control of resident of the property, will be considered a kennel and requires a zoning permit as such.

B. The following shall apply to the keeping of livestock on platted premises within the Township. The raising and keeping of livestock is prohibited on any platted properties in the R-1, R-3 and RR Districts. The Planning Commission may make special provisions for 4-H projects and similar activities so long as:

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

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

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

C. The raising and keeping of livestock is allowed in the FF and CR Districts. In addition:

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

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

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

4. Appropriate fencing for horses shall be utilized as listed in the currently adopted

GAAMP for the Care of Farm Animals adopted by the Michigan Department of Agriculture.

Section 3.27: Lawn Maintenance

Property owners shall be required to mow the property at least twice during the growing season – one mowing shall occur in June and a second mowing shall occur in August.

ARTICLE 4
District Regulations

Section 4.0 Table of Permitted Uses and Special Land Uses

Ossineke Township Zoning Districts	
R-1	One-Family Residential District
R-3	General Residential District
R-R	Recreational Residential
FF-1	Farm and Forest District
B-1	Local Tourist Business District
B-2	General Business District
I	Industrial District

TABLE OF PERMITTED USES & SPECIAL LAND USES **P** = Permitted by right **S** = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations (Article 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
ACCOMODATION AND FOOD SERVICES							
Bakeries (goods produced & sold on-site)					P	P	
*Bed & Breakfasts**	S	S	S	S			
Cabin Courts	S	S	S	S	P	P	
Caterers/Food Service Contractors						P	
Coffee Shops					P	P	
Convention Centers/Conference Centers/Banquet Halls					P	P	
Drinking Establishments/Taverns					P	P	
Hotels & Motels (attached or detached units)		S			P	P	
Microbreweries (serving directly to the public)					P	P	
Resorts; Vacation Lodges & Farms	S		S	S			
Restaurants without Drive-Through					P	P	
*Restaurants with Drive-Through (Drive-In or Eat in Car)**					P	P	
*Rooming & Boarding Houses**	S	S	S	S	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 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
AGRICULTURE/FOREST PRODUCTS							
Agricultural Equipment Dealers/Repair				S		P	P
Agricultural products processing and storage (excluding concentrated animal feeding operations)				P			P
Agricultural Tourism Uses (no zoning permit required)							
Bakeries selling goods grown primarily on-site				P			
Educational tours, classes, lectures, and seminars				P			
Family-oriented animated barns (haunted houses)				P			
Gift shops for agriculturally-related products, crafts				P			
Historical agricultural exhibits				P			
Organized meeting space (weddings, birthdays, corporate picnics)				S			
Petting farms, animal display, and pony rides				P			
Picnic areas (including rest rooms)				P			
Playgrounds, wagon/sleigh rides, nature trails				P			
Restaurants related to the agricultural use of the site				S			
Seasonal Outdoor Mazes of agricultural origin				P			
Small-scale entertainment (concert, car show, art fair)				S			
*Animal Shelter/Kennels**				S			
*Biofuel Production Facilities on Farms**				P S			
Boarding Stables; Riding Arenas				P			
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)				S			P
Cider Mills				P			
Farms and agricultural operations				P			
Farm Product Sales (Fruit/Vegetable Market – products not raised on property)				S			
Feedlots (large scale commercial)				S			
Firewood Sales				P			
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)				S			P
Forestry/forest management (including forest harvesting and temporary log storage yards)				P			
Game Preserves				P			
Grain Elevators				S			P
Greenhouses/Nurseries/ Landscaping				P		P	
Lumber Yards				P		P	P
Meat Packing Plants							P
Roadside Stands (products raised on property)				P			
Slaughter Houses				P			
U-Pick Operations				P			
Veterinary Clinic				P	P	P	
Veterinary Hospital				S	S	S	
Wineries/Distilleries/Breweries				S		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 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
ARTS, ENTERTAINMENT, AND RECREATION							
Amusement Arcades						P	
Archery Ranges (& as accessory use to a business)				P		P	
Art Studios					P	P	
Billiards Halls						P	
Bowling Centers						P	
*Campgrounds**	S		S	P			
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)		S				P	
*Golf Courses**	S	S	S	S			
Historical restoration or renovation facilities, including historic communities, archaeological excavations, and displays of historical artifacts related to the premises.			P				
Museums & Galleries					P	P	
Nature Parks/Nature Areas (public)	P	P	P	P	P	P	
Nature Parks/Nature Areas (nonpublic and nonprofit)	S	S	S	S	P	P	
Outdoor Performance Facilities				S		S	
*Outdoor Amusement Facilities (commercial: ex – go karts; miniature golf)**						S	
Private Clubs; Lodges; Sportsmen's Associations		S	S	P	P	P	
*Public Parks, Playgrounds, Rec Area**	P	P	P	P	P	P	
*RV Parks**	S		S	P			
Skating Rinks (indoor)						S	
Swimming Pool Clubs						S	
Theaters/Performing Arts Facilities						P	
Theaters (Drive-In)						S	
Tours				S		S	
Zoos				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 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
COMMERCIAL/RETAIL							
*Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change**				S		S	S
Automotive Equipment Rental/Leasing						S	P
Boat Repair & Storage						S	P
Building & Garden Equipment & Supplies Dealers						P	P
*Car Washes**						P	P
Cash Advance Stores						P	
Cemeteries	S	S		S			
Clothing & Clothing Accessories Stores					P	P	
Commercial/Industrial Equipment Rental & Leasing						P	P
Commercial Equipment Repair & Maintenance						P	P
Convenience Stores					P	P	P
Crematoriums							S
*Drive-Through Establishments**						P	P
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)					P	P	P
Electronic & Precision Equipment Repair& Maintenance						P	P
Electronics & Appliance Stores						P	
Extermination & Pest Control Services						P	P
Financial Institutions					P	P	
Florists					P	P	
Food & Beverage Stores					P	P	
Funeral Homes & Mortuaries						P	
Furniture & Home Furnishings Stores; Antique Stores					P	P	
Furniture Refinishing						P	P
*Gas Station**					S	S	S
General Merchandise Stores					P	P	
General Rental Centers						P	P
Hardware Stores					P	P	
Health & Personal Care Stores					P	P	
Home Improvement Centers (lumber stored in enclosed structure)						P	
Interior Designers/Showrooms					P	P	
Medical Equipment Sales						P	
Medical Laboratories						P	P
Movie Rental Stores					P	P	
Office Supply Stores						P	
Outdoor Sales of automobiles, boats, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and manufactured homes						P	
Outdoor Vendors					P	P	
Pawn Shops/Resale Shops						P	P
Personal Services (beauty shops, tailoring, massage)	S	S		S	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 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
COMMERCIAL/RETAIL CONTINUED							
Pet and Pet Care Stores (except Veterinary & Animal Shelters)						P	
Pharmacies/Medical & Optical Supplies						P	
Photofinishing/Photographers					P	P	
Printing/Binding/Publishing of Printed Materials						P	P
Professional Cleaning Services						P	P
Professional Offices		S			P	P	
Real Estate Sales Office		S			P	P	
Retail Uses with Outdoor Storage						S	S
*Seasonal Use Sales**				P	P	P	
Septic Services				P			
*Sexually Oriented Businesses**						S	
Shopping Center – Multiple Businesses						S	
Small Engine Repair						P	P
Small-Scale Craft Making					P	P	P
Sporting Goods, Hobby, Book & Music Stores					P	P	
Studios for dance, physical exercise and music						P	
COMMUNICATIONS							
Television/Radio Broadcasting Stations						P	P
Wireless Communications Equipment & Support Structures (see section 7.26)*				P S			
CONSTRUCTION							
Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)						P	P
Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage)							S
EDUCATIONAL SERVICES/RELIGION							
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S	S		S	P	P	
Public or private schools	S	S		S	P	P	
Religious Institutions	S	S		S	P	P	
Trade Schools	S	S		S		P	
HUMAN CARE AND SOCIAL ASSISTANCE							
Child Care Services (see following)							
Family Child Care Home (6 or less)	P	P	P	P			
Group Child Care Home (7 -12)	S	S	S	S			
Child Care Center /Nursery School(not in home)	S	S		S	P	P	
Health Care /Dental /Optical Clinics		S			P	P	
Hospitals					P	P	
*Assisted Living Home Nursing/Convalescent Home **		P		P	P	P	
Residential Human Care and Treatment Facility				S		S	
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P	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 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT							
Blast Furnace, Steel Furnace, Blooming or Rolling Mill							P† S†
Central Dry Cleaning Plants (not dealing directly with customers)							P† S†
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products							P† S†
Computer, Electronic, & Appliance Product Mfg							P† S†
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg							P† S†
Food/beverage processing							P† S†
Food/beverage bottling & packaging						P	P† S†
Furniture & Related Product Mfg							P† S†
Incinerator Plant (non-pyrolysis)							S
Incinerator Plant (pyrolysis type)							S
*Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards**				S			P† S†
Laboratories							P† S†
Leather &Allied Product Mfg							P† S†
Machine Shops						P	P† S†
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing							P† S†
Mineral Processing Facilities & Operations							P† S†
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)							P† S†
Oil Refinery and Gas Processing Facilities							S
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							S
Plastics Mfg (when cooling towers are not required)							P† S†
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.							P† S†
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection							P† S†
Research/Design/Experimental Product Development (within a completely enclosed building)							P† S†
*Resource Extraction**	S	S	S	S	S	S	S
Sanitary Landfills							P† S†
Sign Painting &Mfg							P† S†
Smelting Industries							P† S†
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg							P† S†
Textile & Apparel Mfg							P† S†
Tool & Die Shops							P† S†
Wood Product Mfg (not mills)							P† S†

†**Permitted use if entire use occurs in an enclosed building or on parcel of five (5) acres or less. Special Use if use or portion thereof occurs outside of an enclosed building or on parcel greater than five (5) acres.**

TABLE OF PERMITTED USES & SPECIAL LAND USES							
P = Permitted by right **S** = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations (Article 7)	R-1	R-3	R-R	FF-1	B-1	B-2	I
MISCELLANEOUS							
Accessory Buildings & Uses	P	P	P	P	P	P	P
Parking Lots	P	P	P	P	P	P	P
*Planned Unit Developments**	S	S	S	S	S	S	S
PUBLIC FACILITIES							
Auditoriums						P	
Community Centers (public)	S	S		S	P	P	
Government Offices	S	S		S	P	P	
Libraries	S	S		S	P	P	
Police/Fire Stations	S	S		S	P	P	
Post Office	S	S		S	P	P	
Public Works Facilities with Outdoor Storage						S	S
RESIDENTIAL USES							
Amateur Radio Antennae (roof- or ground-mounted)	P	P	P	P	P	P	P
*Home Occupations**	P	P	P	P	P	P	P
*Cottage Industries**	S	S	S	S	S	S	S
Living Quarters in conjunction w/ permitted business use	P	P	P	P	P	P	P
*Manufactured Housing Community (& accessory uses such as laundry, office building, & community building)**				S			
*Medical Marihuana Primary Caregiver Facility (home occ)**	P	P	P	P			
One-Family Dwelling (year round & seasonal)	P	P	P	P			
*Secondary Dwelling Units**				S			
*Multiple-Family Dwelling Units**		P					
Townhouses; Condominiums (connected)		P					
Two-Family Dwelling (duplex)		P					
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING							
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other aviation functions				S			
Bus Garages						P	P
Couriers/Parcel Packing/Shipping/ Delivery Establishments						P	P
Freight Terminals/Trucking Facilities							S
Mail Order Establishments						P	P
Rail yards				P			P
Scenic & Sightseeing Transportation/Ground Passenger Transportation						P	P
*Truck Washes**						P	P
*Warehousing & Storage**						P	P
Wholesale Trade						P	P
UTILITIES/ENERGY							
Essential Services (including gas regulator stations and electrical transformer stations)	P	P	P	P	P	P	P
Heating & Electric Power Generating Plants						P	P
Public Utility Facilities (without storage yards)	S	S	S	P	P	P	P
Public Utility Facilities (with storage yards)				P	P	P	S
Wind Energy Facilities and Anemometer Towers (Commercial)				S			
Wind Energy Systems (small on-site)				S			

Section 4.1 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Ossineke 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 Ossineke Township Office and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. 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 4.2 Zoning District Boundaries

The boundaries of these districts are hereby established as shown on the "Ossineke 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 4.3 Zoning of Annexed Areas

Whenever any area is annexed to Ossineke 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 4.4 Zoning of Vacated or Filled Areas

A. **Vacated Areas**: Whenever any street, highway or other public right-of-way within Ossineke 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 4.5 (R-1) One-Family Residential District

A. Intent

R-1

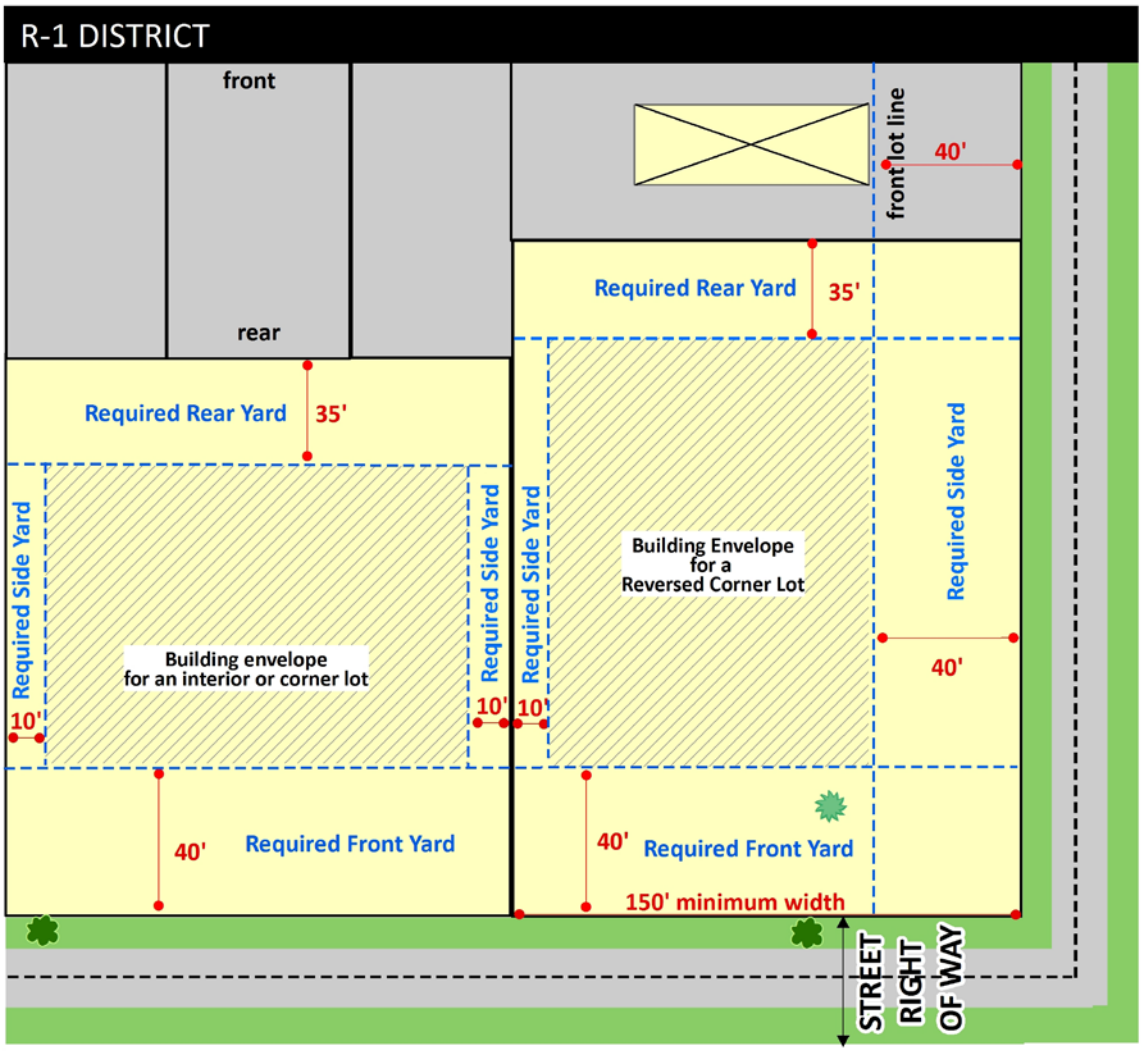
This residential district is designed to provide for one-family dwelling sites and the residentially-related uses. This district is designed to accommodate a series of support uses typically regarded as part of the structure of low to medium density neighborhoods. These support uses contribute to neighborhood amenity by providing cultural, religious or educational services to residents. The uses permitted by right and as Special Uses are intended to promote a compatible arrangement of land uses for homes keeping neighborhoods quiet and free of unrelated traffic influences.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Standards

R-1 One-Family Residential District	
Minimum Lot Area	30,000 sq ft
Minimum Lot Width	150 ft
Maximum Height of Structure	35 feet or 2 stories whichever is less
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	720 sq ft
	Minimum ground floor area shall apply to permanent dwelling units only.
Maximum Lot Coverage	30%
	This provision shall not apply to structures four (4) feet in height or less.
Setbacks	
Minimum front yard	40 ft
Minimum rear yard	35 ft
Minimum side yard	10 ft
	Reversed Corner Lots: *In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.*



Drawings are not to scale.

Section 4.6 (R-3) General Residential District

A. Intent

R-3

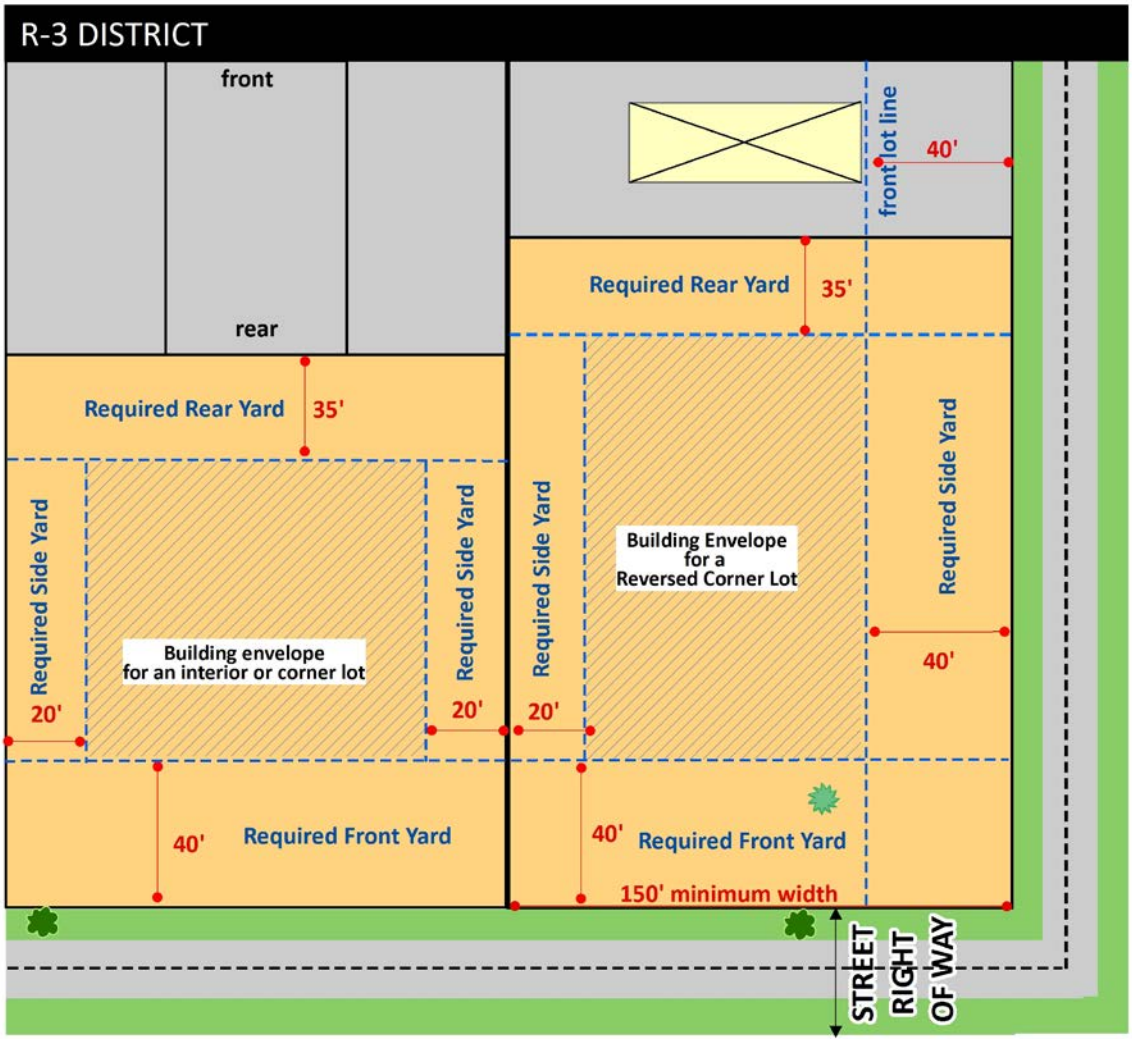
The R-3 General Residential District is designed to provide for multiple-family structures which may be necessary to meet the needs of the apartment dwelling. The district is further intended to be a transition use district.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in §4.0: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Development Regulations.

C. Development Standards

R-3 General Residential District	
Minimum Lot Area	30,000 sq ft
Minimum Lot Width	150 ft
Maximum Height of Structure	35 feet or 2 stories whichever is less
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	720 sq ft
	Minimum ground floor area shall apply to permanent dwelling units only.
Maximum Lot Coverage	35%
	This provision shall not apply to structures four (4) feet in height or less.
Setbacks	
Minimum front yard	40 ft
Minimum rear yard	35 ft
Minimum side yard	20 ft
	***Reversed Corner Lots**: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.*
	Multiple-Family Dwelling Units: *1. Multiple-family dwellings may be erected on a minimum lot size of 12,000 square feet, provided the development complies with District Health Department codes. The net density (not including street right-of-way) shall be limited to not more than twelve (12) dwelling units per acre.* *2. Multiple-family dwelling developments shall be considered as one (1) building occupying one (1) lot. When more than one multiple-family dwelling building up to two (2) stories occupies one (1) lot, the two or more structures must be separated by* *a. at least twenty (20) feet when end-to-end; or* *b. fifty (50) feet when face-to-face or back-to-back for structures up to two (2) stories.*



Drawings are not to scale.

Section 4.7 (RR) Recreational Recreational District

A. Intent

RR

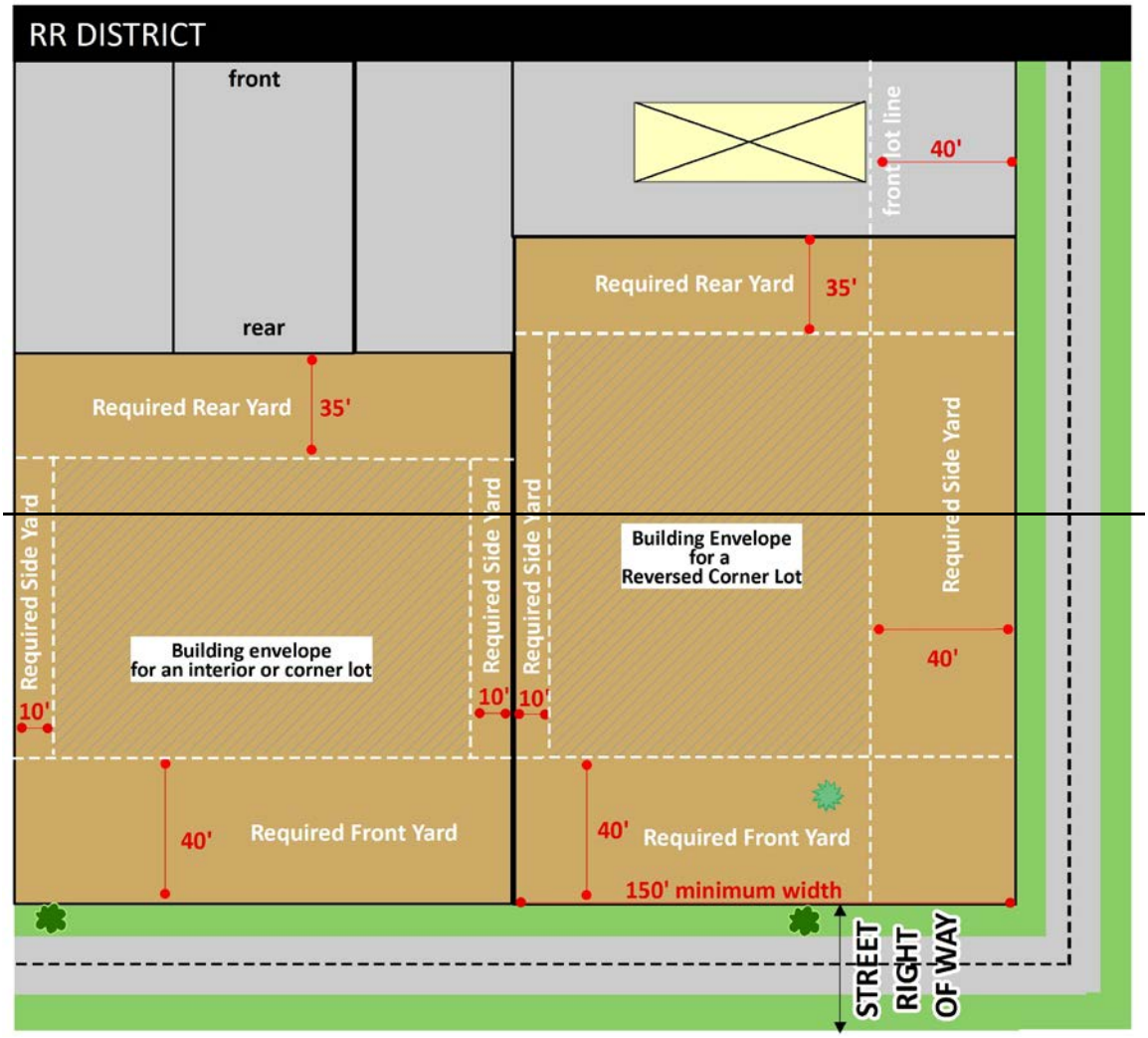
The Recreational Residential District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreational home areas with commercial resorts, business services, and major institutional or community services.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Standards

RR Recreational Residential District	
Minimum Lot Area	30,000 sq ft
Minimum Lot Width	150 ft
Maximum Height of Structure	35 feet or 2 stories whichever is less
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	600 sq ft
	Minimum ground floor area shall apply to permanent dwelling units only.
Maximum Lot Coverage	30%
	This provision shall not apply to structures four (4) feet in height or less.
Setbacks	
Minimum front yard	40 ft
Minimum rear yard	35 ft
Minimum side yard	10 ft
	***Reversed Corner Lots**: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.*



Drawings are not to scale.

Section 4.8 (FF-1) Farm and Forest District

A. Intent

FF-1

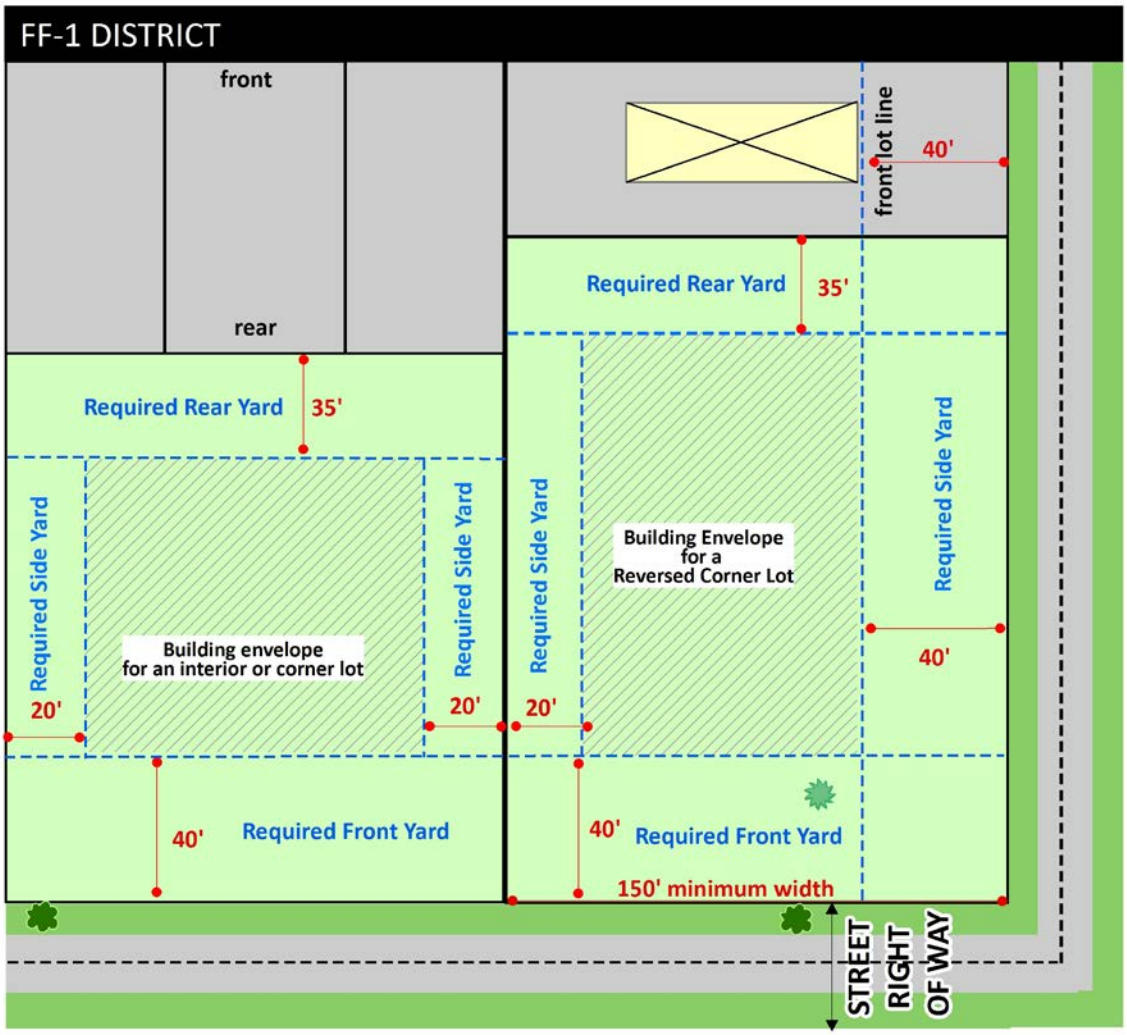
The FF-1 Farm and Forest District is designed to promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large. The intent of the district is to hold rural areas for resource purposes and to allow multiple uses of farm-forest lands. The intent is designed to serve farm and agricultural uses in areas which are rural and farm in character.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Standards

RR Recreational Residential District	
Minimum Lot Area	40,000 sq ft
Minimum Lot Width	150 ft
Maximum Height of Structure	35 feet or 2 stories whichever is less
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	600 sq ft
	Minimum ground floor area shall apply to permanent dwelling units only.
Maximum Lot Coverage	35%
	This provision shall not apply to structures four (4) feet in height or less.
Setbacks	
Minimum front yard	40 ft
Minimum rear yard	35 ft
Minimum side yard	20 ft
	***Reversed Corner Lots**: In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.*



Drawings are not to scale.

Section 4.9 (B-1) Local Tourist Business District

A. Intent

B-1

The B-1 Local Tourist Business District establishes a business district that is more selective than a general business district. It provides for the establishment of neighborhood shopping areas, personal services, tourist services, and professional office areas that are compatible with, and of service to, residential uses.

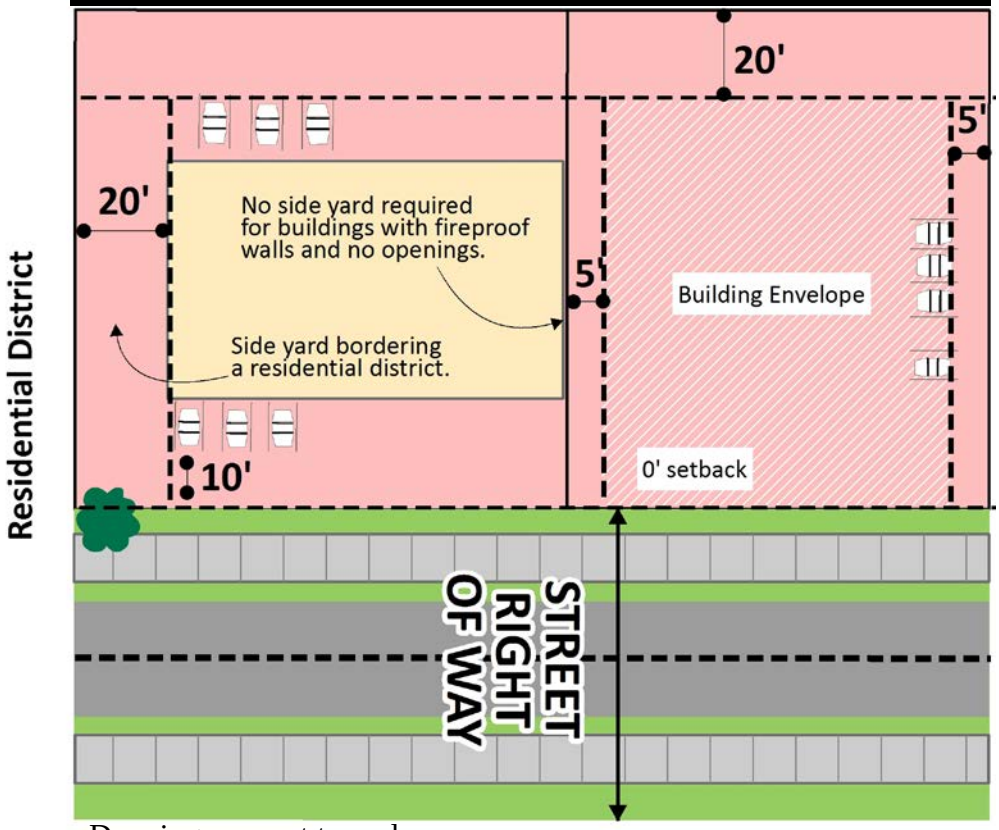
B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Standards

B-1 Local Tourist Business District	
Minimum Lot Area	n/a
Minimum Lot Width	n/a
Maximum Height of Structure	35 feet or 2 stories whichever is less
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	n/a
Maximum Lot Coverage	n/a
Setbacks	
Minimum front yard	0 ft
	Parking lots may be permitted in the front yard provided that there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear or side yard, the required front setback may be reduced to twenty (20) feet, provided a reasonable sense of consistency is established with abutting properties.
Minimum rear yard	20 ft
Minimum side yard	5 ft
	1. Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code. *2. On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.*

B-1 DISTRICT



Drawings are not to scale.

Section 4.10 (B-2) General Business District

A. Intent

B-2

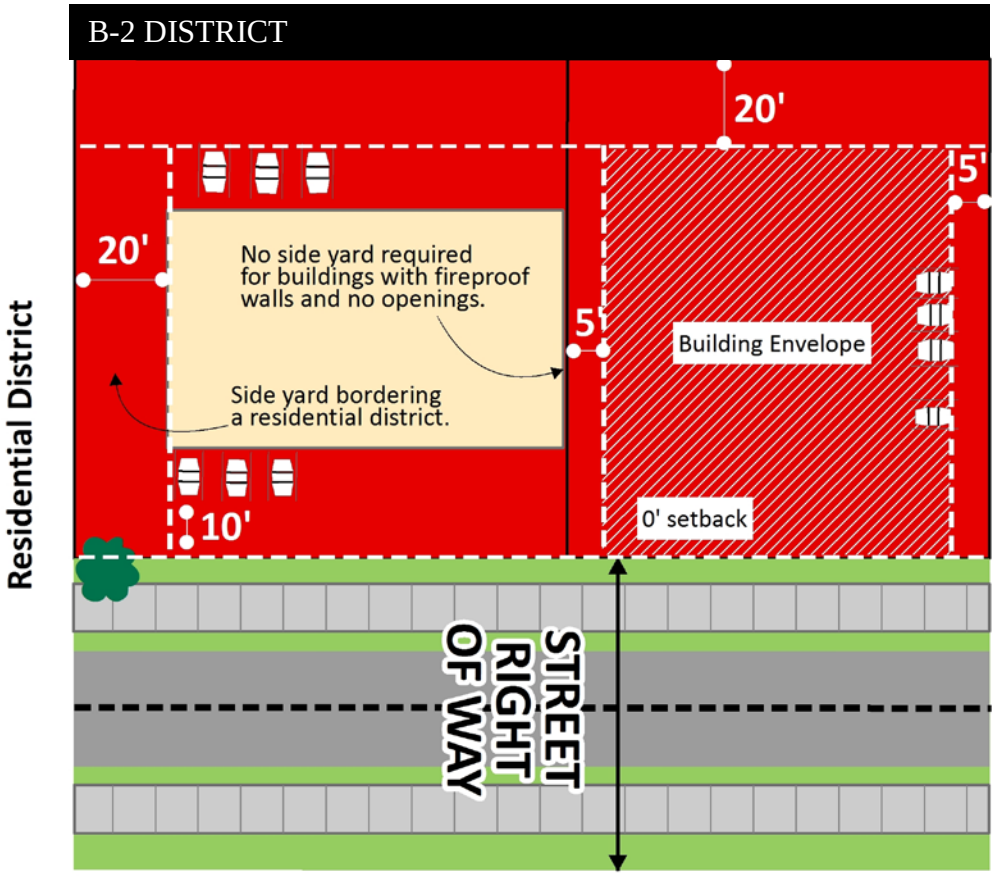
The B-2 General Business District is designed to provide sites for more diverse business types than B-1. This district is intended to cater to the business needs of the entire community and is often located to serve highway traffic.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Regulations

B-2 General Business District	
Minimum Lot Area	n/a
Minimum Lot Width	n/a
Maximum Height of Structure	35 feet or 2 stories whichever is less *Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.*
Minimum Ground Floor Area (per dwelling unit)	n/a
Maximum Lot Coverage	n/a
Setbacks	
Minimum front yard	0 ft *Parking lots may be permitted in the front yard provided that there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot. If parking and loading spaces are confined to a rear or side yard, the required front setback may be reduced to twenty (20) feet, provided a reasonable sense of consistency is established with abutting properties.*
Minimum rear yard	20 ft
Minimum side yard	5 ft 1. *Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code.* 2. *On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.*



Drawings are not to scale.

Section 4.11 (I) Industrial District

A. Intent

I

The Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial activities whose external physical effects may need to be restricted to avoid detrimentally affecting the surrounding districts.

B. Uses Permitted by Right & Special Land Uses

Permitted and Special Land Uses shall be limited to the following table (also listed in **§4.0**: Table of Permitted and Special Land Uses) and shall be subject to all applicable provisions of **Article 5**: **Plot Plans & Site Plan Review, Article 6: Special Land Uses**, and **Article 7**: **Supplemental Development Regulations.**

C. Development Regulations

In addition to all of the requirements in Article 5, the proposed user shall guarantee that:

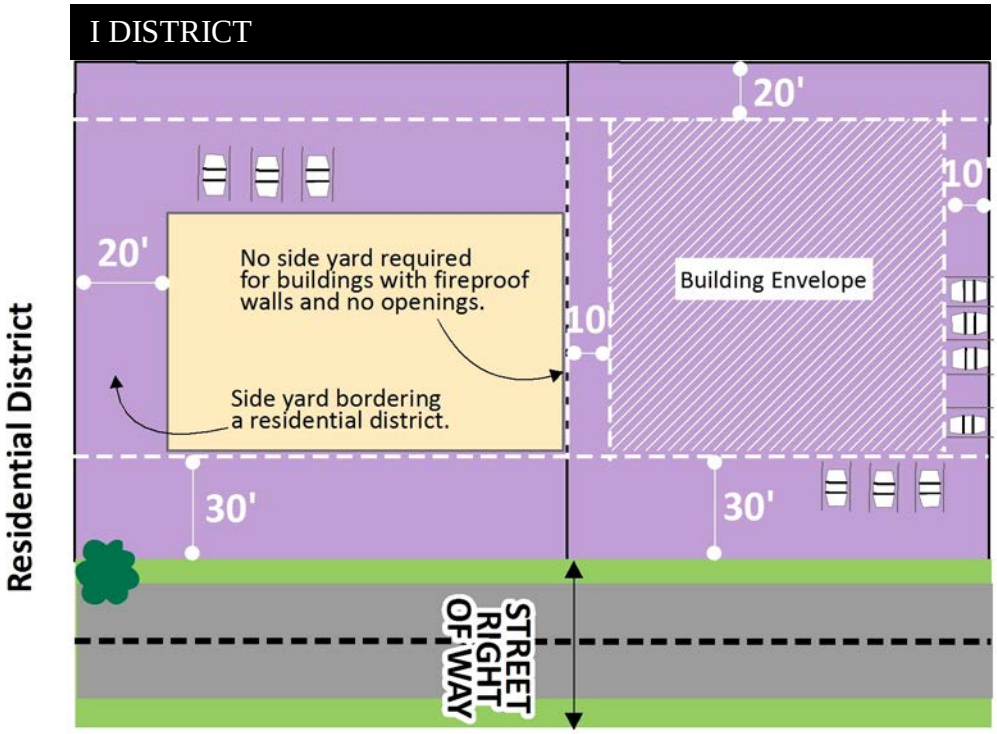
1. No use shall constitute a nuisance to adjacent premises, nor defeat the purpose of this ordinance.

2. No use shall discharge any produced dust, odorous matter, noxious, corrosive or toxic fumes, or physical vibrations, or heat or glare, or intolerable noise beyond the premises on which it is located.

3. Every premise within the Industrial District having a common boundary line with a District other than Industrial shall provide and maintain a screening evergreen hedge and/or approved fence or screen of no less than six (6) feet in height.

4. The application shall include a statement of the effects of the operation in terms of the following issues: traffic, water, air, noise, glare, fire and safety hazards, omission of dangerous or obnoxious matter, and on the proposed treatment of any such conditions to maintain the same within the limitations of this Ordinance. It shall show the plans for the disposal of sewage and all industrial wastes. It shall specify the fuels to be used, including plans for smoke control. No deviation shall be made without prior approval. All of the above factors shall comply with minimum state and federal pollution control standards.

I Industrial District	
Minimum Lot Area	n/a
Minimum Lot Width	n/a
Maximum Height of Structure	50 ft *Planning Commission may allow an increase in structure height in the Industrial District on a case by case basis during site plan review.*
	Height regulations shall apply to any portion of a structure that could be used as living or commercial space, but shall not apply to areas that could not be used for living or commercial space (chimneys, church spires, bell towers, etc.). These height restrictions do not apply to telecommunication towers and related facilities which are regulated by Article 7: Supplemental Development Regulations.
Minimum Ground Floor Area (per dwelling unit)	n/a
Maximum Lot Coverage	n/a
Setbacks	
Minimum front yard	30 ft
Minimum rear yard	20 ft
Minimum side yard	10 ft
	1. *Side yards may be omitted if walls abutting a side yard are of fireproof construction and wholly without openings or as otherwise specified in an applicable code.* 2. *On the exterior side yard which borders a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential district.*



Drawings are not to scale.

ARTICLE 5
PLOT PLANS & SITE PLAN REVIEW

Section 5.0 Purpose

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 5.1 Plot Plans

A. **CIRCUMSTANCES REQUIRING A PLOT PLAN.** Plot plans shall be submitted with all applications for Zoning Permits for the following:

1. Single- and Two-Family Dwelling Units.
2. Residential Special Land Uses.
3. All uses which do not require a site plan.
4. All accessory buildings over one hundred (100) square feet. Those less than one hundred (100) square feet do not require a plot plan but shall conform to zoning regulations pertaining to accessory buildings.

B. **PLOT PLAN ADMINISTRATIVE PROCEDURE.**

1. **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.
2. **Residential Special Land Uses**: Reviewed and approved by the Planning Commission after the required public hearing.
3. **Non-residential accessory buildings**: Reviewed and approved by the Zoning Administrator.

Section 5.2 Site Plans - General

A. **CIRCUMSTANCES REQUIRING A SITE PLAN.** Site plans are required for the following uses:

1. All new uses and/or structures except (1) single-family or two-family dwelling units; and (2) accessory structures.

2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.

3. Changes of use for an existing structure or lot except for the circumstances listed in **subsection B (below)**.

4. Multiple-family dwelling units, condominiums, and site condominiums.

5. Any Special Land Use (except residential Special Land Uses such as Group Day Care Homes and Cottage Industries, which require a plot plan)

6. Planned Unit Developments.

7. Any use requiring off-street parking, except single-family or two-family dwelling units.

8. Other uses as required by this Ordinance.

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.

2. Seasonal Use Sales

Section 5.3 Pre-Application Conference

The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held

several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

Section 5.4 Site Plan Data Required

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Zoning Administrator. The Zoning Administrator can waive any of the site plan requirements listed below when he/she finds those requirements are not applicable to the proposed development.

A. **CONTACT INFORMATION**: Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.

B. **LEGAL DESCRIPTION**: The parcel's legal description.

C. **MAP REQUIREMENTS**: The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = forty (40) feet for parcels under three (3) acres and at least one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.

D. **BOUNDARY LINES**: The boundary lines and dimension of the property. Show relationship of the subject property to abutting properties. A certified survey of the property which has been prepared and sealed by a professional licensed surveyor may be required by the Zoning Administrator.

E. **NATURAL FEATURES**: Boundary dimensions of natural features such as existing trees and vegetation, forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.

F. **TOPOGRAPHY**: The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

G. **LOCATION OF STRUCTURES AND ACCESSORY FEATURES**: The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, trash receptacles, walkways, signs, exterior lighting, common use areas, recreational areas and facilities, and any impervious surface. Indicate gross building areas.

H. **LOCATION OF VEHICULAR FEATURES**: Location of proposed drives, neighboring drives, vehicle entrances and loading points, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), and loading and unloading areas.

I. **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.

J. **SIGNS**: Location, size and specifications of all signs and advertising features with cross sections.

K. **ELEVATIONS**: Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration. Indicate number of stories.

L. **TYPE OF SURFACE**: Types of surfacing such as paving, turfing or gravel to be used at the various locations.

M. **SETBACKS**: Setback lines and distances between structures and lot lines.

N. **AREA OF DEVELOPMENT**: Indicate the gross land area of the development and area of the property subject to be covered by structures (not available as open space).

O. **RIGHTS-OF-WAY, EASEMENTS, AND PUBLIC SPACES**: The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.

P. **UTILITIES**: Size and location of proposed sewer and water lines and connections. Location of all other utilities on the site.

Q. **NEARBY STRUCTURES**: The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.

R. **ADJACENT FRONT YARD DIMENSIONS**: The front yard dimensions of the nearest building on both sides of the proposed structure.

S. **ZONING CLASSIFICATION**: The existing zoning district in which the site is located and the zoning of adjacent parcels.

T. **LANDSCAPING, FENCES, AND WALLS**: Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained.

U. **LIGHTING:** Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

V. **OUTDOOR STORAGE**: Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).

W. **DRAINAGE**: The location, size and slope of all surface and subsurface drainage facilities.

X. **FLOOR DRAINS**: Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.

Y. **WASTEWATER TREATMENT**: Description and location of on-site wastewater treatment and disposal systems.

Z. **WELL LOCATION**: Location of existing private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.

AA. **SNOW STORAGE**: The location of snow storage areas.

BB. **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.

CC. **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.

DD. **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.

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

FF. **DATA REQUIRED FOR GROUNDWATER PROTECTION**: In the case of businesses or facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons) per month, whichever is less, or

stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately twenty-five (25) gallons), whichever is less, the Planning Commission may require the following:

1. Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the local fire marshal.
2. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
3. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
4. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store, transport stormwater or waste water. The point of discharge for all drains and pipes shall be specified on the site plan.
5. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.
6. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of the contamination, including any remediation activities.
7. Submissions of the "State/County Environmental Permits Checklist".

Section 5.5 Site Plan Submittal & Approval Procedure

A. **NUMBER OF COPIES**: Six (6) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent.

B. **TIMING OF SUBMITTAL FOR PLANNING COMMISSION APPROVAL**: Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

C. **SUBMITTAL TO ZONING ADMINISTRATOR**: The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

D. **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 Alpena County Soil Erosion and Sedimentation Control Officer;
2. The Alpena County Drain Commissioner;
3. The Alpena 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.

E. **APPLICATION FEES**: Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.

F. **ZBA ACTION REQUIRED**: Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

G. **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.

H. **CONSULTANT**: The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

I. **APPROVAL BASED ON FINDINGS OF FACT**: After site plan review by the Planning Commission is complete, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in **§5.6**. 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.

J. **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.

K. **CONDITIONAL APPROVALS:** The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§9.8** of this Ordinance.

L. **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 5.6 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.

A. **COMPLIANCE WITH DISTRICT REQUIREMENTS**: The site plan shall comply with the district requirements for minimum floor space, height of structures, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. **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.

C. **LIGHT, AIR, AND ACCESS:** The location, size, and height of the structures, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the structures and that there will be no interference with adequate light, air, and access to adjacent lands.

D. **TOPOGRAPHY AND NATURAL LANDSCAPE:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by

minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

E. **DRAINAGE**: On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

F. **PRIVACY**: The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

G. **GENERAL ACCESS**: Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

H. **VEHICULAR AND PEDESTRIAN CIRCULATION:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

I. **EMERGENCY VEHICLE ACCESS/FIRE AND SAFETY**: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

J. **LOADING AND STORAGE**: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

K. **SNOW STORAGE:** Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

L. **EXTERIOR LIGHTING**: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution. Lighting standards contained in **§3.17** shall be adhered to.

M. **UTILITIES**: All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.

N. **COMPLIANCE WITH OTHER STATUTES AND REGULATIONS**: Site plans shall conform to all applicable requirements of state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

Section 5.7 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.

Section 5.8 Expiration of Site Plan Approval

A. The approval of any site plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year of continuous substantial construction and development does not occur, in which event, said approval shall expire.

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.

ARTICLE 6
SPECIAL LAND USES

Section 6.0 Purpose

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 6.1 Special Land Use Application Submittal

A. An application for a Special Land Use shall be submitted to the Planning Commission on a special form provided for that purpose at least thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed.

B. Uses which require a site plan shall submit six (6) copies of a site plan prepared under the requirements of **§5.4**. Uses which require a plot plan shall submit six (6) copies of a plot plan prepared under the requirements of **§5.1**.

C. In addition to the required elements of a plot plan or site plan, the application shall include the items listed below:

1. Written description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.

2. A statement prepared by the applicant appraising the effect on the neighborhood.

3. Other information as may be required by the Planning Commission to assist in the consideration of the Special Land Use application.

4. The application shall be accompanied by the fee established by the Township Board.

D. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with **§9.5**.

Section 6.2 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 Alpena County.

Section 6.3 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 **§5.6**.

A. **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.

B. **COMPATIBILITY WITH ADJACENT USES:** 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. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment, or conditions of operation;
2. Vehicular circulation and parking areas;
3. Outdoor activity, storage and work areas;
4. Hours of operation;
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. The relative ease by which the impacts above will be mitigated.

C. PUBLIC SERVICES:

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

2. 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.

D. **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.

E. **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.

F. **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.

G. **NON-DETRIMENTAL STANDARDS**: The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

H. **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.

I. **COMPLIANCE WITH SUPPLEMENTAL SITE DEVELOPMENT STANDARDS:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in **Article 7** of this Ordinance.

Section 6.4 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 6.5 Compliance with Other Regulations

A. 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.

B. As a minimum, or unless specifically modified by the provisions of **Article 7 (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 7**.

Section 6.6 Amendment to an Approved Special Land Use

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

A. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use or violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:

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 ten (10) feet.

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

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

6. Moving of ingress and egress drives a distance of not more than 25 feet if required by the appropriate state, county or other local road authority with jurisdiction.

7. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.

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

9. 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.

10. Changes related to item 1 through 9 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 plot plan or site plan showing the approved amendment. The revised 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. An amendment to an approved Special Land Use that cannot be processed by the Zoning Administrator under **Subsection (A)** above shall be processed in the same manner as an original Special Land Use application.

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 Special Land Use approval has been automatically 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 Special Land Use 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.

Section 6.7 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.

D. **New Ownership of a Special Land Use:** A Special Land Use Permit does not expire on transfer or sale of the property.

ARTICLE 7
SUPPLEMENTAL REGULATIONS

Section 7.0 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 7.1 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. 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.

E. Fences for outdoor areas shall be a minimum of 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. if within five hundred (500) feet of a residential use or district.

Section 7.2 Gas 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. 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.

C. 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.

D. 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.

E. 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. 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. All vehicle servicing or repair shall be conducted within a building.

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 number of automobiles on the site that are available for lease shall not exceed one (1) automobile for each one thousand (1,000) square feet of lot area and shall not be located in areas that are required for parking, aisleways, service bays, loading, landscaping or sidewalks.

Section 7.3 Bed and Breakfasts

A. **GENERAL REQUIREMENTS**

1. The Bed & Breakfast establishment shall be located in a single-family residence.

2. 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.

3. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.

4. 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 in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.

5. 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.

6. 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.

7. All on-site parking shall be constructed in accordance with the parking requirements of **§3.22**.

8. 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.

9. 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.

10. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.

11. Rental of recreational equipment including but not limited to 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.

12. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

Section 7.4 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 7.5 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 7.6 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 **§3.20**.

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 7.7 Child Care Centers; Nursery Schools; Group Child Care Homes

A. **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** 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 7.8 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 7.9 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 crematorium shall be located at least one hundred (100) 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 7.10 Golf Courses

A. The site plan shall be laid out to achieve a relationship between the public road on which the use is located and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.

B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than seventy-five (75) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may approve modification of this requirement.

C. A shelter building with toilet facilities shall be provided which meets all requirements of the Alpena County Health Department.

Section 7.11 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.

A. GENERAL STANDARDS

1. 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.

2. 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.

3. Home Occupations or Cottage Industries may be operated entirely within the dwelling or within an attached or detached garage or accessory building.

    a. **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.

    b. **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.

4. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry 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.

5. 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.

6. 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.

7. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.

8. 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.

9. Hours of operation for Cottage Industries shall be approved by the Planning Commission.

10. The Planning Commission may require that sufficient solid waste receptacles be provided and sufficiently screened from view. The property must be maintained free of debris.

11. Outdoor display of goods may be permitted.

12. The area in which goods and/or materials is stored outdoors shall be kept clean and free of debris. The Planning Commission may require screening of such outdoor storage areas.

13. 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.

14. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.

15. 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.

B. TERMINATION, EXTENSIONS, REVISIONS, AND INSPECTIONS.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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 7.12 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 7.13 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

D. **AREA, HEIGHT AND BULK REQUIREMENTS:** 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 7.14 Medical Marihuana Primary Caregiver Facilities

A. 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 Ossineke 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.

A. **Findings**. This Section is based on the following findings:

1. 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.

2. 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 Ossineke Township.

3. 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.

4. Ossineke 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.

B. 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 land use as a home occupation, subject to the zoning permit requirements of **Article 10**.

C. Review Standards.

An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

1. **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 subsection "5" 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.

2. **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.

3. **Combined Operations Prohibited**. No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.

4. **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, park or dwelling, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.

5. **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.

6. **Prohibited Activities.**

   a. 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.

   b. No alcoholic beverages shall be sold, conveyed or consumed on the premises of the Primary Caregiver Facility.

   c. 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 7.15 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 7.16 Multiple Family Dwelling Units (Apartments; Condominiums)

MAXIMUM LOT COVERAGE	30%
MAXIMUM HEIGHT	35 ft
SPACING BETWEEN BUILDINGS [A]	One-half the height of the higher of the two buildings.
SETBACKS	
FRONT YARD [B]	25 ft
SIDE YARD (abutting a multiple-family use)	20 ft
SIDE YARD (abutting a single-family use or district)	30 ft
REAR YARD	40 ft
MINIMUM FLOOR AREA	As defined by the currently adopted building code.

A. Front Yard Setback: Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the multiple-family dwelling unit abuts of forty (40) feet; the total area of which shall be landscaped.

B. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.

C. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.

D. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.

E. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.

Section 7.17 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 7.18 Public Parks, Playgrounds and Recreation Areas

Entertainment venues, community activities and farmer's markets are permitted in parks, playgrounds, and recreation areas. Such activities shall be approved by the Ossineke Township Board on a case-by-case or on an annual basis. No zoning permit is required.

Section 7.19 Planned Unit Developments

A. **PURPOSE**

Ossineke 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:

1. Provide flexibility in development regulations.

2. 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.

3. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.

4. 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.

5. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

6. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Master Plan.

7. Promote efficient use of public services.

8. Promote a more useful pattern of open space and recreation areas.

9. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

B. **ELIGIBILITY**

1. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.

2. 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.

3. Minimum size requirements: one (1) acre, except for a PUD containing any industrial uses shall be a minimum five (5) acres in size. The Planning Commission may waive the size requirement if deemed warranted due to unusual site conditions or the unique character of the proposed development.

4. 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.

C. **DEVELOPMENT STANDARDS:**

1. **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.

2. **OPEN/GREEN SPACE:**

   a. Common Open Space: A minimum of twenty (20) 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 (b) below.

   b. 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.

3. **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.

4. **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.

5. **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.

6. **PARKING***:* Off-street parking, loading, and service areas shall be provided in accordance with **§3.22** of this Ordinance. However, off-street parking and loading areas shall not be permitted within fifteen (15) feet of any residential use.

7. **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.

D. **PROCEDURES**

1. **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.

2. **SUBMISSION OF PRELIMINARY SITE PLAN**: The developer shall submit six (6) 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:

   a. General footprint of proposed and existing buildings.

   b. Indication of proposed uses and their general locations.

   c. General layout of streets, drives, parking areas and pedestrian paths.

   d. Individual parcels, if applicable.

   e. Proposed setbacks for district perimeters and individual buildings within the development.

   f. Proposed perimeter buffer zones and screening.

   g. Conceptual landscape plan.

   h. Development phases, if applicable.

i. Type, estimated number and density range for residential development.

j. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.

E. Additional supporting documentation including a written narrative describing the project.

3. **PRELIMINARY SITE PLAN APPROVAL**

a. **Public Hearing**: The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **§9.5** of this Ordinance.

b. **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.

4. **FINAL SITE PLAN APPROVAL**:

a. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit six (6) 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.

b. The final site plan shall include all site plan data required in **§5.4** in addition to the following:

(1) 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.

(2) Preliminary building plans, including floor plans and exterior elevations.

(3) Landscaping plans.

(4) 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.

c. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.

d. The Planning Commission shall conduct a public hearing in accordance with **§9.5** of this Ordinance.

e. 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:

(1) The proposed development may be initiated within two (2) years of the date of approval.

(2) 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.

(3) 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.

(4) Any proposed commercial development can be justified at the locations proposed.

(5) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

(6) The planned unit development is in general conformance with the land use plan of the Township.

(7) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

f. 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.

g. 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.

5. **AMENDMENT TO AN APPROVED PUD**: Amendments to a final approved site plan for a PUD shall follow the regulations in **§5.7**.

F. **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 parcel under consideration for this Cluster Housing Provision shall have a minimum frontage of 66 feet on a public street.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in subsection (D). 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:

1. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and

2. The planned development is in general conformance with the land use plan for the Township; and

3. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

Section 7.20 Rooming and 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 **§3.22**.

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 7.21 Seasonal Use Sales

The proposed use, including the erection of any temporary building or structure, will be allowed if the seasonal user does the following:

A. Provide adequate automobile and pedestrian traffic flow.

B. Provide adequate lot access for fire protection purposes.

C. Not adversely affect the protection of public health, safety, and general welfare.

D. 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 7.22 Secondary 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 the Farm and Forest District. 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 following regulations shall apply:

A. One (1) secondary dwelling unit is allowed per lot.

B. The secondary dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.

C. The secondary unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less, 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 secondary dwelling unit shall be provided electricity, plumbing, and heat.

E. The secondary unit shall contain only one (1) bedroom.

F. The secondary 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, or

G. The residents of the primary structure shall maintain the secondary unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.

H. The secondary unit shall conform to the Alpena County building code standards.

I. One additional parking space shall be provided on-site for the secondary dwelling unit.

Section 7.23 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 7.24 Warehousing & Storage

A. All storage shall be within an enclosed building.

B. The storage of dangerous, toxic or flammable materials shall not be permitted.

C. A caretaker dwelling unit and/or office may be permitted on-site.

Section 7.25 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. 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 Ossineke Township. 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. The installation of the wind turbine shall meet manufacturer's specifications.

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. Location and approximate height of trees within fifty (50) feet of the wind turbine.

d. Distance from other wind turbines on adjacent lots, if applicable.

3. **MINIMUM LOT SIZE**

a. **Ground Mounted Horizontal Axis Wind Turbine:** Minimum lot width of one hundred fifty (150) feet and at least three-fourths (3/4) acre in area.

4. **HEIGHT**
The maximum height above ground for both the Horizontal and Vertical Axis Wind Turbines shall be determined on a case by case basis dependent upon the site and manufacturer's specifications and recommendations.

5. **MULTIPLE WIND ENERGY TURBINES**

a. **Ground Mounted**: No more than one on any lot of less than one (1) acre in size. For lots one (1) acre and over in area, the number of turbines shall be determined by the spacing requirement of the manufacturer and shall be approved by the Planning Commission.

b. **Roof Mounted**: A maximum of two (2) may be installed on a building.

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.

E. 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 5 and 6.**

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 Ossineke Township. 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

1. 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.

2. 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.

Section 7.26 Wireless Communications Equipment and Support Structures

A. **Compliance with Michigan Zoning Enabling Act**

1. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment (WCE) is a permitted use of property and is not subject to Special Land Use approval or any other approval if the following requirements are met:

   a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

   b. The existing wireless communications support structure (WSS) or existing equipment compound is in compliance with this Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.

   c. The proposed collocation will not do any of the following:

      1) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

      2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

      3) Increase the area of the existing equipment compound to greater than 2,500 square feet.

   d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.

2. New wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) or (d) are a permitted use of property upon Special Land Use approval under subsections 3 to 6 below.

3. An application for Special Land Use approval of wireless communications equipment described in subsection 2 (above) shall include all information required by **Article 6**.

4. 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.

5. If, before the expiration of the 14-day period under subsection 4, 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 (4) 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.

6. The Planning Commission shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

7. Special land use approval of wireless communications equipment described in subsection 2 may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

8. If the Township requires special land use approval for wireless communications equipment that does not meet the requirements of subsection 1(a) or for a wireless communications support structure, subsections 4 to 6 apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.

9. The Township may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

Unless otherwise provided, telecommunication towers, alternative tower structures and antennas shall comply with all of the following standards.

B. **USE AND ZONING DISTRICT LIMITATIONS**

Telecommunication towers, 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.

C. **VISUAL IMPACT**

The application for special approval for the WSS shall include a visual impact statement, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the WSS from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

D. **HEIGHT AND CONSTRUCTION**

1. A WSS shall be exempt from building height limits established by zoning district regulations, provided that the WSS height shall not exceed the minimum height necessary to serve its intended functions.

2. The WCE, WSS and any ancillary building housing equipment needed for operation of the WSS 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.

3. A WSS shall be monopole construction with no guy wires.

E. **LIGHTING**

1. The applicant shall provide documentation of any lighting to be installed on the WSS. If lighting is required or proposed, the WSS 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.

2. The color and intensity of WSS 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.

3. 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.

4. Lighting may consist of a red top light that does not pulsate or blink.

F. **COLOR**

WCE shall be painted so as to be as unobtrusive as possible. The painting of the WSS 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.

G. **HEIGHT DECREASE.**
If the height required for the WSS to serve its intended function decreases from the installed height due to technological advancement, additional WSS installations at other locations, or other factors, the Township may order that the WSS be lowered to such decreased minimum height.

H. **SIGNS**
No signs other than signs required pursuant to federal, state or Township ordinance shall be allowed on an antenna or WSS, WCE or site.

I. **SETBACK REQUIREMENTS**

1. The WSS shall be set back not less than the distance equal to the height of the WSS measured from the base of the WSS to all points on each property line.

2. The WSS and any supporting or appurtenant structures shall be no closer to any building, than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.

3. The Planning Commission may reduce the required setbacks for WSS's 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 special use application. The Township may retain the services of an independent engineer to review the WSS design and requested setback. The costs associated with an independent review shall be paid for by the applicant.

J. **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 WSS shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

K. **USE**
The owner/operator of the WSS and WCE shall agree to permit use of the WSS 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 WSS.

L. **REMOVAL OF ABANDONED TOWERS**
Any WSS that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such WSS 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 WSS, 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 WSS within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the WSS 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 WSS and attendant accessory structures as a condition of a special use permit given pursuant to this section.

M. **ANTENNA CO-LOCATION ON AN EXISTING WSS**

1. No antenna or similar sending/receiving devices appended to a WSS, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the WSS thereby jeopardizing the tower's structural integrity.

2. The installation and/or operation of the above mentioned, WSS or WCE 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.

ARTICLE 8
Zoning Board of Appeals

Section 8.0 Zoning Board of Appeals Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.

A. **PLANNING COMMISSION MEMBER**: The first member shall be a member of the Ossineke Township Planning Commission for the terms of his/her office.

B. **REMAINING MEMBERS**: The remaining members must be selected from the electors of the Ossineke Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) regular or alternate member may be a member of the Township Board. Such a member shall not serve as Chairperson.

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

D. **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.

E. **TERMS OF OFFICE**: The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission, whose terms shall be limited to the time they are members of the Planning Commission. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.

F. **OFFICERS & COMPENSATION**: The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the Township Board.

G. **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.

Section 8.1 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 Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing:

1. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
2. The grounds for every determination made by the ZBA; and
3. The final ruling of each case.

The ZBA shall file a record of its proceedings in the office of the Township Clerk, which shall be a public record.

B. Two (2) 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. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Section 8.2 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 ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.

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 **§8.4**.

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.

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. **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.

D. 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 Ossineke Township in the manner provided by law.

Section 8.3 Procedure & 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 Township Clerk. Upon receipt of an application for appeal, the Township Clerk 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 thirty (30) days after the date of the Zoning Administrator's decision.

B. **FEE**: A fee as established by the Township Board shall be paid to the Township Clerk 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 four (4) 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 **§9.5**.

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. 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.

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.

Section 8.4 Variance Standards

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 Ossineke Township .

Section 8.5 Appeal to Circuit Court

A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court for Alpena County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state.

2. Is based upon proper procedure.

3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.

B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

C. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

ARTICLE 9
Administration & Enforcement

Section 9.0 Enforcement

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. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Township Board may delegate to enforce the provisions of this Ordinance.

Section 9.1 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 9.2 Permits

A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Ossineke Township and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. 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.

C. The zoning permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit.

D. 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.

E. 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.

F. 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.

G. Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary permit, whether it be a zoning compliance permit, sign permit, fence permit, etc. shall be subject to a late fee as determined by Township Board.

H. The following shall apply in the issuance of any permit:

1. PERMITS NOT TO BE ISSUED: No zoning permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

2. PERMITS FOR NEW USE OF LAND: No land heretofore vacant shall hereafter be used unless a zoning permit is first obtained for the new use.

Section 9.3 Fees

A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees.

B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

C. 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 9.4 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 9.5 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.

A. **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 Ossineke Township and mailed or delivered as provided in this Section.

B. **CONTENT**: All mail, personal and newspaper notices for public hearings shall:

1. 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.

2. 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.

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

4. 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.

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

C. PERSONAL AND MAILED NOTICE

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

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

   b. 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 Ossineke 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.

   c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **subsection E below**.

2. 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.

D. **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.

E. REGISTRATION TO RECEIVE NOTICE BY MAIL

1. **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 **subsection (C)(1)(c)** 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.

2. **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 9.6 Violations

A. CIVIL LAW:

Any building, structure or use which is constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

B. MUNICIPAL CIVIL INFRACTION:

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a municipal civil infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall be guilty of a municipal civil infraction and be fined not more than five hundred dollars ($500) for each offense and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate and distinct offense under the provisions of this Ordinance.

C. REMEDIES:

The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

D. INSPECTION:

The Zoning Administrator or his deputy shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

Section 9.7 Planning Commission

A. In cases where the Ossineke Township Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

C. Any approval given by the Planning Commission, under which premises are not used or work is not started within one (1) year or when such use or work has been abandoned for a period of one (1) year, shall lapse and cease to be in effect. The Planning Commission may extend this time period one (1) additional year upon request of the applicant or property owner.

D. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant variances from any terms or requirements of this Ordinance except as specifically granted in this Ordinance.

Section 9.8 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 9.9 Rehearing Process

A. **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:

1. 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.

2. 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.

3. 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.

B. **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.

1. 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.

2. 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.

3. 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.

4. 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.

ARTICLE 10
Amendment & Adoption

Section 10.0 Amendment to this Ordinance

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 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 Ossineke 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 Ossineke Township Planning Commission or Township Board.

Section 10.1 Amendment Procedure

A. **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.

B. **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.

C. **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 **§9.5**.

D. **APPLICATION INFORMATION:**

When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the Township Clerk:

1. A legal description of the property.

2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

3. The name and address of the applicant.

4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.

5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

6. The desired change and reasons for such change.

E. **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.

F. **REZONING STANDARDS:** The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

1. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?

2. Will there be an adverse physical impact on surrounding properties?

3. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

4. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

5. 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)?

6. 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?

G. 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.

H. 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:

1. Alpena County Health Department

2. Alpena County Road Commission

3. Alpena County Drain Commission

I. After the required public hearing, the Planning Commission shall send the amendment to the Alpena County Planning Commission for review and comment prior to Township Board adoption. The Alpena County Planning Commission shall have a total of thirty (30) days to provide comment.

J. TOWNSHIP BOARD REVIEW:

1. 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 **§9.5**. 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 **§9.5**.

2. 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.

K. **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.

L. **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.

Section 10.2 Conditional Rezoning

A. 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.

B. Application and Offer of Conditions

1. 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.

2. 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.

3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

5. 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.

6. 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.

C. Planning Commission Review

The Planning Commission, after public hearing as set forth in **Section 9.5** of this Ordinance and consideration of the factors set forth in **Section 10.1 (F)** 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.

D. 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 Act 110 of the Public Acts of 2006.

E. 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 Act 110 of the Public Acts 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.

F. Approval

1. 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.

2. The Statement of Conditions shall:

    a. Be in a form recordable with the Alpena 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.

    b. Contain the legal description and tax identification number of the land to which

it pertains.

c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

d. 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.

e. 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.

f. 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.

3. 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.

4. 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.

5. 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.

G. Compliance with Conditions

1. 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.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. 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.

I. Reversion of Zoning

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under Subsection H 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.

J. 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 Subsection I 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.

K. Amendment of Conditions

1. During the time period for commencement of an approved development and/or use specified pursuant to Subsection H above 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.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. 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).

M. 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.

Section 10.3 Comprehensive Review of Zoning Ordinance

The Planning Commission shall, at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Section 10.4 Interpretation and Conflicts

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare of the Ossineke Township. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 10.5 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 10.6 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 10.7 Repeal and Savings Clause

A. This Ordinance repeals and replaces any previous Ossineke 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 10.8 Enactment and Effective Date

A. This Ordinance was adopted on January 12, 2015, by the Ossineke Township Board and will be effective January 29, 2015. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Ossineke Township Planning Commission on October 29, 2014.

B. 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 Ossineke 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 PA 110 of 2006, as amended.

I hereby certify that the above Ordinance was adopted by the Ossineke Township Board at a regular meeting held on January 12, 2015.

_____

Township Clerk

Published: January 21, 2015 Effective Date: January 29, 2015

Affidavit of Publication Required.