

Tawas City ZONING ORDINANCE

Tawas City
Iosco County
Michigan

Adopted:

Effective:

Prepared with the assistance of:
Northeast Michigan Council of Governments
www.discovernortheastmichigan.org

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table of Contents

Article		Pg
1	Purpose & Authority	
	Section 1.01 Title	1-1
	Section 1.02 Purpose	1-1
	Section 1.03 Scope	1-2
	Section 1.04 Period of Effectiveness	1-2
2	Definitions	
	Section 2.01 Construction of Language	2-1
	Section 2.02 Definitions	2-2
	A	2-2
	B	2-8
	C	2-9
	D	2-12
	E	2-13
	F	2-13
	G	2-15
	H	2-16
	I	2-16
	J	2-17
	K	2-17
	L	2-17
	M	2-19
	N	2-21
	O	2-22
	P	2-23
	R	2-24
	S	2-26
	T	2-31
	U	2-31
	V	2-31
	W	2-32
	Y	2-34
	Z	2-35

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

3 General Provisions

Section 3.01	Effects of Zoning	3-1
Section 3.02	Lots	3-2
Section 3.03	Illegal Dwellings	3-3
Section 3.04	Water Supply & Sanitary Facilities	3-3
Section 3.05	Frontage on a Public Street	3-3
Section 3.06	Restoration of Unsafe Buildings/Barrier-Free Modification	3-3
Section 3.07	Building Grade & Drainage	3-4
Section 3.08	Dwelling Regulations	3-4
Section 3.09	Accessory Buildings & Accessory Structures	3-6
Section 3.10	Outdoor Display of Products or Materials Intended for Retail Sale or Rental	3-9
Section 3.11	Waste Receptacles & Outdoor Storage	3-10
Section 3.12	Temporary Buildings	3-11
Section 3.13	Construction Debris	3-12
Section 3.14	Lots or Parcels of Land Having Water Frontage	3-12
Section 3.15	Nonconformities	3-13
Section 3.16	Corner Clearance	3-17
Section 3.17	Entranceway Structures	3-17
Section 3.18	Fences & Walls	3-18
Section 3.19	Screening	3-21
Section 3.20	Landscape Planting	3-23
Section 3.21	Exterior Lighting	3-26
Section 3.22	Circulation, Parking & Loading	3-28
Section 3.23	Signs	3-38
Section 3.24	Performance Standards	3-48
Section 3.25	Dumping & Storage of Materials	3-49
Section 3.26	Safety	3-50
Section 3.27	Hazardous Substances	3-50

4 District Regulations

Section 4.01	Zoning Districts	4-1
Section 4.02	Official Zoning Map	4-1
Section 4.03	Application of District Regulations	4-3
Section 4.04	General Exceptions	4-4
Section 4.05	R-1: Single-Family Residential District	4-7
Section 4.06	R-2: High Density Residential District	4-10
Section 4.07	RM: Multiple Family District	4-13

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 4.08	RF: Riverfront District	4-17
Section 4.09	WF: Waterfront District	4-22
Section 4.10	OS: Office Service District	4-26
Section 4.11	B-1: Local Business District	4-30
Section 4.12	B-2: Community Business District	4-34
Section 4.13	B-3: General Business District	4-39
Section 4.14	I-1: Industrial District	4-44
Section 4.15	PUD: Planned Unit Development District	
Section 4.16	Full Table of Permitted & Special Land Uses	4-49
Section 4.17	Schedule of Regulations	4-63

5 Plot Plan & Site Plan Review

Section 5.01	Purpose & Approval Summary Table	5-1
Section 5.02	Plot Plan Review	5-2
Section 5.03	Site Plan Review Procedures	5-4
Section 5.04	Site Plan Data Required	5-6
Section 5.05	Site Plan Review Standards	5-8
Section 5.06	Changes, Expiration, Revocation, Fees & Guarantees	5-10

6 Special Land Use Review

Section 6.01	Purpose	6-1
Section 6.02	Approval Process	6-1
Section 6.03	Special Land Use Standards	6-4
Section 6.04	Inspection of a Special Land Use	6-5
Section 6.05	Amendment to a Special Land Use	6-5
Section 6.06	Expiration, Suspension or Revocation of a Special Land Use	6-6

7 Supplemental Regulations

Section 7.01	Purpose	7-1
Section 7.02	Home Occupations	7-2
Section 7.03	Group Child Care Homes	7-4
Section 7.04	Child Care Centers	7-5
Section 7.05	Bed & Breakfasts/Tourist Homes	7-5
Section 7.06	Major Auto Repair	7-6
Section 7.07	Gas Stations & Minor Auto Repair	7-7
Section 7.08	Churches & Place of Worship	7-8
Section 7.09	Cemeteries	7-8
Section 7.10	Drive-In & Drive-Through Establishments	7-9

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 7.11	Motels & Hotels	7-9
Section 7.12	Nursing Homes	7-10
Section 7.13	Outdoor Commercial Recreation & Flea Markets	7-10
Section 7.14	Seasonal Use	7-11
Section 7.15	Camping Facilities/RV Parks	7-12
Section 7.16	Marinas	7-12
Section 7.17	Archery & Gun Range	7-12
Section 7.18	Wireless Communications	7-13
Section 7.19	Helicopter Landing Areas	7-17
Section 7.20	Sidewalk Cafes	7-18
Section 7.21	Dwellings in Conjunction with Commercial or Office Uses	7-18
Section 7.22	Outdoor Sales Space for New or Used Automobiles, Recreational Vehicles, Manufactured Homes & Boats	7-19
Section 7.23	Heavy Equipment Sales & Service	7-19
Section 7.24	Adult Entertainment Facilities	7-20
Section 7.25	Outdoor Storage Yards & Junkyards	7-21
Section 7.26	Mini-Storage Facilities	7-23
Section 7.27	Kennels	7-23
Section 7.28	Extraction Operations for Sand, Gravel, Clay, Stone & Topsoil	7-24
Section 7.29	Planned Unit Development	7-26
Section 7.30	Condominiums Projects/Site Condominiums	7-30
Section 7.31	Subdivision or Site Condominium Open Space Plan in R-1 District	7-31
Section 7.32	Single-Family Clustering Option	7-34
Section 7.33	Manufactured Housing Communities	7-36
Section 7.34	Marihuana Facilities	7-38
Section 7.35	Solar Energy Facilities (Utility-Scale)	7-40
Section 7.36	Accessory Dwelling Units/Guest Houses	7-42
Section 7.37	Commercial Event Facilities	7-43
Section 7.38	Reasonable Accommodation Use	7-45
Section 7.39	Short Term Rentals	7-46

8 Zoning Board of Appeals

Section 8.01	Creation & Membership	8-1
Section 8.02	Powers of the Zoning Board of Appeals	8-3
Section 8.03	Appeals Procedures	8-4
Section 8.04	Standards	8-5
Section 8.05	Expiration	8-6

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Section 8.06	Resubmittal	8-6
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9 Administration & Enforcement

Section 9.01	Zoning Administrator	9-1
Section 9.02	Planning Commission	9-1
Section 9.03	Administrative Process	9-2
Section 9.04	Fees	9-7
Section 9.05	Performance Guarantee	9-7
Section 9.06	Use of Consultants	9-8
Section 9.07	Conditions	9-9
Section 9.08	Public Notification	9-9
Section 9.09	Violations	9-11
Section 9.10	Rehearing	9-11
Section 9.11	Interpretation & Conflicting Provisions	9-13

10 Adoption & Amendments

Section 10.1	Amendment Process	10-1
Section 10.2	Rezoning Standards	10-3
Section 10.3	Conditional Rezoning	10-3
Section 10.4	Severance Clause	10-7
Section 10.5	Vested Right	10-7
Section 10.6	Repeal & Savings Clause	10-7
Section 10.7	Enactment & Effective Date	10-8

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Article 1

Purpose & Authority

Sec	Name	Pg
1.01	Title	1-1
1.02	Purpose	1-1
1.03	Scope	1-2
1.04	Period of Effectiveness	1-2

PREAMBLE

An ordinance enacted by the City of Tawas City under the **Michigan Zoning Enabling Act, 2006 PA 110** (MCL 125.3101 et seq.), to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and mobile homes; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said ordinance.

THE CITY OF TAWAS CITY ORDAINS:

Section 1.01 Title

This Ordinance shall be known and may be cited as: The City of Tawas City Zoning Ordinance and shall hereafter be referred to as this Ordinance.

Section 1.02 Purpose

The intent and purpose of this Ordinance are the following:

- A. To promote and protect the public health, safety, and general welfare.
- B. To protect the character and the stability of the recreational, residential, commercial, industrial, and other areas within the community and to promote the orderly and beneficial development of such areas.
- C. To regulate the intensity of use of land and lot areas and to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.

- D. To lessen and avoid congestion on the public highways and streets.
- E. To provide for the needs of recreation, residence, commerce, and other land uses in future growth.
- F. To set reasonable standards to which buildings or structures shall conform.
- G. To prohibit uses, buildings, or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts.
- H. To prevent such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. To protect against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise, and other nuisances and hazards in the interest of the public health, safety, and general welfare.
- J. To prevent the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. To conserve the taxable value of land, buildings, and structures throughout the community.
- L. To provide for the completion, extension, substitution, or elimination of nonconforming uses.
- M. To create a board of appeals and define the powers and duties thereof.
- N. To designate and define the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance.
- O. To provide for the payment of fees for permits.
- P. To provide penalties for the violation of this Ordinance.

Section 1.03 Scope

No building or structure, or part thereof shall hereafter be erected, constructed, altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this Ordinance. This Ordinance is intended to be a permissive ordinance and any use that is not specifically permitted in a given district shall be a prohibited use within that district.

Section 1.04 Period of Effectiveness

This Ordinance shall remain in full force and effect henceforth unless repealed.

Article 2

Definitions

Sec	Name	Pg	Sec	Name	Pg
2.01	Construction of Language	2-1		L	2-17
2.02	Definitions	2-2		M	2-19
	A	2-2		N	2-21
	B	2-8		O	2-22
	C	2-9		P	2-23
	D	2-12		R	2-24
	E	2-13		S	2-26
	F	2-13		T	2-31
	G	2-15		U	2-31
	H	2-16		V	2-31
	I	2-16		W	2-32
	J	2-17		Y	2-34
	K	2-17		Z	2-35

Section 2.01 Construction of Language

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

- A. Words used in the present tense include the future tense, and the singular includes the plural unless the context clearly indicates the contrary.
- B. The word "person" shall mean a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" shall also mean the word "structure" and "either" includes any part thereof.
- D. The word "lot" shall also mean the word "plot," "tract," or "parcel."
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for, or to be used or occupied.
- G. The words "this Ordinance" mean the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.

- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates 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. The "community" is the City of Tawas City in the County of Iosco, State of Michigan.
- J. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.

Section 2.02 Definitions

A

Abutting. Having property or district line in common, e.g., two (2) lots are abutting if they have property lines in common.

Access. A way of approaching or entering a property.

Accessory building. A building customarily incidental and subordinate to the principal building and located on the same lot as the principal building.

Accessory dwelling unit. A secondary residential dwelling unit which is accessory to the principal dwelling unit, but not a manufactured home, located on the same lot as a single-family dwelling unit, either within a detached accessory building or existing as a freestanding, detached unit. Accessory dwelling units shall be developed in accordance with the standards set forth in **Section 7.36** and only in those zoning districts where the use is listed. Also known as guest houses, garage apartments, mother-in-law suites, granny flats, etc.

Accessory retail sales. An industrial operation that has a minor part of its operation retailing products produced by said industry.

Accessory structure. A subordinate structure, located on the same lot as a principal building or use, the use of which is incidental to the use of the principal building or use.

Accessory use. A use customarily incidental and subordinate to the principal use of the land or building

and located on the same lot as the principal use.

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 entertainment facilities. A business or commercial enterprise engaging in any of the following: adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult personal service establishment, adult theater, escort agency, and other similar establishments. The following definitions apply to adult entertainment facilities:

- A. **Adult arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sadomasochistic abuse, or sexual conduct.
- B. **Adult bookstore or adult video store.** An establishment that has, as a substantial or significant portion of its stock in trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sadomasochistic abuse, or sexual conduct. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty-five (25%) percent or more of the floor area or visible inventory within the establishment.
- C. **Adult cabaret.** An establishment which features topless dancers and/or bottomless dancers, partially nude or seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, or topless and/or bottomless and/or partially nude or seminude waitpersons or employees or any other form of nude or partially nude or seminude service or entertainment.
- D. **Adult motel.** A hotel, motel, or similar commercial establishment that:
 - 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by their emphasis on matter depicting, describing, or relating to nudity, sadomasochistic abuse, or sexual conduct and has a sign visible from the public right of way that advertises the availability of any of the above;
 - 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult motion picture theater.** An establishment, whether in a completely enclosed building or not, that offers, for an admission fee, membership fee, or other valuable consideration, the viewing during

more than twenty-five (25%) percent of its operating hours of motion picture films, pictures, or photographs which are distinguished or characterized by their emphasis on nudity, sadomasochistic abuse, or sexual conduct.

- F. **Adult personal service establishment.** An establishment whose activities include a person, while fully or partially nude, providing personal service for another person on an individual basis. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios, and massage studios.
- G. **Adult theater.** An enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, nudity, or sadomasochistic abuse by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television, including videotape or closed circuit, or live performance for observation by patrons therein.
- H. **Escort agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- I. **Human.** Besides its customary meaning, the term “human” shall also include non-living anthropomorphic (human-like) devices (both physical and digital).
- J. **Nudity.** Uncovered or less than opaquely covered postpubertal human male or female genitals, pubic areas, or buttocks.
- K. **Sadomasochistic abuse.** Flagellation or torture by or upon a human.
- L. **Sexual conduct.** Any of the following actual or simulated acts of:
 1. Human sexual intercourse, homosexual or heterosexual;
 2. Human or animal masturbation;
 3. Bestiality;
 4. Fellatio;
 5. Cunnilingus;
 6. Human excretory functions;
 7. Sodomy; or
 8. Fondling or erotic touching of human genitals, pubic region, buttocks, or breasts.

Adult day care facility. A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

Adult foster care facility.

- A. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility **excludes** the following:
1. A nursing home licensed under Part 217 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 2. A home for the aged licensed under Part 213 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 3. A hospital licensed under Part 215 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
 4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the **Mental Health Code, 1974 PA 258**, MCL 330.1001 to 330.2106.
 5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the **Social Welfare Act, 1939 PA 280**, MCL 400.55.
 6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five, if the total number of residents is twenty-one (21) or more.
 7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under section 5(7) of **1973 PA 116**, MCL 722.115.
 8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

9. A facility created by **1885 PA 152**, MCL 36.1 to 36.12 (Michigan Veteran's Facility).
 10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
 11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.
- B. The following additional definitions shall apply in the application of this Ordinance:
1. **Adult foster care family home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 2. **Adult foster care small group home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 3. **Adult foster care large group home.** A facility with an approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
 4. **Adult foster care congregate facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
 5. **State-licensed residential facility.** A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737 and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care.

Agriculture. Any land, buildings, and machinery used in the commercial production of farm products as defined in the **Michigan Right to Farm Act, 1981 PA 93** (MCL 286.471 et seq.) including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

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

Airport. An airport licensed by the **Michigan Department of Transportation**, under the Aeronautics Code of the State of Michigan, **1945 PA 327**(MCL 259.86).

Alley. Any public right-of-way affording a secondary means of access to abutting property and not intended for general traffic circulation.

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

Amateur radio service antenna. A freestanding or building-mounted antenna including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the **Federal Communications Commission**.

Apartment. A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended and designed for use as a residence by a single-family.

Apartment, efficiency. A dwelling unit consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities.

Assisted living facility, dependent. A housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit shall not contain cooking facilities, but must contain sanitary facilities.

Assisted living facility, independent. A housing form with full facilities for self-sufficiency in each individual dwelling unit.

Auto repair, major. Buildings and premises for the primary purpose of engine rebuilding, rebuilding, or reconditioning of motor vehicles, collision service such as body, frame, and fender repair, painting, and similar activities.

Auto repair, minor. Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires, and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Retail sales may include convenience store merchandise sold primarily to patrons purchasing fuel or services.

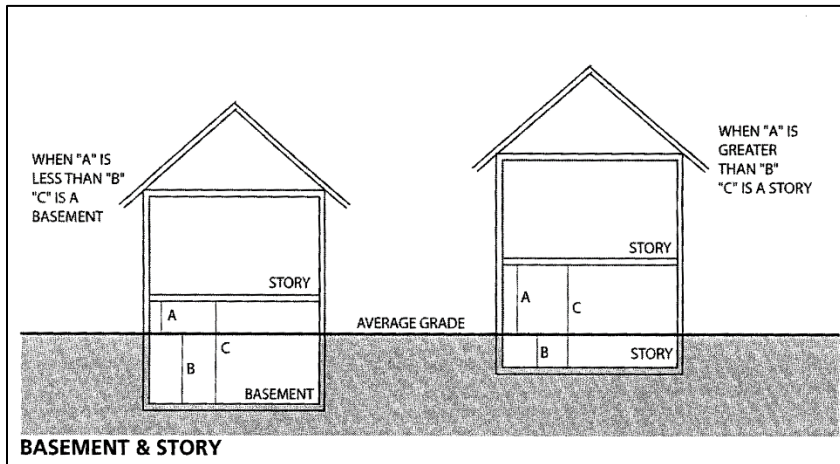
Auto wash. A building or portion thereof where motor vehicles are washed as a commercial enterprise or where facilities are available for the self-cleaning of motor vehicles.

Average. For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

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.



Bed and breakfast/tourist home. A single-family residential structure which is occupied by an owner or manager and used for the purpose of renting bedrooms on a nightly basis for thirty (30) consecutive days or less, including the provision of bathing and lavatory facilities and a breakfast meal.

Berm. A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes which may be used to provide a transition between uses of differing intensity.

Billboard. See *Signs: Off-premise sign*.

Block. The property abutting one (1) side of a street and lying between the two (2) 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 municipality.

Board. The City of Tawas City Zoning Board of Appeals.

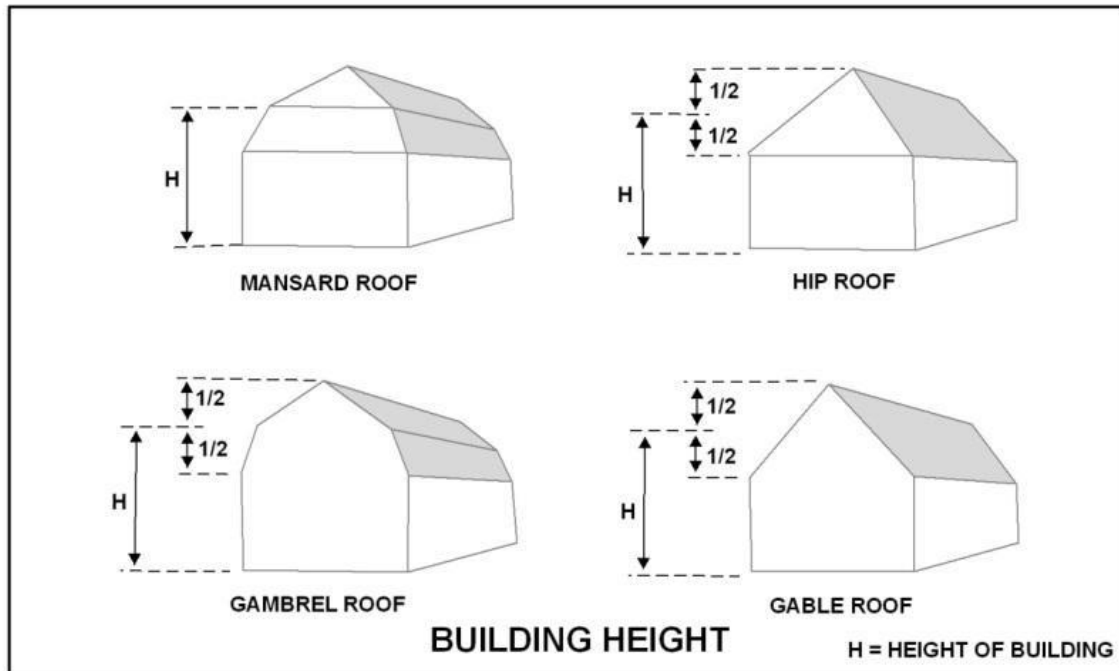
Boarding house. See *Rooming and/or boarding house*.

Buffer. Plant material, berms, walls, or fencing which serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

Building. Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property or carrying on business activities. This definition includes but is not limited

to: manufactured homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building height. In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs and to the average height between eaves and the ridge of gable, hip, and gambrel roofs. The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.



C

Cabin court. See *Motel*.

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.

Child care center. A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The 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. A child care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- B. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.
- C. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child-placing agency, a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Child care home, family. A private home in which the operator permanently resides as a member of the household in which one but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Child care home, group. A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A group day care home includes a home that gives care to more than six (6) unrelated minor children for more than four (4) weeks during a calendar year.

Child caring institution. A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260**, a boarding school licensed under Section 1335 of the **Revised School Code, 1976 PA 451, MCL 380.1335**, a hospital or facility operated by the State or licensed under the **Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106**, or an adult foster care family home or an adult foster care small group home licensed under the **Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737**, in which a child has been placed under Section 5(6).

Church and place of worship. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Clinic. A building or group of buildings wherein one (1) or more professionals, such as a physician, dentist, veterinarian, or the like, examines and treats patients, except that such patients are not lodged therein overnight.

Club or lodge. A nonprofit association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

Commercial event facility. A location where events are held including, but not limited to, weddings, parties, meetings, family reunions, and corporate events. The event locations can include, but not be limited to, tents, gazebos, barns, open areas, and residential structures as well as other structures specifically designed to host events. Also known as Convention Centers, Conference Centers, Banquet Halls, or Wedding Venues.

Commercial vehicle. Any motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares, or merchandise, or which is designed and used for drawing other vehicles.

Commission. The City of Tawas City Planning Commission.

Communication tower. See **Wireless Communications: Wireless communications support structure.**

Conditional rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium project. A plan or project consisting of two (2) or more condominium units established and approved in conformance with the **Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.)**, as amended.

Condominium subdivision. A division of land on the basis of condominium ownership, where land ownership of sites is regulated by the **Condominium Act, 1978 PA 59, as amended (MCL 559.101)** as opposed to the **Land Division Act, 1976 PA 288, as amended, (MCL 560.101)**. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Ordinance. Also called a "Site Condominium Development."

Condominium subdivision plan. The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location, and size of common elements.

Condominium unit. That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit," or portion thereof, consisting of vacant land

shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this Ordinance including minimum lot size, minimum lot width, maximum lot coverage, and setbacks.

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.

D

Deck. A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the principal building. A deck may be open or partially or completely covered by a roof structure.

Deed restriction. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the **County Register of Deeds**. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City.

Density. The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the public rights-of-way.

Distribution center. A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

District. See **Zoning district**.

Drive-through. An establishment developed so that some portion of its retail or service character is dependent upon providing a driveway approach and a staging area specifically designed to serve patrons remaining in their motor vehicles at the point of sale.

Dwelling, manufactured. See **Manufactured home**.

Dwelling, multiple-family. A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other where each unit may have access to a common hallway, stairs, or elevator (commonly referred to as an apartment building). Multiple-Family Dwellings include "stacked flats" which are rowhouses/townhouses that are divided into two (2) two-story units.

Dwelling, principal. The primary dwelling unit or units on the lot which are not considered accessory dwelling units.

Dwelling, single-family. A building designed exclusively for and occupied by one (1) family.

- A. ***Dwelling, single-family attached.*** A building designed for occupancy by one (1) family in a row of at least three (3) such units in which each unit has its own ground-floor access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).
- B. ***Dwelling, single-family detached.*** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party wall with any other dwelling is a detached single-family dwelling.

Dwelling, two-family. A building designed exclusively for and occupied by two (2) families.

Dwelling unit. A building or portion thereof, designed exclusively for family occupancy and having cooking and living facilities as required by the current building code.

E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Erected. Built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for a structure or development. Excavation, fill, drainage, and the like, shall be considered a part of the erection when done in conjunction with a structure or development.

Essential services. The erection, construction, alteration, or maintenance of public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare. Private wireless communication facilities, wind energy, and solar energy facilities are not considered essential services.

Excavation. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening and ground care.

F

Family.

- A. ***Domestic family.*** An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two (2) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

- B. **Functional equivalent family.** A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. This definition shall not apply in instances of group care centers or state-licensed residential facilities as established under **2006 PA 110**, as amended, (MCL 125.3101 et seq.).

Farm. The land, plants, animals, buildings, structures including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial 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. An accessory structure artificially constructed to serve as an enclosure, obscuring screen, physical barrier, and/or decorative landscape element.

Fence, ornamental. A fence of open construction that serves as a decorative landscape element.

Fence, privacy. A fence that serves as an obscuring screen.

Flood or flooding. A temporary partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map. An official map of a community, on which the **Federal Emergency Management Agency** Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

Floodplain. The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one hundred (100) year floodplain 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 one hundred (100) years. The one hundred (100) year floodplains are identified on Floodway Maps produced by FEMA (**Federal Emergency Management Agency**).

Floodway map. An official map of a community, issued by the **Federal Emergency Management Agency**,

whereon the boundaries of the areas of special flood hazards have been designated as zone A.

Floor area, gross. The sum of all gross areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, courtyards, patios, and attached garages shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor area, minimum (for a dwelling unit). The sum of all gross floor areas of all stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, courtyards, patios, and attached garages shall not be considered as part of the minimum floor area.

Floor area, usable. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Food truck. A wheeled vehicle from which food is sold that typically contains cooking facilities where food is prepared. Food trucks which are intended to operate continuously from a fixed location are regulated by this Ordinance. Food trucks which are transitory in nature are regulated by **Chapter 16 of the Tawas City Code of Ordinances**.

Frontage. The total continuous length of the front lot line. On a circular turn-around or cul-de-sac, the minimum frontage requirement shall be measured at the front setback line. For the purposes of determining the yard requirements on lots abutting a waterway, all sides adjacent to the waterway shall also be considered frontage.

G

Garage, commercial. See **Auto repair, major** and **Auto repair, minor**.

Garage, private. An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

Gas station. A building or premises used for the retail sale of fuel, lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation may include space and facilities for selling, installing, or adjusting tires, batteries, parts, and accessories within a completely enclosed building, and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

Glare. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual

performance and visibility.

Grade. The ground elevation established for the purpose of regulating 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 level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Guest house. See *Accessory dwelling unit*.

H

Hazardous materials. Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States including but not limited to toxic materials and metal hydroxides.

Height of building. See *Building height*.

Helistop. An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo; but not including fuel service, maintenance or overhaul.

Home occupation. An accessory use of a dwelling unit for gainful employment which is conducted on residential property and which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this Ordinance.

Homeless shelter. See *Residential human care facility*.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense and operating under license from the State of Michigan.

Hotel. See *Motel*.

Household pet. Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, and domestic rodents, but excludes animals which meet this Ordinance's definition for "livestock" or "wild animal."

I

Impervious surface. Any material which prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel, and other surfaces. For the purpose of calculating stormwater runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives, and parking lots.

Inn. An establishment in which sleeping rooms are available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

Junk. Miscellaneous solid waste, rubbish, scrap, debris, and reclaimable materials located outside of a completely enclosed building including, but not limited to, paper, rags, scrap metal and equipment, glass, household appliances, garbage, tires, vehicle parts, or motor vehicles which are inoperable, partially dismantled, wrecked, or abandoned.

Junk yard. Any land or building used:

- A. for the abandonment, storage, keeping, collecting, or baling of junk, paper, rags, scrap metals, or other scrap or discarded materials; or
- B. for the abandonment, demolition, dismantling, storage, or salvaging of machinery, automobiles, or other vehicles not in normal running conditions, or parts thereof; or
- C. for any activity of items A and B above conducted in an area of two hundred (200) square feet or more.

K

Kenel. Any lot or premises on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded or bred for remuneration.

L

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation.

Light, flashing. A light that goes on and off continuously while in use and at an interval of every ten (10) seconds or less.

Livestock. Cattle, horses, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, or home use but excluding animals which meet this Ordinance's definition for "**wild animal**."

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

Lot. Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use, or group of buildings.

Lot, corner. Any lot having at least two (2) contiguous sides abutting upon one (1) or more public rights-of-way, streets, or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred 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 thirty-five (135) degrees.

Lot, depth of. The distance between the front and rear lot lines measured along a line midway between the side lot lines.

Lot, flag. A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located.

Lot, interior. A lot other than a corner lot or a through lot, which has only one (1) lot line fronting on a street.

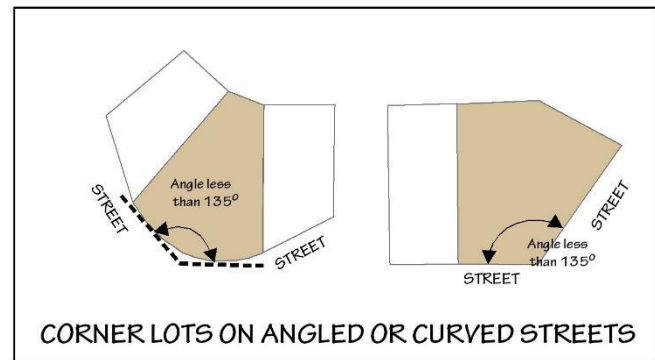
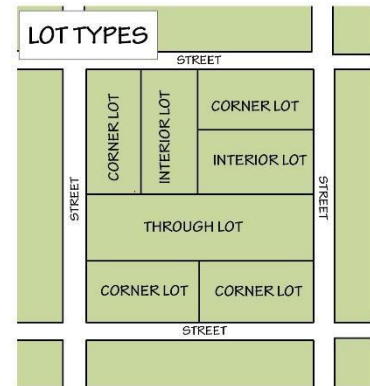
Lot, through. An interior lot having frontage on two (2) more or less parallel streets.

Lot, waterfront. A lot which borders on the water.

Lot, zoning. A single tract of land, located within a single block which, at the time of filing for a permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

Lot area. The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot.

Lot coverage. The amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios, or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

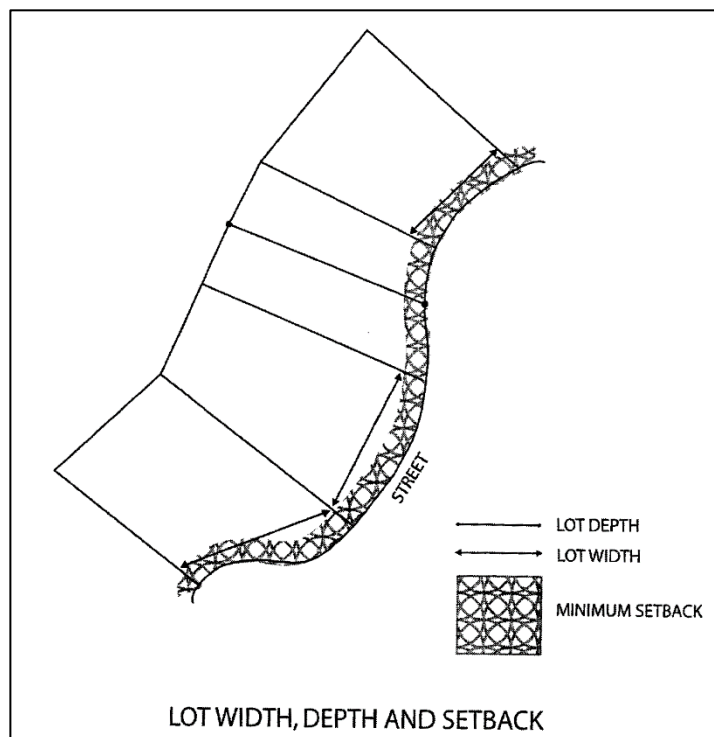


Lot lines. The lines bounding a lot or parcel.

- A. **Front lot line.** The line(s) separating the lot from any street right-of-way, private road, or other access easement. Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots. There is a front lot line on each street side of a corner lot in all districts except RF and WF.
- B. **Rear lot line.** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10') feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the case of corner lots, there is no rear lot line (except in the RF and WF Districts).
- C. **Side lot line.** Any lot line other than a front or rear lot line. Corner lots have two (2) side yards located opposite of each front yard, except in the RF and WF districts.

Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the Office of the **Iosco County Register of Deeds** prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the **Iosco County Register of Deeds** prior to the adoption or amendment of this Ordinance.

Lot width. The straight line distance between the side lot lines, measured at the two points where the minimum required front setback line intersects the side lot lines.



M

Manufactured home. 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 or 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 Community. The term manufactured home shall not include pick-up campers, travel trailers, motor homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use. Manufactured housing includes mobile homes and modular housing units.

Manufactured housing community. A parcel or tract of land under the control of a person upon which three (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.

Master plan. The statement of policy by the Planning Commission relative to the agreed upon desirable physical pattern of future community development consisting of a series of maps, charts, and written material.

Marihuana. Words and phrases contained in the **Michigan Medical Marihuana Facilities Licensing Act**, MCL §333.27101 et seq., (“MMFLA”) the **Michigan Medical Marihuana Act**, MCL §333.26421 et seq., (“MMMA”) the **Michigan Regulation and Taxation of Marihuana Act**, MCL §333.27951 et seq., (“MRTMA”) and the rules or emergency rules promulgated pursuant to any of these acts, shall have the same meanings in this chapter. For purposes of the requirements for obtaining a permit under this chapter, the terms “facility” and “marihuana facility” are intended to include both a “marihuana facility” as defined in the MMFLA and a “marihuana establishment” as defined in the MRTMA.

- A. **Facility.** A “marihuana facility” as defined in the **MMFLA** and a “marihuana establishment” as defined in the **MRTMA**.
- B. **Marihuana.** “Marihuana” as defined in the **MMFLA** and as defined in the **MRTMA**.
- C. **Marihuana microbusiness.** A business that cultivates not more than one hundred (150) plants; processes and packages it; and sells it to individuals who are twenty-one (21) years of age or older or to a safety compliance facility as defined in the MMFLA, but not to other businesses.
- D. **Medical Marihuana Facilities Licensing Act or MMFLA.** The **Michigan Medical Marihuana Facilities Licensing Act**, MCL §333.27101 et seq., and the rules and regulations promulgated pursuant to the MMFLA.
- E. **Michigan Medical Marihuana Act or MMMA.** The **Michigan Medical Marihuana Act**, MCL §333.26421 et seq., and the rules or regulations promulgated pursuant to the MMMA.
- F. **Michigan Regulation and Taxation of Marihuana Act or MRTMA.** The **Michigan Regulation and Taxation of Marihuana Act**, MCL §333.27951 et seq., and the rules and regulations promulgated pursuant to the MRTMA.

- G. **Provisioning center/retailer.** A person who operates as a “provisioning center” as defined in the MMFLA or as a “marihuana retailer” as defined in the MRTMA or as both at the same location under common ownership.
- H. **State license.** A valid state operating license issued under the MMFLA or a valid state license issued under the MRTMA or both.

Microgardening. The practice of intensively food ‘farming’ in containers and well-designed, small urban spaces. Microgardens are designed to be highly productive; energy and space efficient; sustainable; affordable; and grown in healthy living soil. Microgardening for the purpose of sale of products falls under the category of **Home Occupation**.

Mini storage (warehouse) facilities (self-storage). A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled storage of customer's goods or wares which are generally not accessed on a daily basis.

Mobile home. See **Manufactured home**.

Modular (pre-manufactured) housing unit. A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation, meeting all construction codes and regulations. For the purposes of this Ordinance, a modular home is considered a **manufactured home**.

Motel. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, cabin courts, motor hotels, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

Motor home. See **recreational vehicle**.

N

Nonconforming lot of record (substandard lot). A lot lawfully existing prior to the effective date of this Ordinance, or a subsequent amendment thereto, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. This definition includes and expands upon any definition of a nonconforming lot of record and/or substandard lot as may be provided by relevant law.

Nonconforming sign. A sign lawfully existing on the effective date of this Ordinance, which does not comply with one (1) or more of the sign regulations set forth in this Ordinance.

Nonconforming structure. A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions

of this Ordinance relative to height, bulk, area, placement, or yards for the zoning district in which it is located.

Nonconforming use. A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the allowable land uses within the district it is located in within this Ordinance. This definition includes and expands upon any definition of a nonconforming use as may be provided by relevant law.

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, and (Q) a condemned structure.

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 building, structures, parking, rights-of-way, easements, or other improvements have been or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that would result in the development of impervious surfaces shall not be included as open space.

Ordinary high water mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation on Lake Huron, the ordinary high water line is set by the **Natural Resources and Environmental Protection Act 1994 PA 451, Part 325 Great Lakes Submerged Lands** at 580.5 feet above mean sea level, per international Great Lake datum of 1985.

Outdoor commercial recreation use. An outdoor recreational facility operated as a business and open to the public for a fee including, but not limited to driving ranges, skateboard parks, mini-golf, amusement parks, go-cart racing, automobile and motorcycle tracks, youth camps, religious retreats, hunting camps, flea markets, batting cages, swimming beaches, boat rentals, shooting preserves, and athletic fields.

Outlot. A lot remnant left over after platting which is unbuildable and held in common ownership by a

homeowner's association or which is transferred to a public agency or utility.

P

Parcel. See **Lot**.

Park. A parcel of land, building, or structure open to the public for recreational purposes including but not limited to playgrounds, sport fields, game courts, trails, picnicking areas, and leisure time activities.

Parking area, off-street. A land surface or facility providing off-street vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide vehicular access to the parking spaces. Such area shall be off a public right-of-way. Also called parking lot.

Parking space. An accessible area of land provided for vehicle parking, exclusive of drives, aisles, or entrances giving access thereto.

Patio. A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, placed directly on the ground.

Pavement. Hot mix asphalt or Portland cement concrete. Reclaimed asphalt pavement, also known as RAP, shall not be considered pavement.

Performance guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the City of Tawas City.

Personal services. An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, barbershops, shoe repair shops, and tailor shops.

Planned commercial center. A business development consisting of two (2) or more retail outlets characterized by a unified grouping of stores, under common architecture, served by a common circulation and parking system.

Planned unit development. A type of development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Planning commission. The Tawas City Planning Commission established pursuant to the **Michigan Planning Enabling Act, 2008 PA 33**, as amended.

Plat. A map of a subdivision of land recorded with the register of deeds pursuant to the **Land Division Act, 1967 PA 288**, as amended, (MCL 560.101 et seq.), or a prior statute.

Plot plan. Depicts all salient features of a proposed development. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan

and is required for such uses as single-family and two-family dwellings.

Practical difficulty. A determination made by the Zoning Board of Appeals resulting in a departure from the provisions of the Zoning Ordinance relating to setbacks, frontage requirements, lot size, parking, and similar requirements but not involving the actual use of a property.

Principal building. A building in which is conducted the principal use of the lot or parcel of land on which it is located.

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

Private road. A private way or means of approach which provides access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private sanitary sewage disposal system. An individual on-site sewage disposal system as defined in the Iosco County Health Department Sanitary Code.

Prohibited use. A use of land which is not permitted within a particular zoning district. Uses are prohibited if they are not listed as allowable in a district.

Public sanitary sewer. A system of pipe owned and maintained by a governmental unit used to carry human, organic, and industrial waste from the point of origin to a point of discharge.

Public storm sewer. A system of pipe owned and maintained by a governmental unit used to carry stormwater and run off from the point of origin to a point of discharge.

Public utility. Any person, firm, 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, telephone, telegraph, transportation, or water.

R

Recreational equipment. Any recreational vehicle, travel trailer, camper, folding tent trailer, utility trailer, boat, boat trailer, personal water craft, personal water craft trailer, float or raft, including transportation equipment and off-road vehicles, manufactured motorized home, manufactured motor bus, all designed to be used as a temporary dwelling for travel, recreation, and vacation use or to be used periodically and occasionally for recreation and vacation use.

Recreational vehicle. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle-mounted on or drawn by another vehicle.

Recreational vehicle park (RV park). All lands and structures which are predominantly intended to

accommodate recreational vehicles and provide for outdoor recreational activities.

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

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support, and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs, and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

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 which is open to guests and the public. Also called vacation lodge.

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. An establishment for serving food and beverages for immediate consumption.

- A. **Restaurant, carry-out.** A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.
- B. **Restaurant, drive-in.** A restaurant at which patrons are served while within a motor vehicle or where food is consumed within the motor vehicle on the premises.
- C. **Restaurant, drive-through.** A restaurant at which patrons are served from a drive-by window.
- D. **Restaurant, full service.** An establishment maintained, operated and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches, or stools.
- E. **Restaurant, outdoor cafe.** An outdoor service area as part of a restaurant.

Retail business. Businesses involved in the sale, lease, or rent of products to the general public. This excludes animal services, construction sales and services, gasoline and fuel sales, vehicle sales and service, and similar uses. Typical uses include food stores, drug stores, apparel stores, and furniture stores.

Right-of-way. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or

boundaries.

Rooming and/or boarding house. An owner-occupied single-family dwelling containing guest rooms in which lodging is provided with or without meals for compensation and which is open to permanent guests only (longer than thirty (30) consecutive days) and where no provision is made for cooking in any guest room.

S

Salvage yard. See *Junk yard*.

School. An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan but excluding profit-making private trade or commercial schools.

Scrap yard. An establishment where scrap metals are collected, processed, stored, and/or sold.

Screen. A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

Seasonal mobile home park. A parcel or tract of land under the control of a person or corporation upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and shall provide all public utilities. A seasonal mobile home park does not include a campground licensed pursuant to **1978 PA 368** (MCL 333.1101 et seq.).

Seasonal use. A temporary use such as springtime plant sales, Christmas tree winter sales, and similar uses.

Setback. The unoccupied distance between lot lines and principal and accessory buildings or uses required to meet the front, side, and rear yard open space requirements of this Ordinance.

Short term rental. A single-family dwelling which furnishes transient accommodations for compensation for periods of thirty (30) consecutive calendar days or less and which is unoccupied by the owner during the time in which transient accommodations are furnished. A short-term rental does not include a bed and breakfast facility or a tourist home.

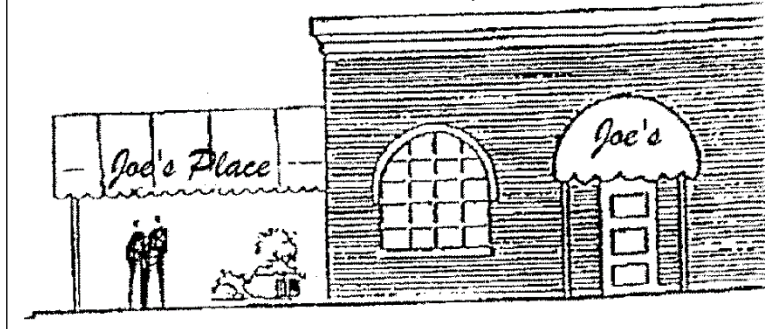
Signs. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises and intended to convey information to the public.

A. **Accessory sign.** A sign which is subordinate to the primary sign and customarily incidental to, and on the same lot as, the primary sign. Accessory signs provide ancillary information to support the principal use of the premises. Examples include but are not limited to signs at entrances and exits.

B. **Awning sign.** A sign on or attached to a frame that is supported entirely on the exterior wall of a building.

C. **Canopy sign.** A sign on or attached to a permanent overhanging frame that projects from the face of the building and is supported only partially by the building.

Awning & Canopy Signs



D. **Changeable message sign (static or digital).** A sign or portion thereof with characters, letters, or illustrations that can be changed (either manually or electronically) or rearranged without altering the face or surface of the sign.

E. **Decorative display.** A decorative, temporary display designed for the aesthetics or cultural enrichment of the public and having no message.

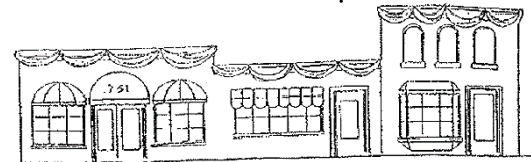
F. **Ground sign.** A permanent display sign mounted directly and permanently in and upon the ground surface and having a height not in excess of six (6) feet.

Changeable
Message SignPRIMARY
SIGN

Changeable Message Sign

G. **Marquee sign.** A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building.

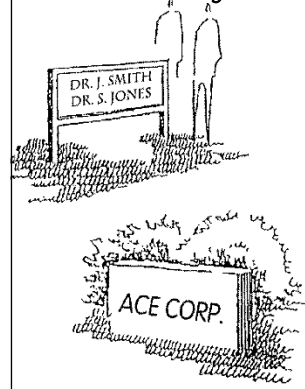
Decorative Display



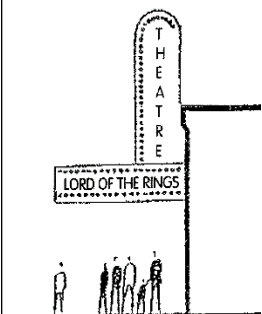
H. **Off-premise sign.** A sign that advertises activities, goods, products, etc., that are available elsewhere than within the building or on the lot where the sign is located. Also called a billboard.

I. **Pole sign.** A display sign supported by one (1) or more columns, uprights, or braces set a minimum of forty-two (42") inches below the ground surface. Also called a pylon sign.

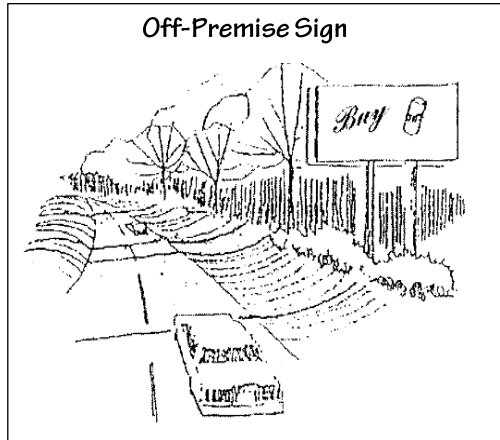
Ground Signs



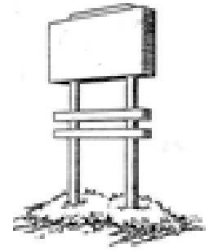
Marquee Sign



- J. **Portable sign.** A sign and sign structure which is designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable lettering, and/or hitches for towing.

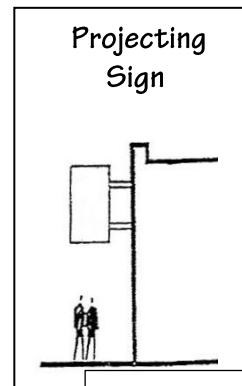


Pole or Pylon Sign

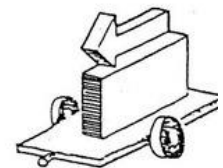


- K. **Projecting sign.** A sign, other than a wall sign, which is perpendicular to and projects from a building wall.

- L. **Roof sign.** A display sign which is erected, constructed, and maintained on or above the roof of the building and supported on the building roof.

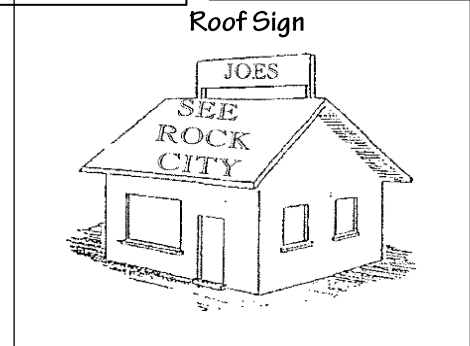


Portable Sign



- M. **Temporary sign.** A display sign, banner, or other advertising device constructed of paper, cloth, canvas, fabric, plastic, or other light temporary material, inflated devices with or without a structural frame, but not including decorative displays for holidays or public events.

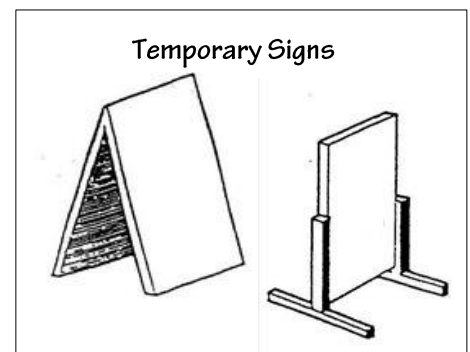
- N. **Temporary sign, "A" frame.** A sign other than a ground sign or portable sign which is not attached to a building and is capable of being moved on the same property and is only allowed to be displayed during hours of operation and is not in a public right-of-way.

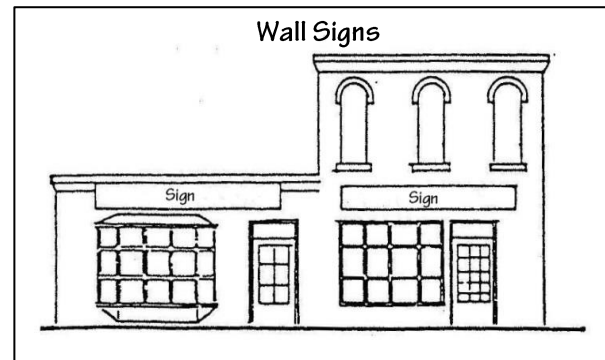
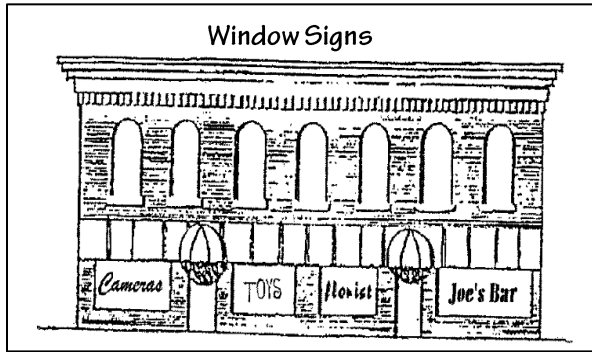


- O. **Wall Sign.** A display sign which is painted on or attached directly to the building wall.

- P. **Window Sign.** A sign on the glass of a window.

Sign face. The portion of the sign visible to the public.





Sign area measurements. The total sign area shall be the area within a single, continuous perimeter of the sign surface composed of any rectilinear line or geometric figure which encloses the extreme limits of the sign. If the sign is composed of individual letters or symbols using the wall, awning, or mansard roof as the background, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter and the combined area of the individual figures shall be considered the total sign area. Buildings with more than one (1) occupant may prorate the sign area for the total building to each building occupant but not to exceed the total allowable sign area for the building.

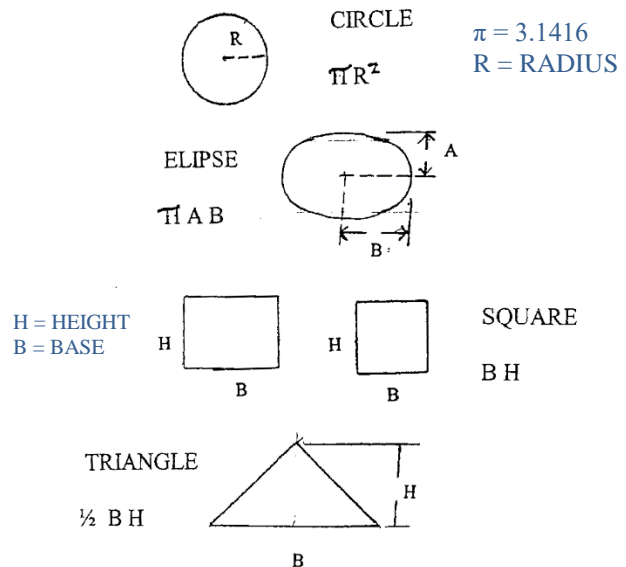
Site condominium (condominium subdivision). See *Condominium subdivision*.

Site plan. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple-family developments.

Small-scale craft making. A commercial building which encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles, and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50%) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar energy facility (utility-scale). A facility designed to capture and utilize the energy of the sun to generate electrical power to meet utility-scale or commercial needs for use

COMMON GEOMETRIC SHAPES & FORMULAS TO DETERMINE SIGN AREA



primarily off-site. A solar energy facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

Solar energy panels, accessory. Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use primarily on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

Solid waste. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

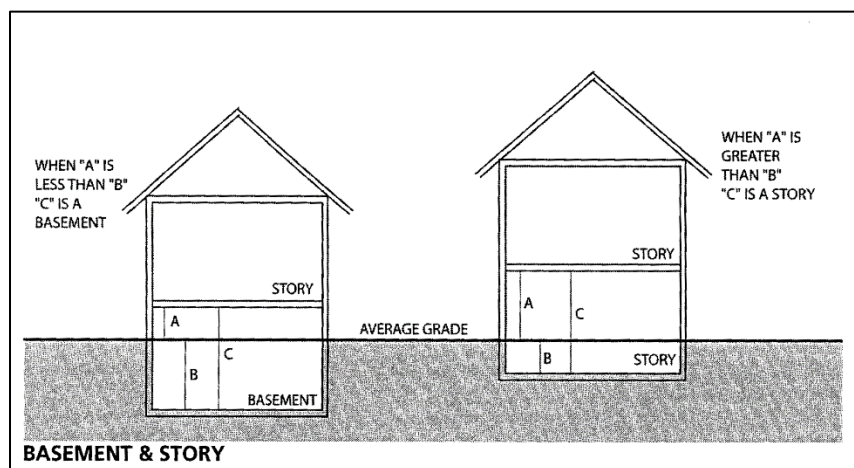
Special land use. A use which is reasonably compatible with the permitted primary uses and structures within a zoning district but which require special consideration in relation to the health, safety, convenience, and general welfare of the City's inhabitants.

State-licensed residential facility. A structure constructed for residential purposes that is licensed by the State under the **Adult Foster Care Facility Licensing Act, 1979 PA 218**, MCL 400.701 to 400.737, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

Stop work order. An administrative order served on the property owner which directs a person not to continue or not to allow the continuation of an activity which is in violation of this Ordinance.

Story. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling or roof next above it.

Story, height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.



Street. A public thoroughfare or approved private road which affords the principal means of access to abutting property.

Street line. The legal line of demarcation between a street right-of-way and abutting land.

Structural alteration. The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

Structure. Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

T

Temporary use or building. A use or building permitted in accord with provisions of this Ordinance for a specified period of time.

Thoroughfare, major. A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by Iosco County or as a principal or minor arterial by the **Michigan Department of Transportation** or as a major thoroughfare on the Master Plan.

Thoroughfare, minor. A public street identified as a county local road by Iosco County, except that no street in a platted subdivision, nor any private road, shall be considered a minor thoroughfare under this Ordinance.

Tiny home. A free-standing dwelling unit which is smaller than the minimum dwelling unit size of the district. Tiny homes shall be installed on a foundation.

Travel trailer. See **Recreational vehicle**.

U

Undevelopable land. Land which has soil types or a high water table condition which present severe limitations upon the use or type or types of construction which should be placed thereon.

Use. The purpose for which land or building(s) thereon are arranged, occupied, maintained, let or leased.

Use, permitted. Uses which are permitted by right in a zoning district only if specifically listed as permitted uses or are similar to such listed uses.

Use, special land. See **Special land use**.

V

Variance. A modification of the literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought and not the result of

action of the applicant.

W

Wild animal. Any animal not domesticated by humans or which attacks, bites, or injures human beings or domesticated animals without adequate provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals, or which a person is prohibited from possessing by law.

Wind turbine. 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.

A wind turbine is considered an accessory structure regulated by **Section 3.09**.

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.

Wireless communications.

- A. **Alternative tower structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building, or structures and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

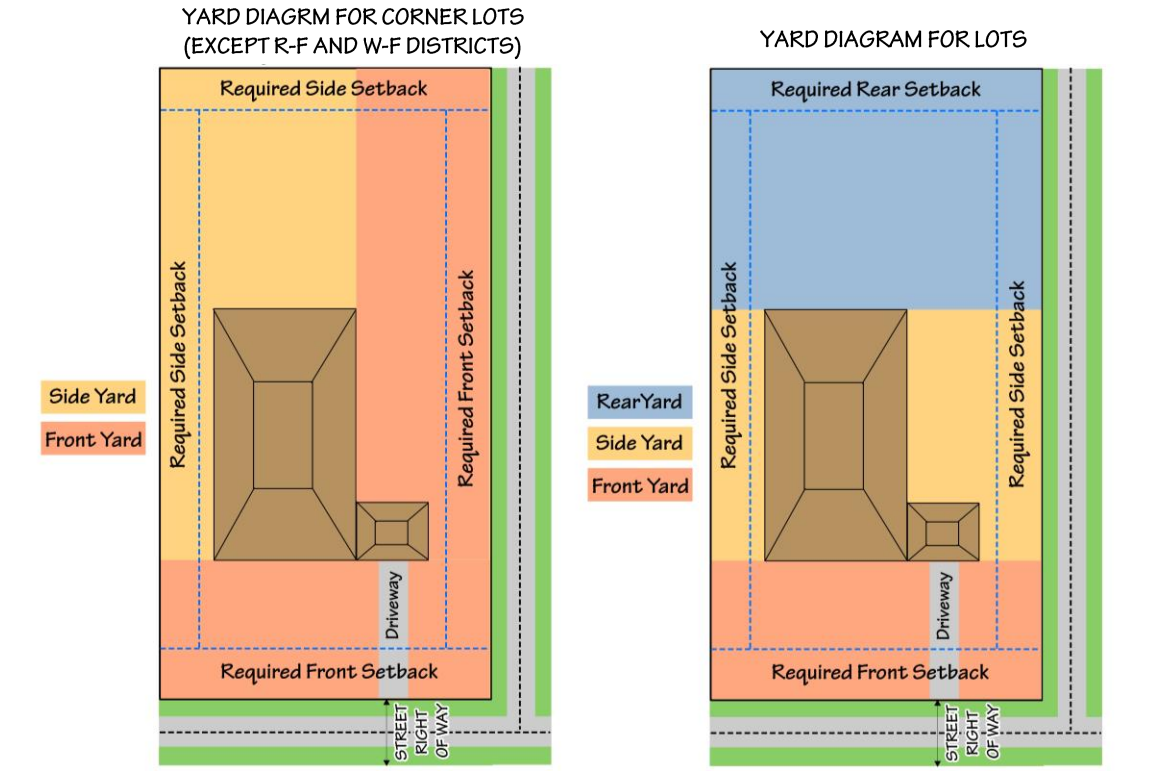
- C. **Co-location.** The location of two (2) or more wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- D. **Height.** When referring to a wireless communication facility, the distance measured from ground level to the highest point on the wireless communication facility, including the antenna array.
- E. **FAA. Federal Aviation Administration.**
- F. **FCC. Federal Communications Commission.**
- G. **Setback.** The required distance from the property line of the parcel on which the wireless communication facility is located or residential district to the base of the support structure.
- H. **Small cell wireless facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- I. **Tower.** See *Wireless communications support structure*.
- J. **Wireless communications.** Television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- K. **Wireless communications equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- L. **Wireless communication facility.** Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and/or a Support Structure. A Wireless Communication Facility also includes an antenna array attached to an existing building or structure.

- M. **Wireless communication facility (ground-mounted) – also called “earth station or ground station”.** A wireless communication facility in which the antenna array is mounted to the ground and does not use a Wireless Communications Support Structure (tower).
- N. **Wireless communications support structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yard. An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein:

- A. **Front yard.** An open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line and the nearest point of the principal building foundation. There is a front yard on each street side of a corner lot in all districts except RF and WF. Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots.
- B. **Rear yard.** An open space extending the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner lots, there is no rear yard except in the RF and WF Districts.
- C. **Side yard.** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the side lot line to the nearest point of the foundation of the principal building. Corner lots have two (2) side yards located opposite of each front yard except in the RF and WF Districts.
- D. **Interior side yard.** A side yard abutting a side yard of an adjacent lot.
- E. **Exterior side yard.** A side yard abutting a street.



Z

Zoning administrator. The person or persons designated to administer and enforce the Zoning Ordinance.

Zoning board and board of appeals. The City of Tawas City Zoning Board of Appeals.

Zoning district. A portion of the City of Tawas City within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning permit. A standard permit issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, buildings, and structures thereon granting approval for the construction or use applied for.

Article 3

General Provisions

Sec	Name	Pg	Sec	Name	Pg
3.01	Effects of Zoning	3-1	3.15	Nonconformities	3-13
3.02	Lots	3-2	3.16	Corner Clearance	3-17
3.03	Illegal Dwellings	3-3	3.17	Entranceway Structures	3-17
3.04	Water Supply & Sanitary Facilities	3-3	3.18	Fences & Walls	3-18
3.05	Frontage on a Public Street	3-3	3.19	Screening	3-21
3.06	Restoration of Unsafe Buildings/Barrier-Free Modification	3-3	3.20	Landscape Planting	3-23
3.07	Building Grade & Drainage	3-4	3.21	Exterior Lighting	3-26
3.08	Dwelling Regulations	3-4	3.22	Circulation, Parking & Loading	3-28
3.09	Accessory Buildings & Accessory Structures	3-6	3.23	Signs	3-38
3.10	Outdoor Display of Products or Materials Intended for Retail Sale or Rental	3-9	3.24	Performance Standards	3-48
3.11	Waste Receptacles & Outdoor Storage	3-10	3.25	Dumping & Storage of Materials	3-49
3.12	Temporary Buildings	3-11	3.26	Safety	3-50
3.13	Construction Debris	3-12	3.27	Hazardous Substances	3-50
3.14	Lots or Parcels of Land Having Water Frontage	3-12			

Section 3.01 Effects of Zoning

Zoning affects every structure and use and extends vertically. The provisions of this Article shall apply to all districts, except as noted herein. The following shall apply to all of the City of Tawas City.

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, demolished, or moved upon any property unless it is in conformance with this Ordinance and with the provisions and intent of the specific zoning district in which it is located and the applicable Zoning Permit and building permit, if required, has been obtained. Legal nonconformities are addressed in **Section 3.15**.
2. No building or structure shall hereafter be erected or altered to exceed the height limitations, to occupy a greater percentage of lot area, to intrude upon the required front, rear, and side setbacks, to accommodate or house a greater number of families, or to provide less space per dwelling unit than is specified for the zoning district in which such building is located.

B. Required Area or Space.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

No lot area and no yard, court, parking area, or other required space shall be so divided, altered, reduced, or diminished as to make said area or dimension less than the minimum required under this Ordinance, 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. No parcel may be divided in a manner which conflicts with the requirements set forth in the **Michigan Land Division Act, 1967 PA 288**, as amended.

C. Nuisances.

If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building, or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary pursuant to **Article 9**. Such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

D. Legal Nonconformities.

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 this Ordinance, such use, activity, building, or structure shall be considered a legal nonconformity and shall be allowed to remain as such. Existing nonconformities which have not received the administrative or Planning Commission approval (i.e. established illegally) required by this Ordinance shall not be considered legal nonconformities. Nonconformities are regulated by **Section 3.15**.

E. Continued Conformance with Requirements.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking, and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

F. Moving of Buildings.

The moving of a building or structure to a different location shall be considered the same as erection of a new building or structure, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.02 Lots

A. New Lots to be Buildable.

All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, land with poor drainage, steep slopes,

or rock outcrops, and land encumbered by easements preventing the use of the land.

B. Minimum Lot Size and Outlots.

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.

Section 3.03 Illegal Dwellings

The use of any portion of a basement or partially completed building for dwelling purposes shall not be permitted unless a permanent or temporary certificate of occupancy has been issued by Iosco County. Garages, accessory buildings, recreational vehicles, trucks, buses, or other such portable buildings or structures shall not be occupied for dwelling purposes except as otherwise allowed in **Section 3.12** (Temporary Buildings) or **Section 7.36** (Accessory Dwelling Units/Guest Houses).

Section 3.04 Water Supply & Sanitary Facilities

No building or structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and/or industrial waste. All such installations and facilities shall conform to all requirements of the City of Tawas City, **District Health Department #2**, and applicable state agencies.

Section 3.05 Frontage on a Public Street

No lot or parcel of land shall be used for any purpose permitted by this Ordinance unless said lot or parcel shall front directly upon a public street and have access thereto as approved by the City.

Section 3.06 Restoration of Unsafe Buildings/Barrier-Free Modification

A. Unsafe Buildings.

Nothing in this Ordinance shall prevent the strengthening of a lawful building or structure, or a point thereof, which has been declared unsafe by the Building or Public Health Inspector, nor the requirement to adhere to the lawful orders of such officials.

B. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the **Americans with Disabilities Act**. A variance may be required.

Section 3.07 Building Grade & Drainage

- A. Any building shall be located at such elevation that a sloping grade shall be maintained to cause the flow of surface water away from the walls of the building. This grade shall be sloped away from the building at a rate of two (2%) percent (one (1') foot per fifty (50') feet of horizontal distance).
- B. When a new building is to be constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the established level of existing buildings shall have priority in determining the level of the new building. The yard around the new building shall be graded to meet existing grades at the property line. Grades shall be subject to approval by the Zoning Administrator and/or other designated City officials, as necessary. Stormwater run-off shall be channeled so that it shall not flow across other property nor cause runoff from adjacent properties to pool or pond on that property unless within an approved retention or detention pond.
- C. **Uses other than Single-Family and Two-Family Dwellings.**
 - 1. The property owner or developer is required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm).
 - 2. Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 - 3. The use of swales, rain gardens, and vegetated buffer strips is encouraged in cases where the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such systems shall be permitted within required setbacks.
 - 4. Rainwater collection systems on roofs may be utilized to fulfill some stormwater management requirements.
 - 5. Permeable parking lots may be utilized to fulfill some stormwater management requirements.

Section 3.08 Dwelling Regulations

A. One Single-Family Dwelling Per Parcel.

Only one (1) single-family dwelling unit shall be allowed to be erected on a parcel. However, the following circumstances allow more than one (1) dwelling unit on a parcel:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. Planned Unit Developments.
2. Single-Family Attached Dwelling Units.
3. Other Residential Development that has been approved as a Special Land Use (i.e. tiny home development).

B. Compliance with District Requirements.

Dwelling units, including attached additions shall comply with the minimum lot size, floor area, setback requirements, and height limitations for the district in which the dwelling is proposed.

C. Construction Standards.

1. Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
2. A single-family dwelling shall be constructed to meet or exceed the requirements of the building code in effect in Iosco County or the current United States Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, as may be amended, whichever is applicable. Each manufactured home must bear an approved HUD certification label.
3. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction, and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

D. Manufactured Homes.

1. Prior to installation of a modular or manufactured home dwelling on the permanent foundation, any wheels and towing mechanism, including tongue, hitch assembly, and any other towing apparatus shall be completely removed. Axles may remain, although tires shall be removed. Additionally, no manufactured home shall have any exposed undercarriage or chassis. Skirting shall be required.
2. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home. Any additions to a manufactured home shall be constructed to the standards of the current building code in Iosco County.

3. A manufactured home, or any building which requires a mobile home title from the Michigan Secretary of State, shall not be used as an accessory building or an accessory dwelling unit.
4. No manufactured home shall be in storage on any lot or parcel in Tawas City unless it is part of an approved manufactured home dealership or repair facility.
5. The manufactured home shall be installed according to the construction code in Iosco County, and the construction of the unit shall comply with the **National Manufactured Home Construction and Safety Standards Act of 1974**, as amended.

Section 3.09 Accessory Buildings & Accessory Structures

Accessory buildings and structures which are attached to the principal building shall be considered a part of that building for the purposes of determining yard areas and setbacks. Detached accessory buildings, accessory structures, and accessory uses, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Accessory Buildings – Residential and Non-Residential.

1. All accessory buildings require a Zoning Permit, regardless of square footage.
2. **Materials.**
 - a. An accessory building shall be constructed of exterior building materials complementary to the exterior of the principal building and, in general, shall be similar and complementary to other buildings within the neighborhood. Exterior building materials shall be made of rigid material that cannot be folded and which supports its own weight. Greenhouses and hoopouses shall be the exception to this subsection 3.09.A.2.a.
 - b. In no instance shall an accessory building be constructed using corrugated metal siding as exterior building materials.
3. **Location and Setbacks.**
 - a. **Front Yard.** Accessory buildings shall not be erected in any front yard setback or in any exterior side yard setback.
 - b. **Distance from Other Buildings.** No detached accessory building shall be located closer than ten (10') feet to any other building or structure on the same property, excluding fences.
 - c. **Side and Rear Setback.** No detached accessory building shall be located closer than three (3') feet to any side lot or rear lot line.
 - d. **Setback from Alley.** In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one (1') foot to such rear lot line.

- e. **Setback from Street Right-of-Way.** In those instances where the rear lot line abuts a street right-of-way (such as in the case of a **through lot**), the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
 - f. In no instance shall an accessory building be located within an easement or dedicated right-of-way.
 - g. **Waterfront Lots.** See **Section 3.14** for accessory building and accessory structures regulations for waterfront lots.
4. **Height.** Accessory buildings may be built to the maximum principal building height in the district.
 5. **Private Garages.** When a detached accessory building is used as a garage for the parking of private motor vehicles, it shall not exceed twelve hundred (1,200) square feet in gross ground floor area.
 6. **Accessory Building as a Dwelling.** No portion of a detached accessory building in any zoning district is to be used as a dwelling unless permitted as an approved accessory dwelling unit pursuant to **Section 7.36**.
 7. **Accessory Buildings on Lots without a Principal Building.** Accessory buildings shall not be allowed on a lot without a principal building.
 8. **Nontraditional Storage Facilities.**
 - a. Truck bodies, school bus bodies, manufactured homes, recreational vehicles, or other items built and intended for other uses shall not be used as permanent accessory buildings. Semi-trailers may be used as temporary storage for commercial and industrial uses. For commercial and industrial uses, the use of semi-trailers for storage is limited to no more than sixty (60) consecutive days. Construction projects are exempted from this subsection.
 - b. **Shipping Containers.** Shipping containers may be used as accessory buildings for storage purposes only. Shipping containers shall be not be utilized for any dwelling purposes. If used as permanent storage buildings, shipping containers shall be either painted to blend in with the natural landscape or covered in a siding material that would typically be utilized for a principal building. Shipping containers shall be placed on a foundation or gravel surface with adequate drainage pursuant to **Section 3.07**. Shipping containers may be used as temporary storage buildings for up to six (6) consecutive months and do not have to be painted or sided as stated above. The Zoning Administrator may grant an extension to the temporary use of a shipping container beyond six (6) months at their discretion.

B. Accessory Structures.

1. **Location.** Permanent accessory structures, except where otherwise permitted and regulated in this Ordinance, shall be located in the side or rear yard, shall meet the setback requirements of an accessory building, and shall be located no closer than ten (10') feet to the principal building.
2. **Swimming Pools.** Permanent, fixed-in-place swimming pools shall not be located in the front yard and shall meet current building code regulations.
 - a. For the protection of the general public, all areas containing swimming pools with a water depth of greater than two (2') feet shall be completely enclosed by a fence not less than four (4') feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. A fence is not required for an above-ground pool with walls that are higher than four (4') feet in height provided any ladders are removed and access is securely locked when the pool is not in use.
 - b. Above ground, pools shall be completely fenced in accordance with subsection **B.2.a** above or shall be equipped with a retractable ladder which is capable of being securely locked.
3. **Gasoline Pump Canopies.** A canopy or canopies covering gasoline pump islands may extend into the required front or exterior side yard setbacks to a point fifteen (15') feet from the street right-of-way line.
4. **Amateur Radio Service Antennas.**
 - a. **Location.** Ground-mounted amateur radio service antennas shall not be located in the front yard nor in an easement or right-of-way. The Zoning Administrator may allow an exception to allow location in the front yard if no other location is feasible on the lot.
 - b. **Height.** An amateur radio service station antenna structure may be erected at heights and dimensions no greater than what is required to accommodate amateur radio service communications. An amateur radio service station antenna structure shall be placed so that a horizontal distance at least equal to the vertical height of the antenna shall be provided between the antenna and the nearest property line. Except, in those instances where an antenna extending upward from the ground is also securely attached elsewhere to a building, the required distance to the nearest property line may be measured from the building attachment to the top of the antenna. All such antennas may be attached to a pole, a tower, or to a rooftop of a principal or accessory building, provided all applicable structural and electrical code requirements are met.
5. **Wind Turbines.** Wind-powered generators shall be permitted provided:
 - a. They are located in the rear yard only.

- b. They do not exceed the height limitation of the district.
 - c. They are so located on the premises that a distance at least equal to the height of the generator blades at their apogee is provided to the nearest property line.
 - d. They meet all applicable structural and electrical codes.
6. **Accessory Solar Energy Panels.** Solar energy panels when located on the ground shall observe all applicable requirements pertaining to an accessory building. When roof-mounted, they shall be mounted either flat against the roof surface or shall not project more than three (3') feet outward from the roof measured from the surface of the roof where so affixed to the furthest outward projection of the panel. Panels shall not result in glare onto adjoining properties or public rights-of-way.
7. **Freestanding Outdoor Furnaces.** A freestanding wood or bio-fuel burning device for heating or water heating for the home or to supplement in-home heating or water heating shall not be permitted.

Section 3.10 Outdoor Display of Products or Materials Intended for Retail Sale or Rental

Outdoor displays of products or materials intended for retail sale or rental, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. General Standards.

- 1. An outdoor display shall be considered an accessory to the principal business use conducted on the premises and may only be allowed in the RF, WF, B-1, B-2, B-3, O-S, and I-1 zoning districts.
- 2. The exterior of the premises shall be kept clean, orderly, and maintained.
- 3. The City shall not be held liable or responsible for any type of damage, theft, or personal injury which may occur as a result of an outdoor display.

B. Standards within the B-2 Zoning District.

- 1. An outdoor display may be located in front of or adjacent to the establishment.
- 2. Outdoor display and sale areas shall not be placed within the public right-of-way or sidewalk areas unless otherwise permitted by the City Council.
- 3. Outdoor display and sale areas shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of the Zoning Ordinance.

C. Standards within the RF, WF, O-S, B-1, and B-3 Zoning Districts.

1. An outdoor display shall not be located within any required setback and shall not be located within any public street right-of-way.
2. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of the Zoning Ordinance.

Section 3.11 Waste Receptacles & Outdoor Storage**A. Waste Receptacles (for all uses except single-family and two-family dwellings).**

Receptacles, including waste receptacles, waste compactors, and recycling bins, shall be designed, constructed, and maintained according to the standards of this Ordinance. Waste receptacle location and details of construction shall be shown for each proposed receptacle on site plans.

1. **Containers.** Containers shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings or projects they serve. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
2. **Location.** Waste receptacles shall be located in the rear yard or side yard (not in the side yard setback) and shall be as far away as practical, and in no case less than twenty (20') feet, from any residential district and placed in such a way that they are not easily damaged by the refuse vehicle. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential district.
3. **Protection.** Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.
4. **Access.** Waste receptacles shall be easily accessed by refuse vehicles without potential for damage to the enclosure or automobiles parked in designated parking spaces.
5. **Base design.** The receptacle base shall be at least ten (10') feet by six (6') feet and constructed of six (6") inches of reinforced concrete pavement. The base shall extend six (6') feet beyond the front of the waste receptacle pad or gate to support the front axle of a refuse vehicle.
6. **Lids or covers.** Each waste receptacle shall have an enclosing lid or cover.
7. **Screening and Materials.** In addition to the requirements above, screening for waste receptacles shall be according to the following standards:

- a. **Screening.** Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and a gate at least one (1') foot higher than the receptacle, but no less than six (6') feet in height.
- b. **Materials.** Materials of the enclosure shall be constructed of brick; concrete or decorative precast panel with brick effect; a wooden enclosure, provided the lumber is treated to prevent decay; vinyl; plastic; or a combination of these materials, as determined by the Zoning Administrator to be durable and suitable for outdoor use.
- c. **Outdoor Storage Areas (all uses).** Outside storage areas, including areas for storage of trash which face or are visible from residential districts or uses or the public right-of-way, shall be screened. On waterfront lots, the storage shall be located on the street side of the lot. However, if the storage area is less visible from the waterfront side of the lot (i.e. is not visible from the water or the street), then outdoor storage may be allowed on the waterfront side of the lot.

Section 3.12 Temporary Buildings

A. Temporary Dwelling Occupancy during Construction of a Dwelling.

The owner of any land in any Zoning District may erect or move not more than one (1) temporary dwelling unit (including manufactured homes) upon the premises and occupy the same for dwelling purposes, during the actual construction of the dwelling thereon, for a period not to exceed one (1) year from date of issuance of a Zoning Permit. The Zoning Administrator may extend the time period for one (1) additional year at their discretion. Application for a Zoning Permit for such use shall be made to the Zoning Administrator, the granting of which shall be contingent, among other things, on compliance with the following conditions:

1. The location of the temporary dwelling unit on the premises shall be in conformity with the setback requirements of the Zoning District. The Zoning Administrator shall have the authority to allow placement of a temporary dwelling unit not in conformance with setback requirements on a case-by-case basis.
2. The water, sewage, and waste disposal shall be approved by the City of Tawas City (hook-up approval) and the **District Health Department**, installation and approval of which shall precede occupancy of the temporary dwelling.
3. Temporary buildings used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.
4. No annexes or additions shall be added to temporary dwellings.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Temporary buildings used for construction purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.

C. Dwelling as Sales Office.

The Zoning Administrator may authorize for a dwelling unit to be temporarily used as a sales and management office for the sale of homes within a development, provided all of the following requirements are complied with:

1. The dwelling unit to be used as such office is built upon a lot approved as part of the approved development and is of substantially similar design as those dwelling units to be sold within the subdivision or development.
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 unit shall meet all other zoning restrictions of the zone in which it is located.

Section 3.13 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. Up to a six (6) month extension may be granted by the Zoning Administrator.

Section 3.14 Lots or Parcels of Land Having Water Frontage

- A. Those lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open, unobscured yard except that a covered or uncovered boat well may be permitted after review and approval of plans by the Zoning Administrator. The Zoning Administrator, in making his/her review, shall find the following conditions exist before granting approval:
 1. Erection of a boat well shall not unreasonably impair the view of the waterfront from adjacent lots or parcels.
 2. The boat well is not located in such a way that it will create a potential safety hazard to boaters on the water.
 3. The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.
- B. Accessory structures and accessory buildings shall be permitted in a yard abutting the road right-of-way provided a streetside front yard setback of twenty-five (25') feet is provided. Accessory structures

and accessory buildings shall be permitted in the waterfront yard provided a setback of twenty-five (25') feet is maintained from the ordinary high water mark.

C. The proposed use shall meet all requirements of applicable State of Michigan regulations.

Section 3.15 Nonconformities

A. Intent and Purpose.

1. It is recognized that there exist, within the districts established by this Ordinance or amendments that may later be adopted, lots, buildings, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance.
2. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended nor be used as grounds for adding other buildings, structures, or uses prohibited elsewhere in the same district.
3. 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 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. Nonconforming Lots.

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district provided that yard dimensions, setbacks, 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 unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals.
2. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands

involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. **Nonconforming Uses of Land.**

Where, at the effective date of adoption or amendment of this Ordinance, a 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. **Enlargement or Extension throughout Lot.**

- 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.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

2. **Extension throughout a Building.** 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.

3. **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 any of the following factors:

- a. Whether utilities such as water, gas, and electricity to the property have been turned off.
- b. Whether the property, buildings, grounds, and signs have fallen into disrepair.
- c. Whether signs or other indications of the existence of the nonconforming use have been removed.
- d. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

4. **Destruction of a Nonconforming Use.** Should a nonconforming use be destroyed by any means to an extent of more than sixty (60%) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this

Ordinance, including the respective site development standards for the district in which it is located.

5. **Change in Nonconforming Uses.** Irrespective of other requirements of this Section, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this Section. Where a nonconforming use is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

D. Nonconforming Buildings or Structures.

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

1. **Alterations of a Nonconforming Structure.**
 - a. No such building or structure may be enlarged or altered in a way which increases its nonconformity. Such buildings or structures may be enlarged or altered in a way which does not increase its nonconformity.
 - b. Nonconforming buildings or structures may be structurally changed, altered, or enlarged, which would increase the nonconformity with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration, or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.
2. **Destruction of a Nonconforming Building or Structure.** Should such structure be destroyed by any means to an extent of more than sixty (60%) percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the district in which it is located.
3. **Re-Locating of a Nonconforming Building or Structure.** Should such building or structure, which is nonconforming due to setbacks, be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. Where nonconforming status applies to a building or structure and use in combination, removal or destruction of the building or structure shall eliminate the nonconforming status of the use, and all subsequent uses, buildings, and structures on the land shall conform to the applicable district regulations.

E. Repairs and Maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done, in any period of twelve (12) consecutive months, on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding sixty (60%) percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of adoption or amendment of this Ordinance shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Change of Tenancy or Ownership.

A change of tenancy or ownership of a nonconforming use, building, or structure is allowed provided there is no increase in the degree of nonconformance of the nonconforming use, building, or structure.

G. District Changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

H. Illegal Nonconforming Uses.

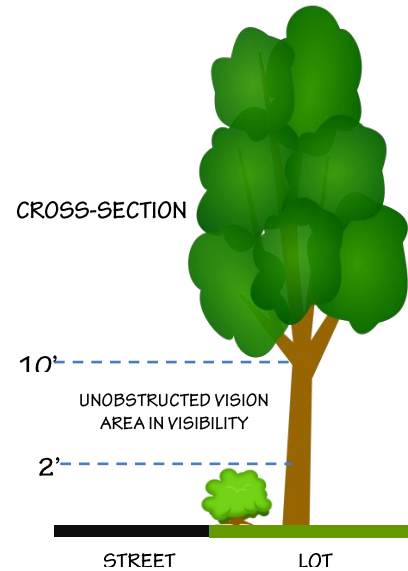
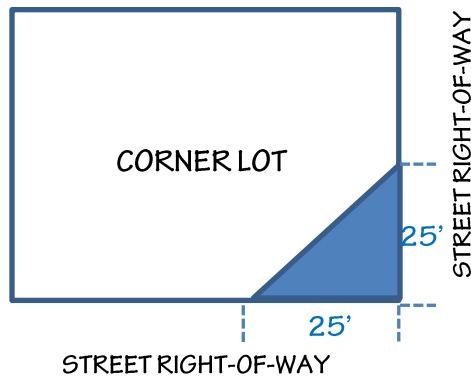
Nonconforming uses existing at the effective date of this Ordinance that were established without a zoning compliance approval or without a valid zoning or building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses by this Article.

I. Permits.

Zoning Permits, pursuant to **Section 9.03**, are required for all activities contained in this Section. Other permits and approvals may also be required.

Section 3.16 Corner Clearance

No fence, wall, shrubbery, sign, or other obstruction to vision between a height of two (2') feet and ten (10') feet, from the established street grades, shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25') feet from their point of intersection.



Section 3.17 Entranceway Structures


In all districts, entrance-way structures, including but not limited to, walls, columns, and gates marking entrances to 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 **Section 3.16** above, provided that such entranceway structures shall be approved by the Planning Commission.

Section 3.18 Fences

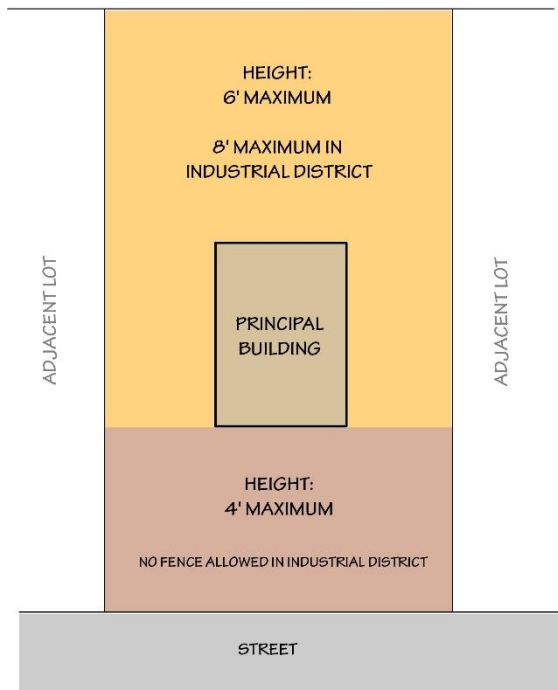
A. General Standards.

1. **Permit Required.** Erection of any fence in any district requires a Zoning Permit.
2. **Right-of-Way.** No fence shall be erected in the road right-of-way.
3. **Property Lines.** It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended. The Zoning Administrator may require a survey by a licensed surveyor prior to issuing a permit for a fence or wall.
4. **Materials.**
 - a. Fence materials may include materials commercially designed for fence construction. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, old signage, old doors, pallets, or other materials not designed for fence construction are prohibited.
 - b. No chain link fences shall be allowed in the front yard.
 - c. Fences shall not contain barbed wire, electric current, or charge of electricity. Industrial or utility operations shall be granted an exception from this subsection 3.18.A.4.c.
5. **Maintenance.** All fences shall be maintained in their upright condition. Missing boards, pickets, or posts shall be replaced in a timely manner with a material of the same type and quality.
6. **Finished Side of Fence.** Fence supports or devices must be on the permit holder's side of the fence in all zoning districts, with the finished side of the fence facing the adjacent property.
7. **Corner Clearance.** Fences shall adhere to corner clearance areas in **Section 3.16**.
8. Vegetation, including hedges, is not considered a fence for the purposes of this Ordinance.
9. No fence permitted in an Industrial District herein shall serve as a screening device except where permitted in conjunction with other screening materials.

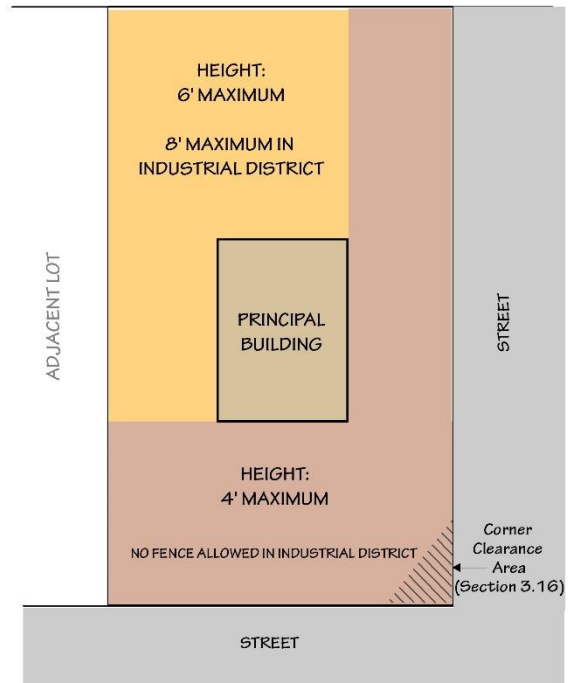
B. Fence Location & Height.**Table 3.18: Fences (see diagrams on following page)**

	Residential	Commercial/Institutional	Industrial
Front Yard	Fence may be up to 4' high.		No fence allowed in front yard.
	Fence may abut the property line.		
	Fence higher than 4' shall not extend beyond the front of the principal building.		
	Fence in the front yard shall have a maximum of 50% opacity. An access (gate) shall be provided at a minimum of 3 feet wide.		
Side Yard	Fence may be up to 6' high		Fence may be up to 8' high (fences with barbed wire along top may be up to 11' high)
	Fence may abut the property line.		
	Finished side must face neighboring property		
	Corner Lots – Fence along street side yard shall adhere to front yard fence standards.	No fence allowed in street side yard.	
Rear Yard	Fence may be up to 6' high		Fence may be up to 8' high (fences with barbed wire along top may be up to 11' high)
	Fence may abut the property line.		
	Finished side must face neighboring property		
Waterfront Yard	Fence may be up to 4' high and may abut the property line.		
Through Lots	Front yard fence (side on which principal structure faces) – may be up to 4' high.		No fence allowed in front yard.
	Yard opposite that which the front of the structure faces: fences greater than 4' high but not greater than 6' feet high shall be set back equal to the front yard setback of the district.		
	Fence may abut the property line.		
	Finished side must face neighboring property		

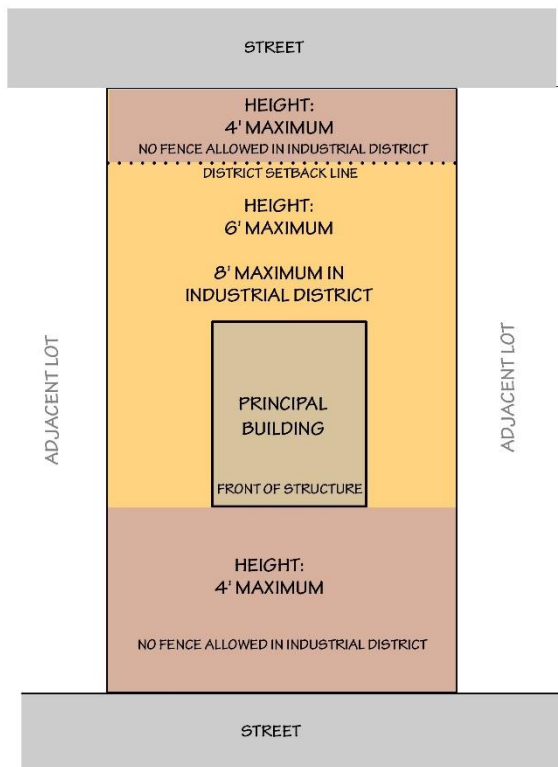
FENCES ON AN INTERIOR LOT



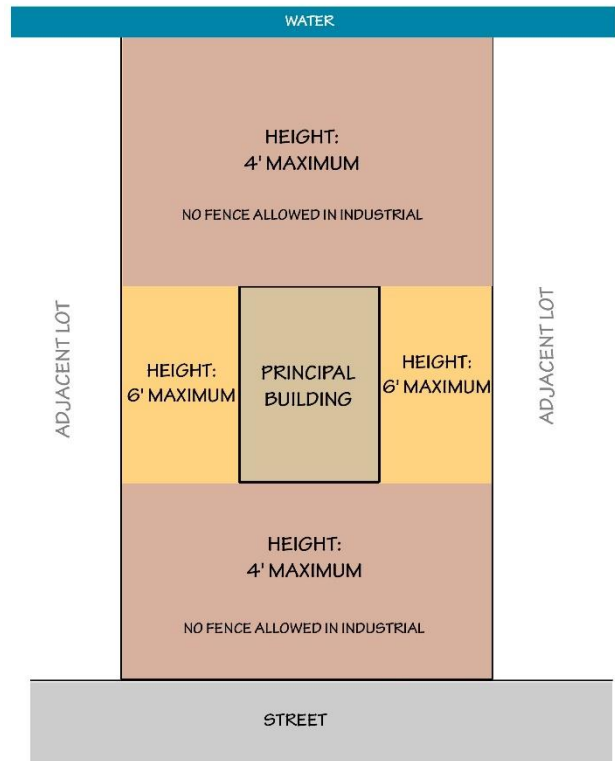
FENCES ON AN CORNER LOT



FENCES ON THROUGH LOT



FENCES ON AN WATERFRONT LOT



Section 3.19 Screening

A. Required Screening.

There shall be provided and maintained, between any non-residential and residential use, between any multiple-family and single-family uses, and between certain uses listed herein, an obscuring fence, wall, or landscaped earth berm as below set forth subject to materials and design approved by the Planning Commission. The Planning Commission may deviate from the screening listed in this subsection including requiring a higher screen or allowing a lower screen.

District	Required Height (minimum)
1. Off-street parking area	Six (6') feet high (non-residential uses in residential districts shall provide the fence, wall, or earth berm immediately adjacent to the parking area on all sides of the parking area)
2. RM districts	Between four (4') feet and six (6') feet high (non-residential uses in residential districts shall provide the fence, wall, or earth berm immediately adjacent to the parking area)
3. OS, WF, and RF districts	Between four (4') feet and six (6') feet high
4. B-1, B-2 and B-3 districts	Six (6') feet high
5. I-1 districts	Six (6') feet high
6. I-1 districts—open storage areas, loading or unloading areas, service areas	Six (6') feet high (or the height necessary to provide the most complete obscuring possible)
7. Auto wash, drive-in restaurants	Six (6') feet high
8. Utility buildings, stations and/or substations	Six (6') feet high
9. Automotive storage	Six (6') feet high
10. Refuse and waste disposal units	Six (6') feet high (see Section 3.11)

B. Screening Materials.

- Screening shall consist of walls or privacy fences having an opacity of ninety (90%) percent. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of an earth berm (see **subsection C** below) or vegetative buffer strip (**Section 3.20**) 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.
- Required walls should be constructed of architectural masonry or other materials approved by the Zoning Administrator. All fences and 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.

3. 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. A landscape buffer or buffer strip may be approved by the Planning Commission for screening purposes for any commercial, institutional, or industrial use that abuts a residential use or residential zone on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard setbacks. Landscape buffers are regulated by **Section 3.20**.
5. No fence permitted in an Industrial District herein shall serve as a screening device except where permitted in conjunction with other screening materials.

C. Earth Berms.

For those use districts and uses listed above, there may be provided, in lieu of an obscuring wall, an obscuring, landscaped earth berm (earth mound). A berm may be used to achieve a portion of the screening height requirement. When such earth berm is provided in place of a wall, the berm shall be landscaped and maintained in a clean, orderly, and growing condition, and shall meet the following design standards:

1. Continuous earth berms shall be provided with an undulating horizontal and vertical top and sides, the height of which shall be no less than required for a screening fence/wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or architectural masonry walls or a combination of both, so long as the minimum required height of the earth berm plantings, walls or combinations thereof are maintained.
2. Berms shall be a landscaped earth mound possessing a maximum slope ratio of one (1) to three (3) (one (1') foot of vertical height for each three (3') feet of horizontal plane.) The berms shall have nearly flat horizontal area at their crests of at least two (2') feet in width. The side slopes shall be protected from erosion by sodding or seeding. Sodding shall be used only if the sodded areas are provided with irrigation. If seeded, they shall be protected with straw mulch held in place by jute netting until a permanent lawn is established, except that other nets designed and intended to control erosion may be used as well. Berms shall be maintained in a clean, orderly growing condition.
3. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
4. 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.

5. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

D. Screening Location.

1. Required walls or earth berms, except as otherwise specified in this Section, shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
2. Required walls or earth berms may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a non-residential district that abuts a residential district when mutually agreeable to affected property owners. The continuity of the required wall or earth berm on a given block will be a major consideration of the Planning Commission in reviewing such requests.

E. Waiver or Modification of Screening Requirements.

1. The requirement for screening 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.
2. The Planning Commission may waive the foregoing requirements where cause can be shown that no good purpose would be served with conformance to this Section.
3. The Planning Commission may require a higher screen or allow a lower screen when it finds the modification would be appropriate to protect the public health, safety, and welfare.

Section 3.20 Landscape Planting

These requirements apply to all uses except single-family and two-family dwelling units.

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.

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 Section 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. The Planning Commission may waive or alter design standards contained in this Section on a case-by-case basis.

C. Planting period.

All plant materials required by this Ordinance or an approved site plan shall be planted to completion within six (6) months from the date of approval and shall thereafter be properly maintained.

D. Materials; Growing Conditions; Appearance; Replacement.

1. All plantings shall consist of permanent, living plant materials and shall be maintained in a healthy growing condition which shall include watering, cultivation, and weed control, and further maintained in a neat and orderly appearance free of refuse and debris.
2. All unhealthy and dead plant materials shall be replaced within three (3) months or during the next appropriate planting season.

E. Site Plan; Planting Plan.

A site plan including a detailed planting plan for the required landscape screen or plantings must be submitted to the Zoning Administrator and receive approval by the Planning Commission prior to issuance of a Zoning Permit. Plans shall be submitted in accordance with the following:

1. A scale no smaller than one (1") inch equals forty (40') feet.
2. Plans shall indicate, to scale, the location, spacing, starting size, and description for each unit of plant material proposed for use within the required screening or planting area, together with the finished grade elevations therein.

3. Plans shall indicate the proposed size and location of all structures (including height), off-street parking areas, points of ingress and egress to the site, walks, roadways, proposed outside storage, dumpster areas, loading or service areas, and transformers.
4. Plans shall indicate existing plant or tree cover including types and heights of trees.

F. Standards for Planting Plan Review.

The planting plan shall be reviewed relative to the following:

1. The spacing, height, placement, location, and type of plant materials:
 - a. Landscape screens shall be sufficient to achieve the requisite horizontal and vertical obscuring of the proposed land use.
 - b. Landscape planting areas shall meet the minimum requirements set forth in this Ordinance.
 - c. Where landscape screens are required, a proper relationship must exist between deciduous and evergreen plant materials to assure that the desired obscuring effect will be maintained throughout the various seasonal periods.
2. All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs, or other suitable plant material.
3. The choice and selection of plant materials shall be made so as to ensure that root systems will not interfere with public utilities and that fruit and other debris (excluding leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners. 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, and not interfere with utility lines and public roadways.
4. The choice and selection of plant materials shall be of types that will survive and thrive in the area in which they are to be located. It is suggested that a mixture of plant materials (evergreen and deciduous trees and shrubs) be provided in all landscape plans as a protective measure against disease and insect infestation.
5. The general site topography and any natural landforms unique to the property shall be maintained and made part of the development whenever possible. Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement of this Section.
6. No synthetic plant material shall be used to fulfill any landscaping requirement.
7. All trees shall be located to allow sufficient room for growth.

G. Landscape Planting Screens.

Landscape planting screens shall consist of suitable plant materials laid out in conformance with the following:

1. Plant materials (except creeping vine type) shall not be located within two (2') feet of a property line.
2. Where plant materials are planted in two (2) or more rows, planting shall be staggered in rows.

Minimum sizes and spacing at the time of installation		
	Minimum Sizes	Minimum Spacing
Narrow evergreen tree	five (5') feet in height	When planted in informal groupings, they shall be spaced not more than ten (10') feet on centers. When planted in rows, they shall be spaced not more than five (5') feet on centers.
Evergreen trees	six (6') feet in height	When planted in informal groupings, they shall be spaced not less than ten (10') feet on centers. If placed further apart, additional screen plantings shall be used to achieve the desired obscuring effect. When planted in rows, they shall be spaced not more than eight (8') feet on centers.
Tree-like shrubs	six (6') feet in height	Not more than ten (10') feet on centers
Large deciduous trees	eight (8') feet in height, and two and a half (2 ½) inch caliper	Not more than thirty (30') feet on centers
Large shrubs	four (4') feet in height	Not more than six (6') feet on centers

H. Street Trees.

In addition to landscape requirements as specified herein, trees shall be located on private property spaced thirty-five (35') feet on centers along all street frontages. On streets under the jurisdiction of the county or the state, plans for street trees shall be subject to the requirements of such agency.

I. Trees Not Permitted.

1. Trees not permitted (all locations):
 - a. Box elder
 - b. Soft maples
 - c. Elms
 - d. Horse chestnut (nut-bearing)
 - e. Tree of Heaven
 - f. Catalpa
 - g. Ash
2. Trees not permitted (within street right-of-way):
 - a. Basswood
 - b. Cottonwood
 - c. Willow

Section 3.21 Exterior Lighting

A. Standards.

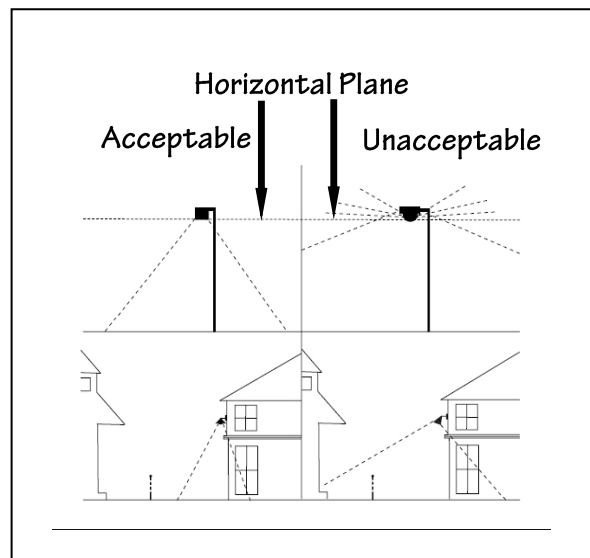
1. **Lighting Shielded.** All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences and thoroughfares.
2. **Light Poles.** Outdoor lighting poles or standards shall not exceed the maximum height limitation of the district in which they are located, except that no lighting pole or standard shall exceed twenty-five (25') feet in height when located on land adjacent to a residential district.
3. **Downward Directional Lighting.** All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
4. **Upward Directional Lighting.** All lighting in nonresidential districts used for the external illumination of buildings or flags, so as to feature said buildings or flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or roads or adjacent property.
5. **Sign Lighting.** Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or roads or adjacent property.
6. **Gas Station Canopies.** Lighting provided under gas station covered areas and at similar installations shall be flush-mounted with the underside surface of such covered area.
7. **Lighting Not a Nuisance.** Artificial light shall be maintained in a manner so as not to constitute a hazard or nuisance.
8. **Flashing Lights.** Flashing lights shall be prohibited.
9. **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 or emergency operations/emergency vehicles.

B. Exempted Areas and Types.

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

1. Temporary holiday lighting and decoration.
2. Lights located within the public right-of-way or easement.

3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations**, or other applicable federal or state agencies.
6. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the **Illuminating Engineering Society of North America (IESNA)** RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.



Section 3.22 Circulation, Parking & Loading

A. Pedestrian Travelways.

1. **Required Pedestrian Walkways within the Lot.** All developments except for single- and two-family dwellings shall provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building. Pedestrian-scale lighting shall be included, where appropriate.
2. **Pedestrian Walkways.** Pedestrian walkways shall be designed to be recognizable to both drivers and pedestrians.
3. **Public Sidewalk.** A public sidewalk shall be installed for all new development if no sidewalk exists. Single-family and two-family residential are exempt from this subsection 3.

B. Bicycle Parking.

1. **Required Bicycle Parking.** Buildings with an area of more than five thousand (5,000) square feet in size and which contain commercial establishments, educational institutions, or multi-family residential establishments shall provide bicycle parking. The Planning Commission may require bicycle parking for any new buildings.
2. **Bicycle Parking Substitution.** In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of two (2) automobile spaces replaced with bicycle parking.

C. Electric Vehicle Charging Stations.

1. Electric vehicle charging stations located in parking lots shall be allowed and shall be setback at least ten (10') feet from the front lot line and five (5') feet from the side and rear lot lines.
2. The charging station shall be located so as not to interfere with any vehicular or pedestrian circulation or block any fire lanes or access into the site.
3. Any outdoor lighting associated with an electric charging station shall be full cut-off and consistent in color and design with the other existing light poles and/or outdoor lighting.

D. General Motor Vehicle Parking Requirements.

There shall be provided in all districts at the time of erection or enlargement of any principal building or structure, off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building use, shall be determined prior to the issuance of a certificate of occupancy as prescribed in this Ordinance.

1. **When Compliance is 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 Ordinance.
 - b. **Enlargement.** Whenever a building is expanded resulting in an increase in the required parking.
 - 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. When this occurs, the Zoning Administrator shall conduct a parking review to determine the number of parking spaces that the new use requires.
 - 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 nonconforming 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 Ordinance, be considered a new parking area.
2. **Application for Parking Lot Construction.** Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the locations, elevations, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Proposed curb cuts, entrances, exits, and drainage involving county or state highways shall be submitted to the appropriate agency for approval.
3. **Maintaining Required Parking.** Minimum required off-street parking areas shall not be replaced by any other use unless and until equal parking facilities are provided for the property being served by the parking lot.
4. **Existing Parking.** Off-street parking existing at the effective date of the Ordinance in connection with the operation of an existing building or use shall not be reduced to any amount less than that required in this Ordinance for a similar new building or new use.
5. **Collective Parking (Uses Overlapping in Hours).** Two (2) or more buildings or uses may collectively provide for required off-street parking in which case the number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

6. **Shared Parking (Uses NOT Overlapping in Hours).** Joint use of the same parking area 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 City that the uses will not overlap in hours of operation or in demand for shared spaces. Shared parking shall contain enough parking spaces to satisfy the parking requirements for the use requiring the largest number of 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(ies) and shall be on file with the City.
7. **Use of Parking Lot.** The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles, or equipment in the designated off-street parking area of a property for the purpose of sale, rental, or repair including the storage of such items is prohibited, except as otherwise provided in **Section 3.10: Outdoor Display of Products or Materials Intended for Retail Sale or Rental.**
8. **Location of Parking Lot.** Off-street parking for other than residential use shall be either on the same lot or within three hundred (300') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
9. **Parking for Residential Uses.**
 - a. **Location.** For all residential uses, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent under the same ownership. Required residential parking spaces shall not be provided on the public street. Parking shall occur in a designated and defined parking area. Parking shall not occur on a grass surface and shall not comprise the entire front yard area.
 - b. **Stacking Configuration.** Required off-street parking for single-family dwellings may be provided in a stacking configuration in a driveway or garage or a combination thereof.
 - c. **Repair and Servicing.** No commercial repair work or commercial servicing of any kind shall be conducted in parking areas in residential districts. A resident may repair his/her vehicles on the property of the resident's dwelling unit, but no others, and such repair shall be conducted in not to exceed seven (7) consecutive days in any thirty (30) day period.
 - d. **Vehicles for Sale.** A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles.
 - e. **Commercial Vehicles.** A person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle weighing in excess of five thousand (5,000) pounds on any residentially-zoned property in the City for any purpose or length of time other than for expeditious loading and delivery or pickup and unloading of materials, goods or merchandise,

or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked. The owner of residential property shall not permit a commercial vehicle to remain on such property in violation of the provisions of this Ordinance. In any proceeding for violation of this Ordinance, where a motor vehicle displays commercial license registration plates, such registration shall constitute prima facie presumption that it is a commercial vehicle at the time of any alleged violation. In any proceeding for violation of the weight limitation provision of this Ordinance, the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation.

- f. **Recreational Vehicles and Equipment.** The off-street parking or storage of any recreational vehicle or recreational equipment in any residential district shall be subject to the following conditions:
- (1) All recreational vehicles and equipment owned by residents of the City of Tawas City and stored on their individual lots may be stored within any yard as long as it does not impede visibility on the street or in the driveway and does not encroach upon the right-of-way.
 - (2) Recreational vehicles and equipment parked or stored on residential premises shall be kept in good repair and carry a valid license plate and registration.
 - (3) At no time shall recreational vehicles or equipment on residential premises be used for living or housekeeping purposes nor may it be connected to water or sanitary sewer facilities.
 - (4) The outdoor storage of recreational vehicles or recreational equipment on any residential lot or parcel shall be limited to only that equipment owned by and licensed or registered to the occupant of the residential lot or parcel on which the equipment is stored.

E. Required Off-Street Parking Spaces.

1. There shall be provided in all districts, at the time of erection or enlargement of any principal building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy by Iosco County.
2. **Computing Parking Spaces.**
 - a. **Usable Floor Area.** For the purpose of computing the number of parking spaces required, the definition of "Floor area, usable " in **Article 2** shall govern. In those instances where usable floor area cannot be computed from plans, seventy-five (75%) percent of gross floor area shall be considered usable floor area.

- b. **Fractions.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions more than one-half ($\frac{1}{2}$) shall require one (1) parking space.
- c. **Uses Not Mentioned.** For uses not specifically mentioned, requirements for off-street parking facilities shall be in accord with similar uses as determined by the Zoning Administrator.

Residential	
Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Residential, single-family	2 for each dwelling unit.
2. Residential, multiple-family	2 for each dwelling unit having 2 or less bedrooms and $2\frac{1}{2}$ for each dwelling unit having 3 or more bedrooms.
3. Elderly housing-dependent	0.75 for each dwelling unit.
4. Elderly housing-independent	1.25 for each dwelling unit.
5. Manufactured Housing Community	2 for each manufactured home site, one for each employee of the manufactured housing community, and 1 for each 4 manufactured homes for visitor parking.
6. Bed and Breakfasts, Rooming Houses, Tourist Home, Boarding House	1 for each sleeping room plus 2 for the owner/resident manager.

Institutional & Recreational	
Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Churches & temples	1 for each 4 seats or 6 linear feet of pews in the main unit of worship.
2. Mosques	1 for each 50 square feet of floor space in the main unit of worship.
3. Hospitals	1.25 for each bed plus parking for related uses.
4. Convalescent and/or nursing homes	1 for each 5 beds.
5. Elementary, junior high, and high schools	1 for each teacher, employee, or administrator, in addition to the requirements of the auditorium or stadium.
6. Private clubs or lodge halls	1 for each 75 square feet of usable floor area.
7. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	1 for each 3 member families or individuals.
8. Golf courses open to the general public, except miniature or "par-3" courses	4 for each golf hole and 1 for each employee, plus spaces required for each accessory use, such as a restaurant or bar.

9.	Stadium, sports arena or similar place of outdoor assembly	1 for each 4 seats or 6 linear feet of benches.
10.	Theaters and auditoriums	1 for each four seats plus 1 for each 2 employees.
11.	Nursery schools, day nurseries or child care centers	1 space for each caregiver or teacher and off-street drop off and child pick up space.
12.	Library, museum, post office	1 for each 300 square feet of usable floor area.
Business and Commercial		
Use		
Number of Minimum Parking Spaces Per Unit of Measure		
1.	Auto wash	1 for each employee. In addition, parking spaces equal in number to 4 times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
2.	Auto wash (self-service or coin-operated)	3 for each washing stall in addition to the stall itself.
3.	Beauty parlor or barber shop	2 spaces for each of the first 2 beauty or barber chairs, and 1 space for each additional chair.
4.	Boat launching ramps	20 spaces per launch ramp.
5.	Boat marinas	1½ spaces per boat mooring slip plus 1 space for every 4 boat racks in a boat storage building with in-out boat launching service.
6.	Bowling alleys	4 for each bowling lane plus parking for accessory uses.
7.	Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	1 for each 60 square feet of usable floor area.
8.	Furniture and appliance household equipment, repair shops, showroom of a plumber, decorator or electrician	1 for each 800 square feet of usable floor area. For floor area used in processing, 1 additional space shall be provided for each 2 persons employed therein.
9.	Gas-stations	1 parking space for each 200 square feet of floor area in the cashier and office areas in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than 3 spaces for cashiers and office use. Gas stations providing auto wash facilities, lubrication facilities, sale of food, beverages, and other products shall provide additional off-street parking spaces based upon the requirements for such uses.

10.	Laundromats and coin-operated dry cleaners	1 for each 3 washing and dry cleaning machines.
11.	Miniature or "par-3" golf courses	1 for each 2 holes plus 1 for each employee.
12.	Mini storage rental	1 for each employee and 1 space for each 50 storage rental units.
13.	Mortuary establishments	1 for each 100 square feet of each assembly room.
14.	Motel, hotel or other commercial lodging establishments.	1 for each occupancy unit plus 1 for each employee.
15.	Motor vehicle sales and service establishments	1 for each 400 square feet of usable floor area of sales room or 3 for each auto service stall in the service areas, whichever is greater.
16.	Oil change and lubrication station	1 for each employee plus parking spaces equal in number to 2 times the maximum capacity of service stalls provided at the facility.
17.	Restaurant, drive-in	1 for each employee and 1 for each 25 square feet of usable floor area and/or outdoor service area.
18.	Restaurant, drive-through (only)	1 for each employee and 5 stacking spaces for each drive-through window or station.
19.	Restaurant, carry-out (with no eating on premises)	1 for each employee and 1 for each 60 square feet of usable floor area with a minimum of 4 spaces.
20.	Restaurant , full service	1 for each 75 square feet of usable floor area or one for each 2 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, whichever is greater. 5 stacking spaces for each drive-through window or station.
21.	Retail stores, except as otherwise specified herein	1 for each 400 square feet of usable floor area.
22.	Planned commercial center	1 for each 400 square feet of usable floor area for the first 25,000 square feet of usable floor area and 1 space for each 300 square feet of usable floor area for the next 45,000 square feet of usable floor area and one space for each 200 square feet of useable floor area in excess of 70,000 square feet of usable floor area.
23.	Public utility structures	1 for each employee on the maximum work shift.
24.	Amusement arcade	1 for each game table and 1 for each amusement device.

25.	Athletic clubs, exercise establishments, health clubs, sauna baths, judo clubs and other similar uses.	1 parking space for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes, plus 1 space per employee. In those instances where memberships are provided for, not less than 1 space per each 4 memberships shall be provided, plus 1 space per employee.
Office		
Use	Number of Minimum Parking Spaces Per Unit of Measure	
1.	Banks	1 for each 350 square feet of usable floor area. In addition, waiting spaces at each drive-through service window or station shall be provided at the rate of 4 for each service window or station. Each waiting space shall measure not less than 20 feet in length.
2.	Business offices or professional offices, except as indicated in (4)	1 for each 350 square feet of usable floor area.
3.	Professional office of doctors, dentists and similar professions	1 for each 150 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair, office, laboratory, X-ray therapy room, or similar use area.
Industrial		
Use	Number of Minimum Parking Spaces Per Unit of Measure	
1.	Industrial or research establishments and related accessory offices	5 plus one for every 1½ employees in the largest working shift or 1 for each 450 square feet of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
2.	Warehouses and wholesale establishments and related accessory offices	5 plus 1 for every employee in the largest working shift, or 5 plus 1 for every 1,700 square feet of usable floor space, whichever is the greater. Space on site shall also be provided for all construction workers during periods of construction.

2. **Parking for handicapped—all districts.** Off-street parking facilities required for physically handicapped-accessible buildings shall be based on current **Americans with Disabilities Act** requirements.

F. Required Off-Street Loading.

1. Off-street loading and unloading spaces shall be provided in all office, business, and industrial districts in connection with all office, commercial, and industrial uses, except in cases where adequate space, as determined by the Zoning Administrator, is or can be provided on adjacent public property, as set forth below:

- a. For ten thousand (10,000) to fifty thousand (50,000) square feet of floor area, one (1) space.
 - b. For fifty thousand and one (50,001) to one hundred thousand (100,000) square feet of floor area, two (2) spaces.
 - c. One (1) additional space for each additional one hundred thousand (100,000) square feet of floor area or part thereof.
2. All loading and unloading space shall be subject to the following provisions:
 - a. Each loading space shall be at least twelve (12') feet in width, eighty-eight (88') feet in length, and have a height clearance of fourteen (14') feet above grade.
 - b. The space may occupy all or any part of any required yard or court space, excluding the front yard area.
 - c. No space shall be located closer than fifty (50') feet to any lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides facing residential zones by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than eight (8') feet in height.

G. Parking Lot Design, Construction, and Maintenance.

Whenever the off-street parking requirements in this Section require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. **Permit.** No parking lot shall be constructed unless and until a permit therefore is issued. Applications for 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 Article will be fully complied with. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements and **parking space standards in subsection H**, except as modified by the **Americans with Disabilities Act**.
2. **Aisles/Maneuvering Lanes.** Each nonresidential parking space shall be served by a drive or aisle. Design and construction of drives and aisles must be approved by the Zoning Administrator. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern shall permit two-way movement.
3. **Barriers.** There shall be a curb, wheel stop, or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk, right-of-way, or adjoining property line. The

curb, wheel stop, or bumper rail shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.

4. **Lighting.** Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
5. **Access Drives.** Design and construction of access drives shall be approved by the Zoning Administrator. Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street shall be arranged to ensure the maximum safety and the least interference of traffic upon the streets. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25') feet from adjacent properties located in any single-family residential district.
6. **Screening.** All parking areas for commercial or industrial district uses shall be screened on all sides abutting or across a street or alley from a residential district. The screen shall be an ornamental fence or compact hedge not less than six (6') feet high of a type which will obscure vision at all seasons from adjoining premises. The Planning Commission may require higher or allow lower screening.
7. **Landscaping.** Parking areas totaling seventy-six (76) or more spaces shall provide a minimum of ten (10%) percent interior landscaping. Parking areas totaling twenty-five (25) to seventy-five (75) spaces shall provide a minimum of five (5%) percent interior landscaping. Interior landscaping may be transferred to the perimeter of the lot(s) if interior landscaping is not possible. Interior landscaping shall occur in any combination of planting islands, planting peninsulas and entranceways.
8. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
9. **Surface.** With the exception of parking for single-family and two-family residences, an entire parking area, including parking spaces, maneuvering lanes, and ingress and egress driveways and loading areas required under this Section, shall be provided with hot-mixed asphalt or Portland cement concrete, which meets drainage requirements in accordance with specifications approved by the City. The surface shall be a permanent, durable, and dustless surface. RAP, or reclaimed (recycled) asphalt pavement, is not permitted. This surface shall be striped and maintained in good condition and free of weeds, dirt, trash, and debris. The parking areas shall be surfaced within one (1) year of the date the occupancy permit is issued.

H. Parking Space Standards.

Parking space layout standards shall be provided in accord with the specification in the following table:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
(Parallel parking)	12 ft (one way) 22 ft (two way)	8 ft	23 ft
30° to 44°	12 ft	8 ½ ft	20 ft
45° to 59°	15 ft	8 ½ ft	20 ft
60° to 74°	18 ft	8 ½ ft	20 ft
75° to 90°	20 ft	9 ft	20 ft

I. Deviations from Parking Section.

For development in any zoning district, the Planning Commission shall have the power to grant deviations from this Section in cases where the deviation will contribute to the safety, function, or overall site design or where it has been demonstrated that fewer parking spaces would be adequate for the customary operation of a use. The Planning Commission may also reduce the number of required parking spaces if electric charging stations are included in the parking plan.

Section 3.23 Signs

A. Purpose.

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry, and other activities, in attaining their identification and informational objectives. It is a basic tenet of this Section that unrestricted signage does not support the existing character of the City and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers, and visual blight. It is similarly the intent of this Section to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

B. Sign Permits.

1. **Permit Required.** Except as provided in **subsection B.2** below, it shall be unlawful for any person to erect, alter, or relocate, within the City, any sign without first obtaining a permit from the Zoning Administrator and making payment of fee or fees. Painting, repainting, servicing, or cleaning of sign, or the changing of the copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. Repair to a conforming sign damaged by winds, vandalism, fire, or an act of God shall not require a permit provided each repair restores the sign to the original design and meets all necessary structural and electrical codes.

2. **Signs Not Requiring a Permit.** No person may erect, alter, or relocate any sign within the City without first obtaining a permit from the Zoning Administrator, with the exception of the following:
 - a. Nameplates not exceeding two (2) square feet in area.
 - b. Signs or tablets, when cut into any masonry surface or when constructed of bronze or aluminum, when not exceeding two (2) square feet.
 - c. Signs erected by an official governmental body, public utility, or historic agency.
 - d. Postings required by law or in areas where dangerous conditions exist.
 - e. Accessory signs with not more than six (6) square feet of sign area.
 - f. Flags.
 - g. Menu boards at drive-through restaurants with a maximum size of sixty (60) square feet.
 - h. Signs not readable by motorists or pedestrians on any road, alley, waterbody, public lands, or adjacent parcels.
 - i. Decorative displays.
3. **Application for Sign Permit.** Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - c. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 - d. One (1) blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.
 - e. Name of person, firm, corporation, or association erecting the sign and structure.
 - f. Written consent of the owner of the property where the sign is to be erected.
 - g. In all cases where wiring is to be used in connection with the structure, it shall comply with the local, county, or state electrical code(s).

- h. Such other information as the Zoning Administrator shall require to demonstrate compliance with this and all other ordinances of the City.
- 4. **Sign Permit Issued if Application in Order.** The Zoning Administrator, upon review of an application for a sign permit and determination that the proposed sign complies with the requirements of this Ordinance, shall issue a sign permit. In the case of illuminated signs, additional permits are required from the **Iosco County Building Department**.
- 5. **Sign Permit Fee.** Prior to the erection or alteration of any sign, except those signs specifically exempted herein, a permit shall first be obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the City according to the schedule of fees as established by resolution of the City Council.
- 6. **Sign Permit Revocable at Any Time.** A sign permit issued pursuant to this Section may be revoked by the Zoning Administrator upon the permittee's violation of any of the conditions contained herein. If the work authorized by a sign permit has not been completed within one (1) year after the date of issuance, said permit shall become null and void.

C. **General Requirements for All Signs.**

- 1. **Illumination.** Signs may be permitted to be internally and externally lighted, reflectorized, glowing, or otherwise illuminated. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with all codes and ordinances. In no instance shall such illumination be located so as to be hazardous to traffic. Illuminations shall not be of a flashing or intermittent flashing type.
- 2. **Signs Not To Constitute a Traffic Hazard.** No sign shall be erected in such a manner as to obstruct free and clear traffic vision or to be confused with any authorized traffic sign or device.
- 3. **Face of Sign Shall Be Smooth.** 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.
- 4. **Obscene Matter Prohibited.** It shall be unlawful for any person to display upon any sign or other advertising structure any specified anatomical areas or specified sexual activities as defined herein. No sign shall contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe sexual conduct in a patently offensive way, and be offensive, rude, lewd, or disgusting according to accepted moral standards.
- 5. **Public Right-Of-Way or City Property.** No sign shall be erected or placed in the public right-of-way or City property unless specifically authorized by the controlling governing body.
- 6. **Sign Setbacks.** Signs shall conform to **Section 3.16** (Corner Clearance).

7. Construction.

- a. All pole signs shall be securely built, constructed, and erected upon posts and standards sunk at least forty-two (42") inches below ground level and embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided in accordance with applicable electric codes.
- b. 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.
- c. 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.

8. **Projections of Wall Signs.** No wall sign shall cover wholly or partially any wall opening. No wall sign shall have a greater thickness than twelve (12") inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed twelve (12") inches provided a clearance of not less than eight (8') feet is maintained below the sign if it projects more than four (4") inches.

9. **Roof Signs.** Roof signs are not allowed.

10. **Substitution Clause.** Any sign that can be displayed under the provisions of this Ordinance may contain a noncommercial message.

D. Permitted Signs in All Residential Districts, Waterfront District, and Riverfront District.

The following types of signs shall be allowed in combination:

Table 3.23A: Residential Districts, Waterfront District, and Riverfront District

Sign Type	Single-Family and Two-Family Residential			All Other Uses		
	maximums			maximums		
Sign Type	Number Allowed	Square Footage	Height	Number Allowed	Square Footage	Height
Primary Ground Sign	1	16 sq ft	6 ft	1 per street frontage	32 sq ft	6 ft
Wall Signs	n/a	2 sq ft	n/a	Total coverage of 10% of each wall along each right-of-way.		
Temporary Signs	16 sq ft (total of all temporary signs combined)		6 ft	32 sq ft (total of all temporary signs combined)		6 ft
Portable Signs	Not allowed			32 sq ft (Allowed only on lots which contain religious institutions)		
Changeable Message Signs	Not allowed			Static and digital allowed. Size counts toward total allowed square footage of ground or wall signs.		
Projecting Signs	Not allowed			1 per street frontage	24 sq ft	Minimum height – bottom of signs shall be 8 ft above ground level.
Off-Premise	Not allowed					
Lighting for Signs	Not allowed			Signs may be lighted during nighttime hours.		
Attention-Getting Devices	Not allowed			<p>Attention-getting devices including searchlights, pennants, banners, propellers, spinners, streamers, balloons, sail signs, air dancers, and similar devices or ornamentation designed for purposes of attracting attention, promotions, or advertising are allowable only subject to approval of the Zoning Administrator for a period not to exceed 15 days except as otherwise prohibited herein.</p> <p>"A" frame signs may be permitted at a sign size of not to exceed 6 sq ft and located off a public right-of-way.</p>		

E. Permitted Signs in OS, B-1, B-2, B-3, and I-1 Districts.

The following types of signs shall be allowed in combination:

Table 3.23B: Permitted Signs in OS, B-1, B-2, B-3, and I-1 Districts

Sign Type	Number Allowed	Square Footage	Height	Other Regulations
Primary Ground Sign	maximums			
	1 per street frontage	40 sq ft	6 ft	<ol style="list-style-type: none"> 1. 5 ft front setback 2. Illuminated only with constant light 3. One (1) is allowed per development regardless of the number of buildings, separate parties, tenants, or uses.
Pole Sign	1 per lot	120 sq ft	15 ft	<ol style="list-style-type: none"> 1. To be allowed only when a ground sign cannot be erected due to building location or other site constraints and upon approval of the Planning Commission. 2. Distance from the ground to the bottom of sign not less than 8 ft. 3. Illuminated only with constant light.
Wall Signs	1 per use	10% of wall surface	n/a	<ol style="list-style-type: none"> 1. Allowed on all street, parking lot, or alley sides of building. 2. Illuminated only with constant light.
Temporary Signs	32 sq ft (total of all temporary signs combined)			
Portable Signs	32 sq ft (Allowed only on lots which contain religious institutions)			
Changeable Message Signs	Static and digital allowed. Size counts toward total allowed square footage of ground or wall sign.			
Lots Containing Multiple Establishments	Ground or pole signs – total of all signs on 1 structure shall be not greater than 40 sq ft for ground signs and 120 sq ft for pole signs. 1 wall sign per use is allowed.			
Projecting Signs	<ol style="list-style-type: none"> 1. 1 projecting sign may be erected at each entrance to a business or office establishment. 2. Projecting signs must project at right angles to the building, have no more than 2 faces, and project no more than 5 ft from the face of the building. 3. The bottom of the sign projecting must be at least 8 ft above ground level and its top may not extend higher than whichever of the following is lowest: <ol style="list-style-type: none"> a. 25 ft above grade. 			

	<ul style="list-style-type: none"> b. The sills of the first level of windows above first story. c. The lowest part of the roof. <p>4. The area of each projecting sign may not exceed 24 sq ft for each sign face, unless the sign includes a public message device (such as a time and temperature sign). In the case of a public message device, an additional 10 sq ft on each face is allowed.</p>
Awning, Canopy, or Marquee Signs	<ul style="list-style-type: none"> a. Letters may be painted or otherwise affixed to any permissible awning, canopy, or marquee. Lettering or letters shall not project above, below, or beyond the vertical drip of the awning or canopy. Lettering on a marquee shall not extend beyond the geometric figure which encloses the sign message. b. No awning, canopy, or marquee sign shall extend below a minimum height of 8 ft. c. The area of such sign shall be limited as part of the total sign area for all signs as provided in this subsection.
Window Signs	Window signs shall not exceed 30% of the glass area of the window area on the section of building front occupied by the business. Window signs shall not include animation, video, or changeable message material.
Attention-Getting Devices	<p>Attention-getting devices including searchlights, pennants, banners, propellers, spinners, streamers, balloons, sail signs, air dancers, and similar devices or ornamentation designed for purposes of attracting attention, promotions, or advertising are allowable only subject to approval of the Zoning Administrator for a period not to exceed 15 days except as otherwise prohibited herein.</p> <p>"A" frame signs may be permitted at a sign size of not to exceed 6 square feet and located off a public right-of-way.</p>
Off-Premise	Allowed within Industrial District only. See subsection F below.

F. Off-Premise Signs (Billboards) in Industrial District.

Off-premise signs shall be permitted in the I-1 District according to the following conditions, provided further that in those instances where the Michigan Department of Transportation has jurisdiction, a permit shall be filed with the appropriate state agency.

1. **Area and Height Limitations.** No billboard may be erected or maintained with a greater surface area than three hundred (300) square feet, an overall height above the ground greater than thirty-five (35') feet, or bottom less than three (3') feet above the ground surface.
2. **Location.** Billboards may be erected only in industrial districts. No billboard may be erected or maintained within five hundred (500') feet of any public park, recreation ground, public reservation, school, or church, nor within fifty (50') feet of street lines at any street intersection and shall have a minimum setback from the front property line which meets the setback requirement of the district.

3. **Spacing.** Billboards shall be located no closer to one another than one thousand (1,000') feet.

G. **Changeable Message Signs.**

1. Changeable message signs shall only be permitted as ground or wall signs.
2. A digital changeable message sign shall be limited to the electronic display of a non-flashing or nonmoving-message. However, the message may be moving in the OS, B-1, B-2, B-3, I-1, WF, and RF Districts.
3. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect the safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
4. The electronic elements shall not resemble traffic control devices or emergency vehicle lights.
5. A digital changeable message sign shall contain a default mechanism that freezes the sign in one (1) position if a malfunction occurs.
6. A digital changeable message sign shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

H. **Nonconforming Signs.**

1. All signs existing prior to the adoption of this Ordinance that do not conform to the provisions of the Ordinance shall be permitted to continue as nonconforming signs, provided that the nonconforming sign meets the following criteria:
 - a. The sign was lawful at its inception and received a valid sign permit, and
 - b. Continuance of the sign would not be contrary to the public health, safety, or welfare of the residents of the City, and
 - c. No useful purpose would be served by strict application of the provisions of this Section with which the sign does not conform, and
 - d. The sign is not insecure, in danger of falling, or otherwise unsafe.
2. No person shall increase the extent of nonconformity of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.
3. If a nonconforming sign is either moved or replaced, it shall be brought into complete conformity with this Section.

4. 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 twenty (20) 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.
5. 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.
6. Abandoned nonconforming signs shall be removed pursuant to **subsection I** below.

I. Abandoned Signs.

1. An abandoned sign is any sign to which any of the following applies:
 - a. The sign is located on a property on which the use has been abandoned.
 - b. The sign has remained blank over a period of one (1) year.
 - c. The sign's message becomes illegible in whole or substantial part.
 - d. The sign which has fallen into disrepair.
2. In the event that a sign is determined to be abandoned, the Zoning Administrator shall give notice in the form of a letter to the property owner that the sign has been determined to be abandoned. The property owner shall have thirty (30) days to remove said sign. Upon the expiration of thirty (30) days, the Zoning Administrator shall give a second notice in the form of a letter. If the sign has not been removed upon the expiration of thirty (30) days from the date of the second notice, 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 City shall have a lien on the property and such cost shall be added to the tax bill for the property.

J. Signs on Nonconforming Uses.

A nonconforming use shall not be permitted to add additional signs to the building or premises. This shall not preclude the changing of copy on a sign which was manifestly designed to provide changeable lettering. Signs on nonconforming uses may be maintained.

K. Unsafe and Damaged Signs and Sign Maintenance.

1. **Unsafe Signs.** When any sign becomes insecure, in danger of falling, or otherwise unsafe, 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, upon receipt of a written notice from the Zoning Administrator, forthwith in the case of immediate danger, and in any case in not more than twenty-four (24) hours, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. If the order is not complied with within twenty-four (24) hours, the Zoning Administrator may remove such sign at the expense of the owner or lessee.
2. **Damaged Signs.** If any sign or advertising structure or supporting structure is torn, damaged, defaced, or destroyed, and not repaired or replaced within ten (10) days of said casualty, the Zoning Administrator shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement, or removal within twenty (20) days. In the event said owner or lessee does not repair, replace, or remove the sign pursuant to the notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause the removal of the sign. The expense of removing the sign shall be paid by the owner or lessee of the sign or by the owner of the building or structure or property from which the sign or structure was removed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property.
3. **Sign Maintenance.** All signs, 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 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. 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.

L. Severance Clause for Signs.

Provisions of this Section shall be deemed to be severable, and should any section, subsection, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section 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 Section 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 3.24 Performance Standards

In addition to the following, **Chapter 14 of the Code of Ordinances** shall apply:

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by federal and/or state regulatory authorities.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the City. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in state and/or federal regulatory agency air/water quality permit(s). As part of site plan review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by state and/or federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors and to comply with any new standards required as part of a renewed or new state and/or federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the

operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise shall comply with **Chapter 14** of the Code of Ordinances.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.25 Dumping & Storage of Materials

A. Dumping of Usable Materials.

Usable materials, such as but not limited to soil, clay, gravel, or similar materials, which have been dumped/piled on a lot shall not be allowed to be piled for longer than one (1) year if no construction is occurring on the site or as long a building permit is in effect if construction is occurring on the site.

Material to be placed on the 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, gravel, or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

B. Dumping of Waste Materials.

1. The dumping of garbage is prohibited in the City. Garbage must be collected and hauled away by a licensed sanitation company and deposited in a certified landfill. The collection, accumulation, storage, or disposal of waste material, used construction material, junk, or debris, is prohibited, except under the following circumstances as properly sealed and adequately concealed materials:
 - a. Such practices occur in a junk yard or recycling facility authorized under this Ordinance and are included in the approved site plan.

- b. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.
2. The dumping of hazardous substances and/or nuclear wastes shall not be allowed within the City, except as permitted by **1978 PA 113, as amended** (Radioactive Waste, being MCL 325.491 et. seq.).

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 the effective period of the building permit. Temporary storage must comply with all federal and state regulations. After the expiration of the building permit or after construction is complete, 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.

Section 3.26 Safety

- A. **Fire Hazards.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- B. **Holes or Excavations.** The construction, maintenance, or existence within the City of any unprotected, unbarricaded, open, or dangerous excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare, is prohibited. This Section shall not prevent any excavation permitted by a permit issued by Iosco County.
- C. **Barriers Required.** Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns, and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety, and welfare.

Section 3.27 Hazardous Substances

A. General.

1. It shall be unlawful for any person, firm, corporation, or other legal entity to pollute, impair, or destroy the air, water, soils, or other natural resources within the City through the use, storage, and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous, and/or sanitary wastes.

2. Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall obtain the necessary permits or approval from the appropriate federal, state, or local authority having jurisdiction.

B. Facilities which Use, Store, or Generate Hazardous Substances.

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds) shall comply with the following standards:

1. **Above-Ground Storage and Use Areas for Hazardous Substances.**
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - c. Secondary containment structures such as out buildings, storage rooms, sheds, and pole barns shall not have floor drains.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
2. **Underground Storage Tanks.** Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate federal, state, or local authority having jurisdiction.
3. **Loading and Unloading Areas.** Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

All site plans for businesses or facilities which use, store, or generate hazardous substances shall be reviewed by the Fire Department, City Officials, and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

Article 4

District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.01	Zoning Districts	4-1	4.10	OS: Office Service District	4-26
4.02	Official Zoning Map	4-1	4.11	B-1: Local Business District	4-30
4.03	Application of District Regulations	4-3	4.12	B-2: Community Business District	4-34
4.04	General Exceptions	4-4	4.13	B-3: General Business District	4-39
4.05	R-1: Single-Family Residential District	4-7	4.14	I-1: Industrial District	4-44
4.06	R-2: High Density Residential District	4-10	4.15	PUD: Planned Unit Development District	
4.07	RM: Multiple Family District	4-13	4.16	Full Table of Permitted & Special Land Uses	4-49
4.08	RF: Riverfront District	4-17	4.17	Schedule of Regulations	4-63
4.09	WF: Waterfront District	4-22			

Section 4.01 Zoning Districts

For the purposes of this Ordinance, all land within the City of Tawas City is divided into the following Zoning Districts:

R-1	Single-Family Residential District
R-2	High Density Residential District
RM	Multiple-Family District
RF	Riverfront District
WF	Waterfront District
OS	Office Service District
B-1	Local Business District
B-2	Community Business District
B-3	General Business District
I-1	Industrial District
PUD	Planned Unit Development District

Section 4.02 Official Zoning Map

A. Zoning Map Incorporated.

The zoning map delineating the zoning districts set forth in **Section 4.01** is hereby declared to be a part of this Section. The official Zoning Map shall be kept and maintained by the City Clerk or his/her designee and is available to view at City Hall.

B. Zoning District Boundary Lines.

1. Except where reference is shown on the map to a street line or other line designated by dimensions, the district boundary lines follow lot lines or the centerlines of streets, alleys, streams, and railroads, as they existed at the time of the adoption of this Ordinance.
2. **Lot Divided by District Boundary Line.** Where a district boundary line, as established in this Ordinance, or as shown on the zoning map, divides a lot shown or recorded as being in single ownership at the time of enactment of this Ordinance, the district regulations and uses shall be observed on the respective side of the district line to which they apply.

C. Zoning of Vacated Lands.

Whenever any street, alley, or other public way within the City shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated 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 and zoning classifications without further governmental action.

D. Zoning of Annexed Areas.

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

1. 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 City Council and the Council shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the City Council. 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 City Council.

E. Zoning of Newly Created Land.

Whenever fluctuating water levels or, after appropriate permits are obtained, any fill material is placed so as to create usable or buildable land, such land shall take on the Zoning District and accompanying provisions of the land abutting said area.

Section 4.03 Application of District Regulations

All buildings, structures, and uses in any district shall be subject to all of the applicable provisions of this Ordinance. No building or structure shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building, structure, or premises is located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner:

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the specific zoning district or **Table 4.16** or are similar to such listed uses, as determined by the Zoning Administrator. The Zoning Administrator may refer the determination of similar uses to the Planning Commission for determination.
2. **Special Land Uses.** Special Land Uses are permitted after review and approval by the Planning Commission only if specifically listed as a Special Land Use in the specific zoning district or **Table 4.16** or are similar to such listed uses, as determined by the Zoning Administrator. The Zoning Administrator may refer the determination of similar uses to the Planning Commission for determination.
3. **Unlisted Uses.** The Planning Commission shall have the power, on written request of a property owner in any zoning district, to classify a use not listed with a comparable permitted or Special Land Use in the district. Application for such classification shall be made through the office of the Zoning Administrator. If it is determined, by the Planning Commission, that there is no comparable use, then the use shall be allowed only by amendment of this Ordinance.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. Every new parcel of land shall meet the minimum lot width requirements set forth in this Ordinance and shall have frontage on and/or direct access to a public road.
3. **Measuring Lot Width.** Lot width shall be the straight line distance between the side lot lines, measured at the two (2) points where the minimum required front setback line intersects the side lot lines.

C. Application of Yard Regulations.

1. Setbacks shall be measured from the building's foundation. Projections into setbacks are regulated by **Section 4.04.I.**
2. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the building.
3. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the building and the side or rear lot line parallel thereto.
4. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.
5. **Through Lots.** Where lots have double street frontage, as distinguished from corner lots, the required front yard setback shall be provided on both streets.

Section 4.04 General Exceptions

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

A. Essential Services.

Essential services serving the City and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the City.

B. Voting Place.

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

C. Height Limit.

The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments, mechanical appurtenances, water storage tanks, safety equipment, wireless transmission towers or approved wireless communication towers, and similar features; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization unless otherwise specified in this Ordinance.

D. Lot Area.

Any lot existing and of record on the effective date of the Ordinance may be used for any principal use permitted in the district in which such lot is located provided the development of such lot meets setback requirements or has obtained a variance for setback requirements from the Zoning Board of Appeals.

E. Lots Adjoining Alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot for lot area requirements only and in no case shall alleys be obstructed unless such alley is vacated.

F. Yard Regulations.

When yard regulations cannot reasonably be complied with, or where their applications cannot be determined on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.

G. Porches, Decks, and Access Ramps.

An open, unenclosed, and uncovered porch or paved terrace, or an access ramp may project into a required front yard for a distance not exceeding ten (10') feet, and in no instance shall such projection be closer than six (6') feet to a front lot line. Decks not exceeding twenty-four (24") inches in height above the grade upon which it is placed may project into a required side or rear yard not to exceed a depth of thirty (30%) percent of the depth of the required side or rear yard setbacks.

H. Access through Yards.

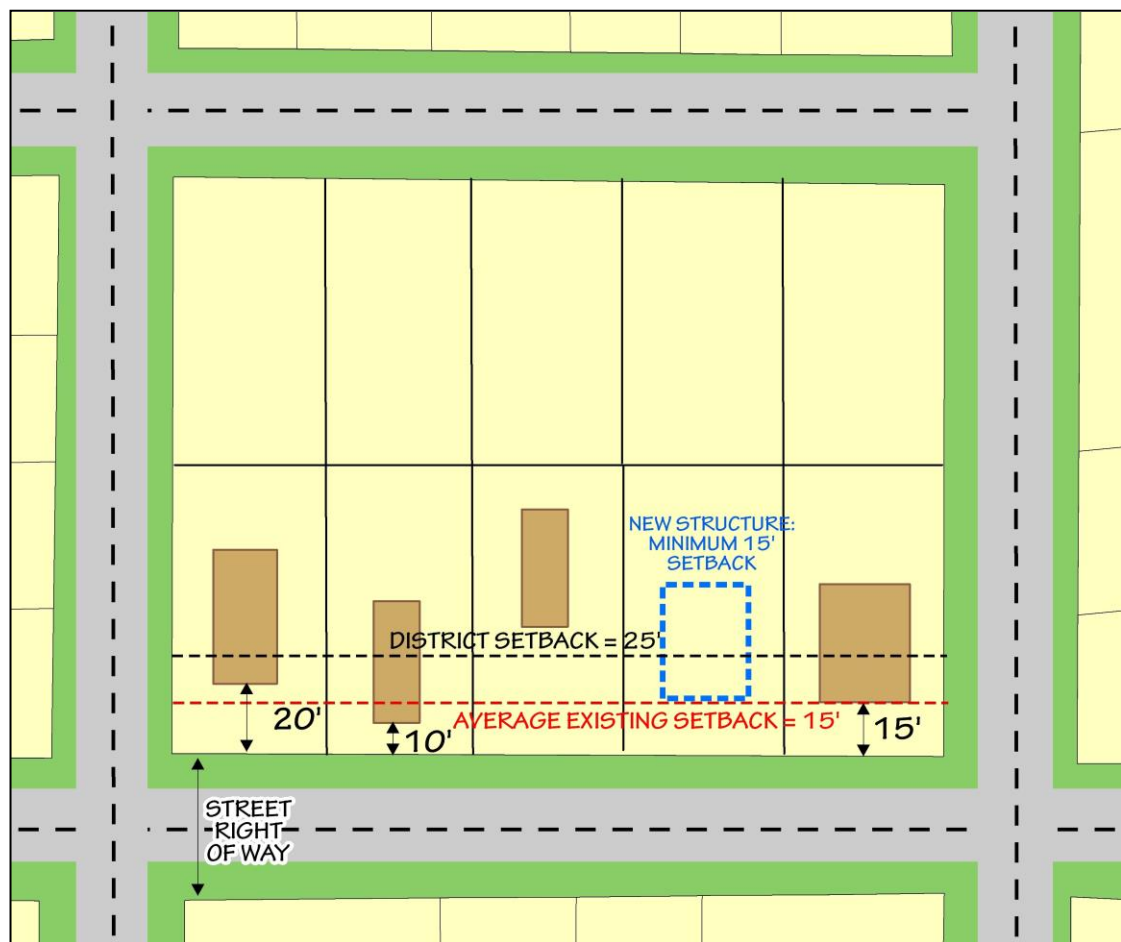
For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other surface 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, be permitted in any required yard.

I. Projections into Yards.

1. Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, may extend or project into a required side yard setback not more than two (2") inches for each one (1') foot of width of such side yard and may extend or project into a required front yard setback or rear yard setback not more than three (3') feet.
2. Bay windows, chimneys, and other similar projections of up to ten (10') feet in length, and not occupying more than thirty (30%) percent of the length of the wall on which they are located, may project into required side yard setback not more than two (2") inches for each one (1') foot of width of such side yard (up to a maximum of two (2') feet of projection) and may project into a required front or rear yard setback not more than three (3') feet.

J. Yard Exceptions.

1. **Front Yards.** In any residential district, the front yard setbacks of a lot may be modified by the Zoning Administrator so as to equal the average depth of existing developed front yards on lots within one hundred (100') feet of the lot and within the same block front. The front setback shall not be less than ten (10') feet and in no such instance shall encroachment by a porch or paved terrace be located closer than six (6') feet to a front lot line.
2. **Side Yards.** On lots with a width of less than sixty (60') feet and recorded as less than sixty (60') feet prior to the date of adoption of this Ordinance, the minimum side setback shall be five (5') feet each.
3. **Rear Yards.** In all residential districts, any platted and recorded lot less than one hundred twenty (120') feet deep may have four (4") inches deducted from the required rear yard setback for every foot the lot is less than one hundred twenty (120') feet deep. No rear yard shall be less than ten (10') feet deep.



Section 4.05 R-1: Single-Family Residential District

R-1

A. Purpose.

The R-1 Single-Family Residential District is designed to provide for low-density dwelling sites and residentially-related, low-impact uses. The uses permitted by right and as Special Land Uses are intended to promote a compatible arrangement of land uses for homes with the intent to keep neighborhoods quiet and free from unrelated traffic and other nuisances.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.05	S*
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Arts, Entertainment & Recreation	
Country Clubs	P
Museums	P
Parks, Playgrounds, & Nature/Conservation Areas	P
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Public, charter or private schools (elementary through high school)	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less in private home)	S
Adult Day Care Facility (greater than 6 in private home)	S
Adult Day Care Facility NOT IN PRIVATE HOME	S
Adult Foster Care Family Homes (6 or less)	P
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home	S
Child Care Home, Family (6 or less)	S
Child Care Home, Group (7 -12) §7.03	S*
Child Care Center /Nursery School (not in home) §7.04	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-1
Human Care & Social Assistance (continued)	
Child Caring Institution	S
Child Foster Care Homes, Family	P
Convalescent Home or Nursing Home §7.12	S*
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings/Uses Incidental to Principal	P
Cemeteries which lawfully occupied land at the time of adoption of this ordinance	S
Cemeteries including Columbaria & Mausoleums (human or pet) §7.09	S*
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Community Centers	P
Libraries	P
Police/Fire Stations	P
Residential Uses	
Accessory Dwelling Unit §7.36	P*
Home Occupations §7.02	PS*
Single-Family Attached Dwelling (Townhouses)	S
Single-Family Cluster & Open Space §7.32	S*
Single-Family Detached Dwelling	P
Two-Family Dwelling (duplex)	S
Utilities & Energy	
Essential Services	P

C. Development Standards for R-1 District.

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

R-1**1. Lot & Structure Standards**

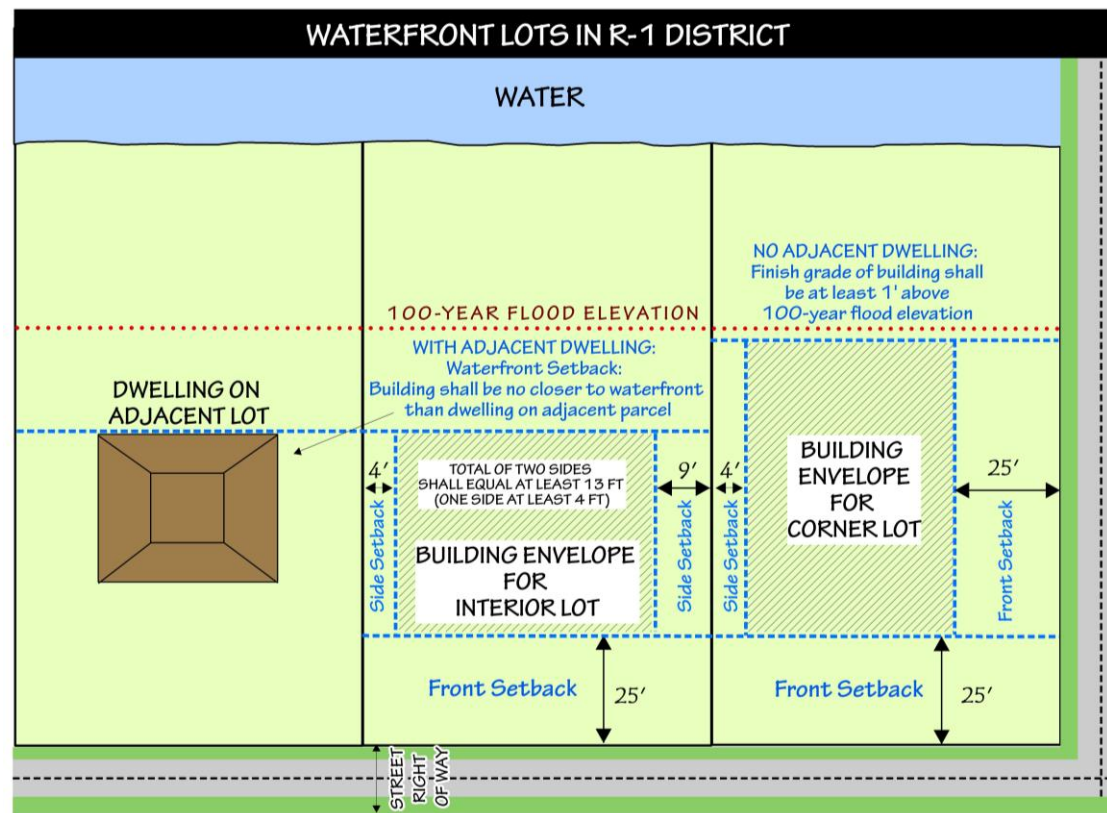
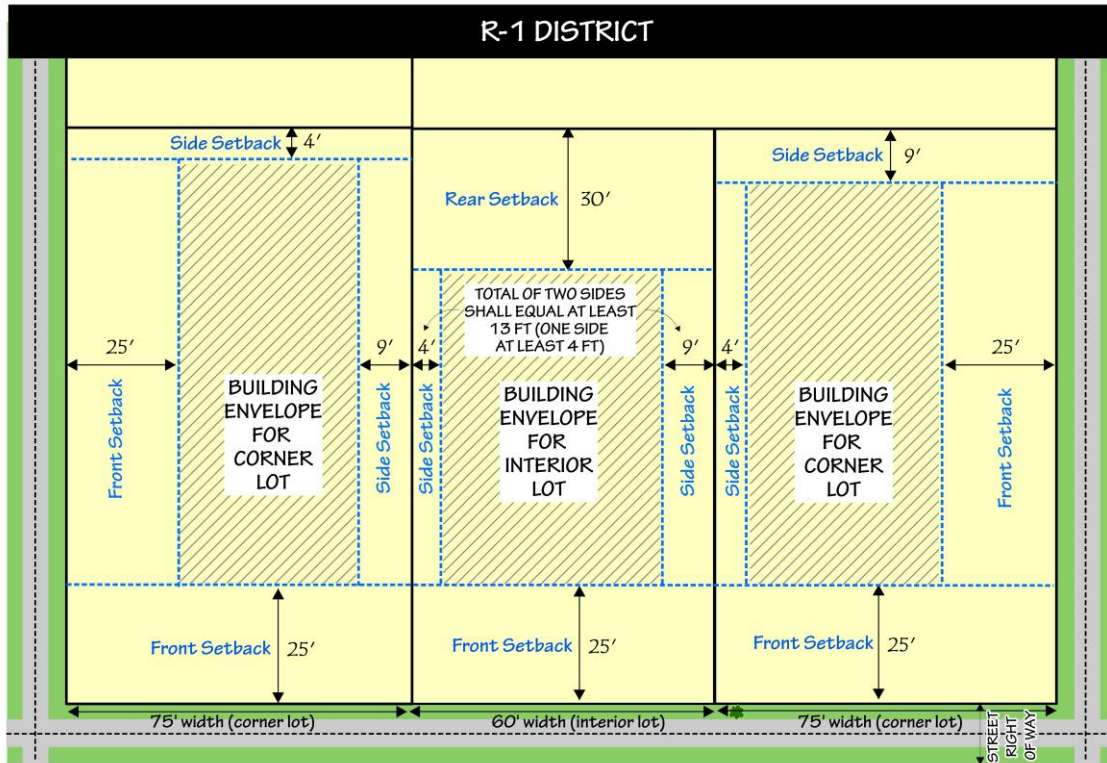
a. Lot Area (min.)	7,200 sq ft
b. Lot Width (min.)	Interior Lots: 60 ft; Corner Lots: 75 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.)	800 sq ft
e. Dwelling Unit Dimension (min.)	20 ft along at least 75% of each side of the building
f. Number of Principal Single-Family Dwelling Units Per Lot (max.)	1
g. Lot Coverage of Structures (max.)	35%

2. Setbacks

a. Front (min.)	25 ft Corner lots have 2 front yards with a 25' setback on each street
b. Side (min.)	4 ft (at least 1 side) 13 ft (total of 2 sides) Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	30 ft
d. Waterfront Lots in Residential Districts	<p>(1) Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots.</p> <p>(2) A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side(s) of said lot or parcel.</p> <p>(3) The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building 1 foot above the 100-year flood elevation, except in those instances where dwellings on adjacent lots are 1 foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.</p>

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09.
b. Dwelling Regulations	Regulated by §3.08.
c. Porches, Decks & Access Ramps	Regulated by §4.04.G.
d. Lots with Water Frontage	Regulated by §3.14.
e. Fences	Regulated by §3.18.
f. Screening/Buffering	When non-residential abuts residential, screening is required per §3.19.
g. Circulation, Parking & Loading	Regulated by §3.22.
h. Exterior Lighting	Regulated by §3.21.
i. Signs	Regulated by §3.23.
j. Permitted Yard Encroachments	Regulated by §4.04.
k. Subdivision or Site Condominium Open Space	Regulated by §7.31.
l. Single-Family Clustering Option	Regulated by §7.32.



Section 4.06 R-2: High Density Residential District

A. Purpose.

R-2

The R-2 High Density Residential District is established to provide for high-density residential use mainly consisting of manufactured housing communities. The district also provides for residentially-related and other low-impact facilities.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	R-2
Arts, Entertainment & Recreation	
Parks, Playgrounds, & Nature/Conservation Areas	P
Human Care & Social Assistance	
Adult Foster Care Family Homes (6 or less)	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings/Uses Incidental to Principal	P
Planned Unit Developments \$7.29	S*
Site Condominium Development \$7.30	S*
Residential Uses	
Accessory Dwelling Unit \$7.36	P*
Home Occupations \$7.02	PS*
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) \$7.33	S*
Utilities & Energy	
Essential Services	P

C. Development Standards for R-2 District.**R-2**

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

a. Lot Area (min.)	Single -Family Dwelling: 3,600 sq ft
b. Lot Width (min.)	Single -Family Dwelling: 30 ft
c. Building Height (max.)	35 ft
d. Dwelling Unit Size (min.)	800 sq ft
e. Number of Principal Single-Family Dwelling Units Per Lot (max.)	1

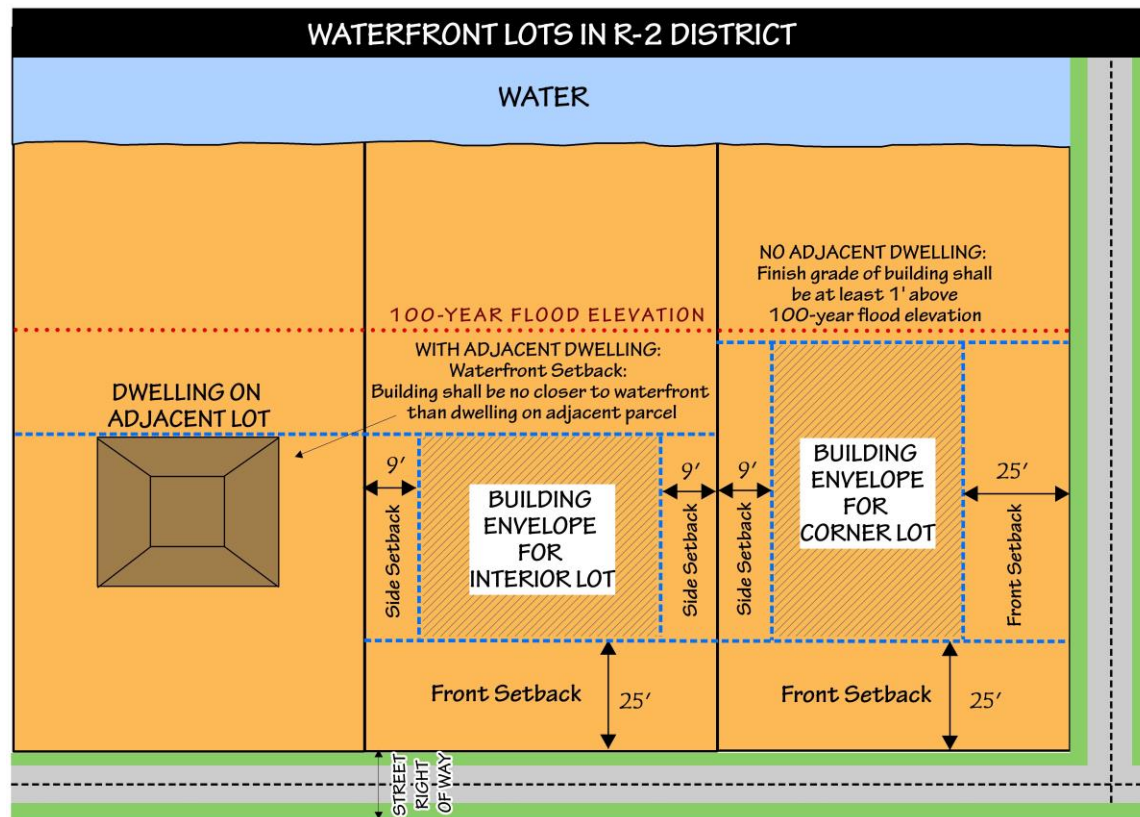
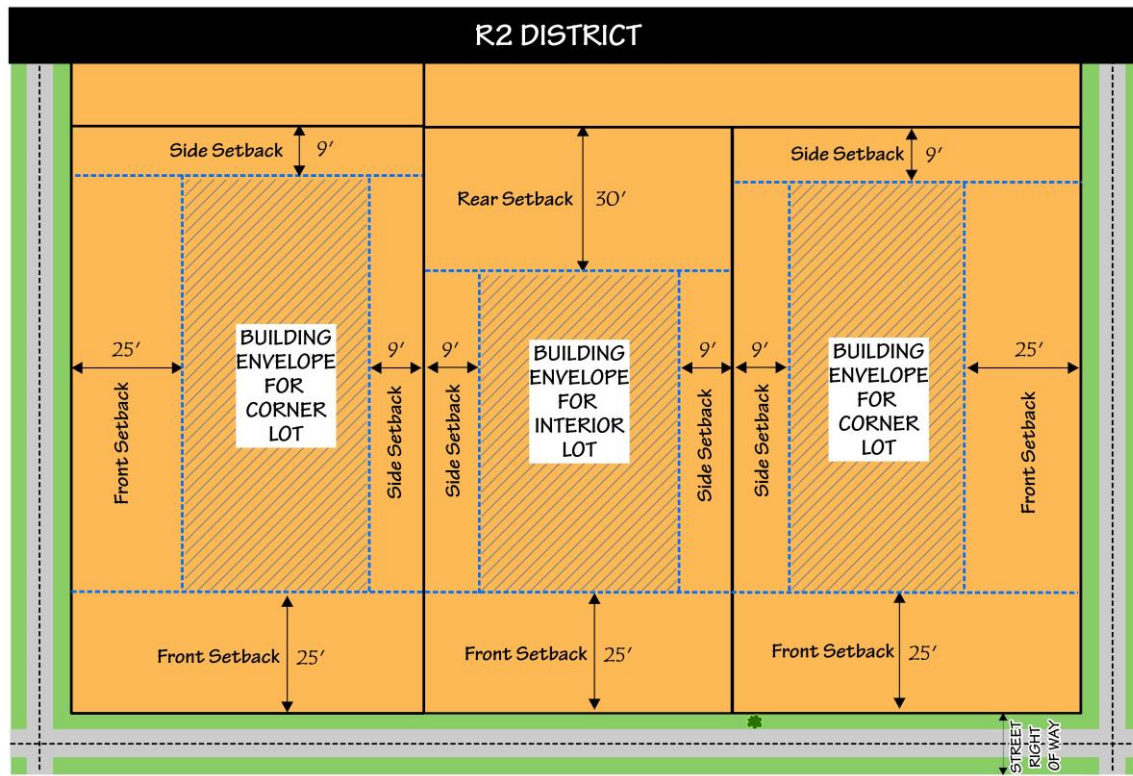
2. Setbacks

Setbacks below apply to the manufactured housing community perimeter. Setbacks on individual home sites are regulated by the **State Administrative Code R125.1941 and 125.1944**

a. Front (min.)	25 ft Corner lots have 2 front yards with a 25' setback on each street
b. Side (min.)	9 ft (at least 1 side) 18 ft (total of 2 sides) Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	30 ft
d. Waterfront Lots in Residential Districts	(1) Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots. (2) A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side of said lot or parcel. (3) The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building 1 foot above the 100-year flood elevation, except in those instances where adjacent dwellings are 1 foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Dwelling Regulations	Regulated by §3.08 .
c. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
d. Lots with Water Frontage	Regulated by §3.14 .
e. Fences	Regulated by §3.18 .
f. Screening/Buffering	When non-residential abuts residential, screening is required per §3.19 .
g. Circulation, Parking & Loading	Regulated by §3.22 .
h. Exterior Lighting	Regulated by §3.21 .
i. Signs	Regulated by §3.23 .
j. Permitted Yard Encroachments	Regulated by §4.04 .
k. Subdivision or Site Condominium Open Space	Regulated by §7.31 .
l. Single-Family Clustering Option	Regulated by §7.32 .



Section 4.07 RM: Multiple Family District

A. Purpose.

RM

The RM Multiple Family District is designed to provide sites for low to moderate density one-story and two-story planned attached multiple dwelling structures. The multiple dwelling is further provided to serve the limited needs for the apartment type of unit and as a transition use of property between single-family and nonresidential districts. The district also allows supporting uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	RM
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.05	S*
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes (ex: Air B&B) §7.20	S*
Arts, Entertainment & Recreation	
Campgrounds & RV Parks §7.15	S*
Country Clubs	S
Parks, Playgrounds, & Nature/Conservation Areas	P
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Public, Charter, or private Schools (elementary through high school)	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less in private home)	S
Adult Day Care Facility (greater than 6 in private home)	S
Adult Day Care Facility (not in private home)	S
Adult Foster Care Family Homes (6 or less)	P
Adult Foster Care Small Group Home (7-12)	S
Adult Foster Care Large Group Home (13-20)	S
Adult Foster Care Congregate Facilities (over 20)	S
Assisted Living Home	S
Child Care Home, Family (6 or less)	S
Child Care Home, Group (7 -12) §7.03	S*
Child Care Center/Nursery School (not in home) §7.04	S*
Child Caring Institution	S
Child Foster Care Homes, Family	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	RM
Human Care & Social Assistance (continued)	
Convalescent Home or Nursing Home §7.12	S*
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings/Uses Incidental to Principal	P
Cemeteries including Columbaria & Mausoleums (human or pet)) §7.09	S*
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Community Centers	P
Libraries	P
Police/Fire Stations	P
Residential Uses	
Accessory Dwelling Unit §7.36	P*
Home Occupations §7.02	PS*
Manufactured Housing Community (w/accessory uses incl laundry facilities, office or community bldg) §7.33	S*
Multiple-Family Dwelling Units (Apartments)	P
Single-Family Attached Dwelling (Townhouses)	P
Single -Family Cluster & Open Space §7.32	S*
Single-Family Detached Dwelling	P
Tiny Home Development (more than 1 on a single lot)	S
Two-Family Dwelling (duplex)	P
Transportation & Storage	
Parking Lots (Off-Street)	P
Parking Structures	S
Utilities & Energy	
Essential Services	P

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

C. Development Standards for RM District.**RM**

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

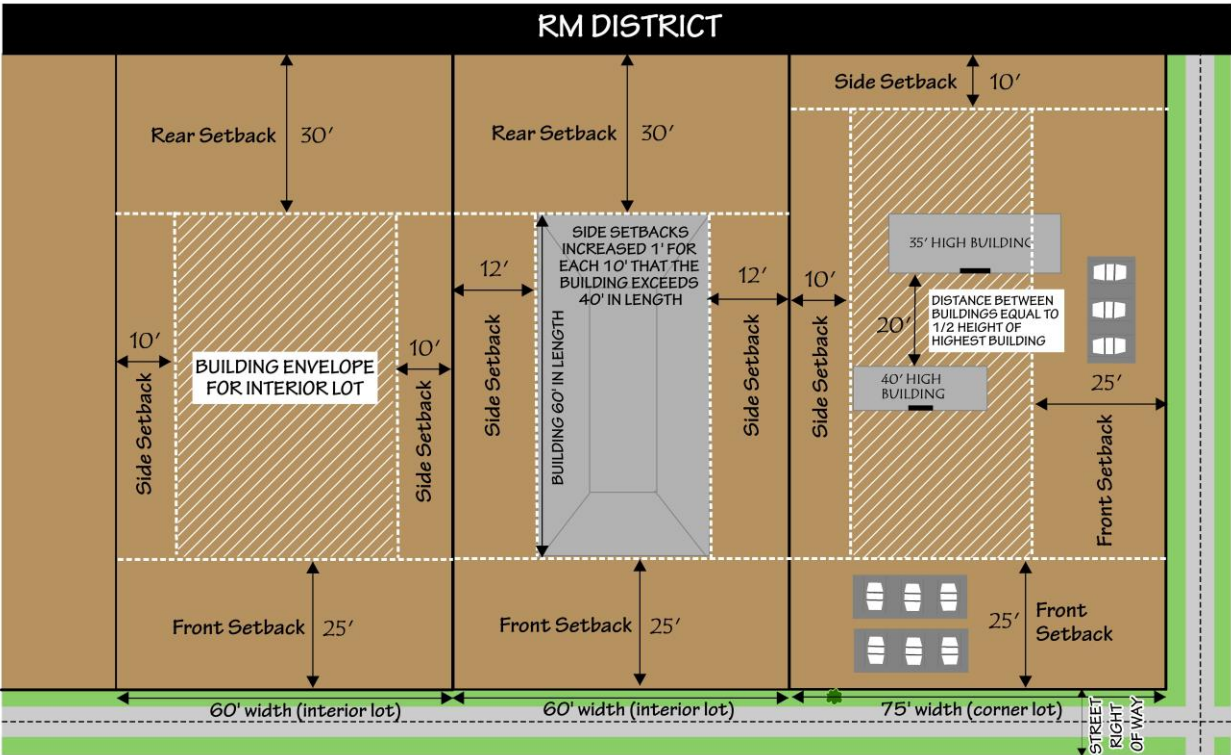
a. Lot Area (min.)	7,200 sq ft
b. Lot Width (min.)	Interior Lots: 60 ft; Corner Lots: 75 ft
c. Building Height (max.)	35 ft (75 ft for multiple-family dwellings)
d. Dwelling Unit Size (min.)	800 sq ft
e. Dwelling Unit Width (min.)	20 ft along at least 75% of each side of the building
f. Number of Principal Single-Family Dwelling Units Per Lot (max.)	1
g. Lot Coverage of Structures (max.)	35%

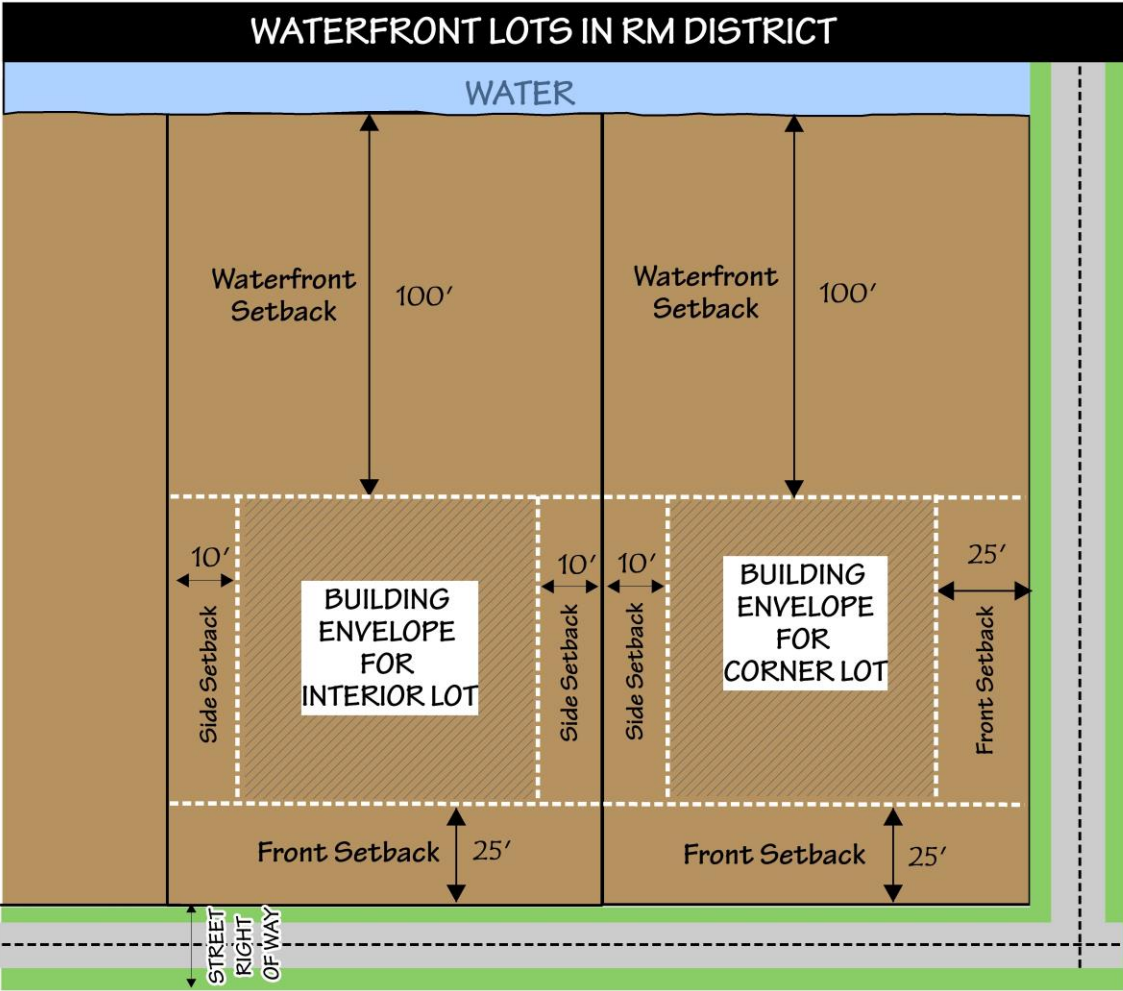
2. Setbacks

a. Front (min.)	25 ft Corner lots have 2 front yards with a 25' setback on each street
b. Side (min.)	10 ft Corner lots have 2 side yards located opposite of each front yard Every lot on which a multiple-family dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by 1 foot for each 10 feet or part thereof by which the multiple dwelling length exceeds 40 feet in overall dimension along the adjoining lot line.
c. Rear (min.)	30 ft
d. Waterfront Setback	100 ft The area of said setback may be utilized in the computation of density but shall not be used for off-street parking, buildings or accessory uses. Said yard area may be used for open space, recreation, beach facilities, and similar uses.

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Dwelling Regulations	Regulated by §3.08 .
c. Porches, Decks and Access Ramps	Regulated by §4.04.G .
d. Lots with Water Frontage	Regulated by §3.14 .
e. Fences	Regulated by §3.18 .
f. Screening/Buffering	When non-residential abuts residential, screening is required per §3.19 .
g. Circulation, Parking & Loading	Regulated by §3.22 .
h. Exterior Lighting	Regulated by §3.21 .
i. Signs	Regulated by §3.23 .
j. Permitted Yard Encroachments	Regulated by §4.04 .
k. Subdivision or Site Condominium Open Space	Regulated by §7.31 .
l. Single -Family Clustering Option	Regulated by §7.32 .
m. Distance Between Buildings (Multiple-Family Dwellings)	The total distance between buildings in a multiple-family dwelling unit development shall be equal to one-half (1/2) the height of the highest of the 2 buildings.





Section 4.08 RF: Riverfront District

RF

A. Purpose.

The Riverfront District is designed and intended to provide for a mix of uses including residential, office, commercial, institutional, and recreational uses along the Tawas River with the intent of incorporating the characteristics of the riverfront into the development so as to preserve the natural features of the area while promoting appropriate low-impact development.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	RF
Accommodation & Food/Event Services	
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops	P
Bars/Taverns	P
Bed & Breakfasts & Tourist Homes §7.05	S*
Cabin Courts (or Cabin Complex)	S
Food Trucks	S
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11	S*
Inns (Lodging Units within Restaurant serving meals to the public)	S
Restaurants without Drive-Through	P
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Bicycle Shops (sales, rental & repair)	P
Campgrounds & RV Parks §7.15	S*
Canoe/Kayak Liveries	S
Equipment Rental, Non-Motorized (Outfitter)	P
Museums	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters) §7.13	S*
Parks, Playgrounds, & Nature/Conservation Areas	P
Private Clubs; Lodges; Fraternal Organizations; Social Clubs; Country Clubs	S
Theaters/Performing Arts Facilities	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	RF
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Health Spa	P
Offices, Professional	P
Open Air Business (such as but not limited to retail sale of plant materials, lawn furniture and garden supplies)	S
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22	S*
Personal Services (beauty shops, tailoring, massage therapy)	P
Planned Commercial Center	S
Recording Studios	P
Retail Sales (any retail not listed below falls in this row)	P
Antique Stores	P
Bait & Tackle Shops	S
Convenience Stores	P
Florists	P
Gift Shops	P
Health & Personal Care Stores	P
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	RF
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Public, charter, or private schools (elementary through high school)	S
Human Care & Social Assistance	
Adult Foster Care Family Homes (6 or less adults)	P
Child Foster Care Homes, Family	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Police/Fire Stations	P
Post Office	P
Residential Uses	
Accessory Dwelling Unit §7.36	P*
Dwelling Units in conjunction with a Commercial or Office Establishment §7.21	P*
Home Occupations §7.02	PS*
Hotels, Motels, Resorts as Long-Term Rentals (Micro-Units)	P
Multiple-Family Dwelling Units (Apartments)	S
Single-Family Attached Dwelling (Townhouses)	P
Single-Family Cluster and Open Space §7.32	S*
Single-Family Detached Dwelling	P
Tiny Home Development (more than 1 on a single lot)	S
Two-Family Dwelling (duplex)	S
Transportation & Storage	
Charter Boat Operations	S
Marinas §7.16	S*
Parking Lots (Off-Street)	P
Parking Structures	S
Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers)	S
Utilities & Energy	
Essential Services	P

C. Development Standards.

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

RF**1. Lot & Structure Standards**

	Residential Uses	Non-Residential Uses
a. Lot Area (min.)	None	None
b. Lot Width (min.)	None	None
c. Building Height (max.)	35 ft	35 ft
d. Dwelling Unit Size (min.)	Single-family residential: 800 sq ft. Multi-Family: No minimum stated (building code is used).	NA
e. Number of Principal Single-Family Dwelling Units Per Lot (max.)	2	NA
f. Lot Coverage of Structures (max.)	None	None

2. Setbacks

a. Front (min.)	15 ft	20 ft
b. Side (min.)	Interior Side Yard: 5 ft Street Side of a Corner Lot: 12 ft on the	0 ft No side yards are required along the interior side lot lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than 5 feet shall be provided. When the lot abuts a residential District or use, a setback of at least 10 feet is required. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 12 feet.
c. Rear (min.)	NA	NA
d. Riverfront Yard	15 ft from ordinary high water mark	15 ft from ordinary high water mark

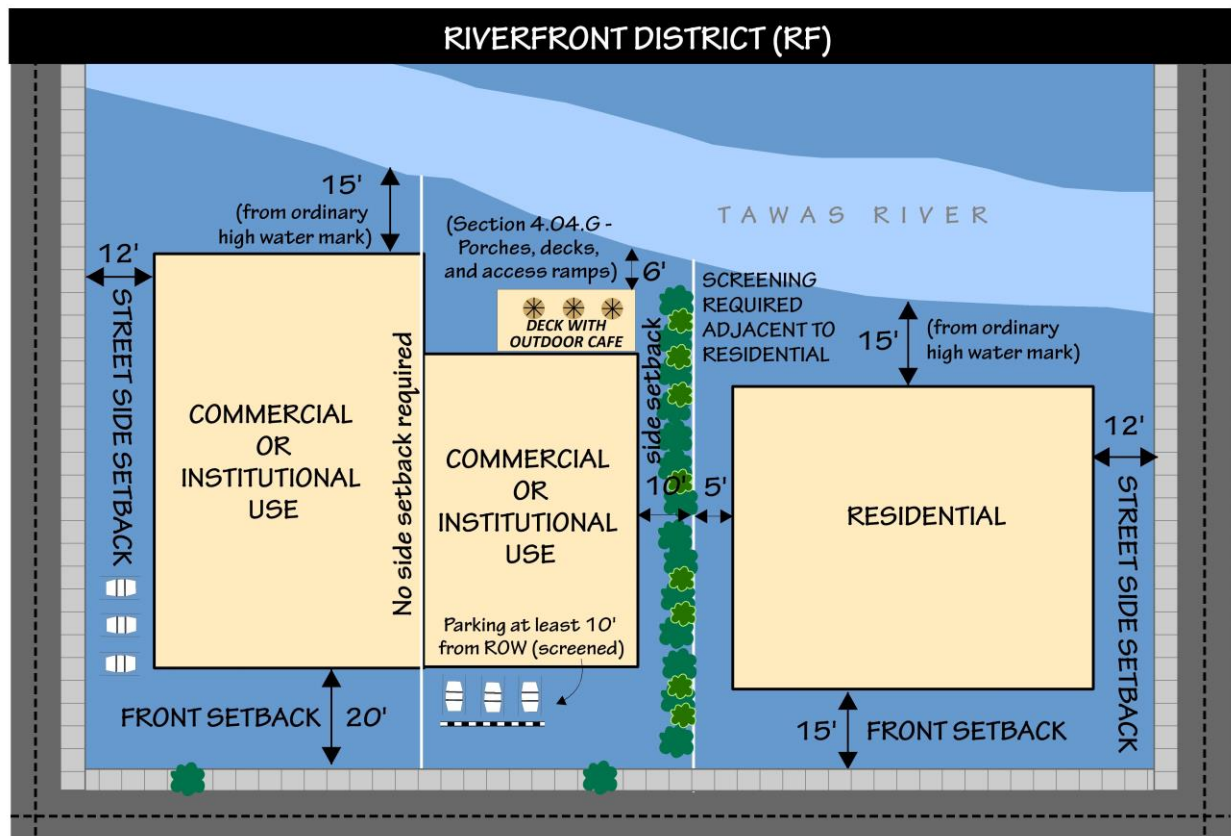
3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Dwelling Regulations	Regulated by §3.08 .
c. Porches, Decks and Access Ramps	Regulated by §4.04.G .
d. Lots with Water Frontage	Regulated by §3.14 .
e. Fences	Regulated by §3.18 .

f. Screening/Buffering	When non-residential abuts residential, screening is required per §3.19 .
g. Circulation, Parking & Loading	Regulated by §3.22 . Off street parking shall be permitted to occupy a portion of the required front yard or side setback but shall be located at least ten (10) feet from the street right-of-way. Screening, in the form of landscaping, decorative fencing, or a decorative wall, shall be located between the off-street parking area and the street right-of-way. Parking shall not be permitted on the waterfront side of the lot.
h. Exterior Lighting	Regulated by §3.21 .
i. Signs	Regulated by §3.23 .
j. Permitted Yard Encroachments	Regulated by §4.04 .
k. Subdivision or Site Condominium Open Space	Regulated by §7.31 .
l. Single-Family Clustering Option	Regulated by §7.32 .
m. Mixed Uses	Mixed commercial and residential uses shall be allowed on the same lot.
n. Outdoor Storage	There shall be no outdoor storage of equipment or materials
o. Dwelling Unit Review	Regulated by §3.08 . In addition, the following apply: <ul style="list-style-type: none"> (1) All dwelling units shall be reviewed by the Zoning Administrator. (2) Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. (3) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction, and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area. (4) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. (5) Dwelling units shall be provided with roof designs and roofing material similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. (6) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. (7) The dwelling shall contain a minimum storage capability in a basement located under the dwelling, in an attic area, in closet areas,

or in a separate structure of standard construction similar to or of better quality than the principal dwelling. Said storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be anchored by a system approved by the Zoning Administrator.

- (8) The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this Section. The Zoning Administrator or Planning Commission shall not seek to discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the community at large. In reviewing any such proposed dwelling unit, the Zoning Administrator may require the applicant to furnish such plans, elevations and similar documentation as he/she deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units consideration shall be given to comparable types of homes within 300 feet. Should the area within 300 feet not contain any such homes, then the nearest 20 dwellings shall be considered for comparison purposes.



Section 4.09 WF: Waterfront District

A. Purpose.

WF

The Waterfront District is designed and intended to provide for open space in the form of parks or other general land preserves along the shorelines with the intent of preserving and maintaining the natural characteristics of these areas. The district is also intended to accommodate a mix of residential development and limited tourist-oriented commercial uses.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	WF
Accommodation & Food/Event Services	
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops	P
Bars/Taverns	S
Bed & Breakfasts & Tourist Homes §7.05	S*
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37	S*
Food Trucks	S
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11	S*
Restaurants without Drive-Through	P
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Bicycle Shops (sales, rental & repair)	P
Campgrounds & RV Parks §7.15	S*
Canoe/Kayak Liveries	S
Equipment Rental, Non-Motorized (Outfitter)	P
Museums	P
Parks, Playgrounds, & Nature/Conservation Areas	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	WF
Commercial, Services & Retail	
Health Spa	P
Offices, Professional	P
Open Air Business (such as but not limited to retail sale of plant materials, lawn furniture, and garden supplies)	S
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Personal Services (beauty shops, tailoring, massage therapy)	P
Planned Commercial Center	S
Recording Studios	P
Retail Shops:	
Bait & Tackle Shops	S
Gift Shops	S
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Government Offices	P
Police/Fire Stations	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	WF
Residential Use	
Accessory Dwelling Unit §7.36	P*
Home Occupation §7.02	PS*
Multiple-Family Dwelling Units (Apartments)	S
Single-Family Attached Dwelling (Townhouses)	P
Single-Family Detached Dwelling	S
Tiny Home Development (more than 1 on a single lot)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	WF
Transportation & Storage	
Charter Boat Operations	S
Marinas §7.16	S*
Parking Lots (Off-Street)	P
Parking Structures	S
Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers)	S
Utilities & Energy	
Essential Services	P

C. Development Standards.

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

WF

1. Lot & Structure Standards

	Attached and detached single-family (multiple-family uses shall comply with RM standards)	Non-Residential Uses
a. Lot Area (min.)	7,200 sq ft	None
b. Lot Width (min.)	60 ft	None
c. Building Height (max.)	35 ft	35 ft
d. Dwelling Unit Size (min.)	800 sq ft	NA
f. Number of Principal Single-Family Dwelling Units Per Lot (max.)	2	NA
e. Lot Coverage of Structures (max.)	35%	None

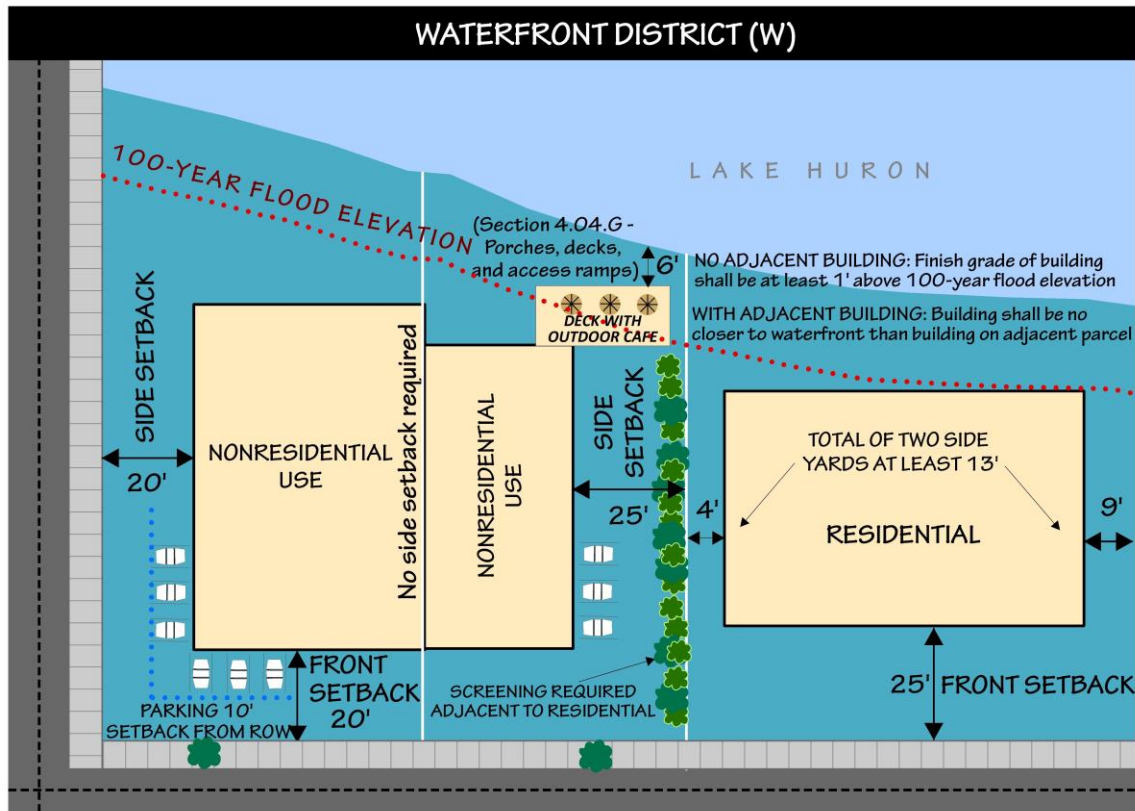
2. Setbacks

a. Front (min.)	25 ft	20 ft
b. Side (min.)	4 ft (at least 1 side) 13 ft (total of 2 sides)	No side yards are required along the interior side lot lines, except as otherwise specified in the building code. In an exterior side yard, a setback equal to the front yard setback shall apply. Where such buildings are abutting a residential district, a side yard setback equal to the minimum front yard setback requirement of the abutting residential district shall be provided.

c. Waterfront Yard	<p>Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots. A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side of said lot or parcel.</p> <p>The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building 1 foot above the 100-year flood elevation, except in those instances where adjacent dwellings are 1 foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.</p>
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3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Dwelling Regulations	Regulated by §3.08 .
c. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
d. Lots with Water Frontage	Regulated by §3.14 .
e. Fences	Regulated by §3.18 .
f. Screening/Buffering	When non-residential abuts residential, screening is required per §3.19 .
g. Circulation, Parking & Loading	<p>(1) Regulated by §3.22.</p> <p>(2) Off-street parking may be permitted in the front yard (street side) and side yard (street side) except that no parking shall be permitted in any front yard closer than ten feet to a street right-of-way line.</p> <p>(3) Off-street parking shall be permitted in the interior side yards.</p> <p>(4) Loading and unloading space shall not be provided in the waterfront yard.</p>
h. Exterior Lighting	Regulated by §3.21 .
i. Signs	Regulated by §3.23 .
j. Permitted Yard Encroachments	Regulated by §4.04 .
k. Access	All permitted non-residential uses shall have direct access to a major thoroughfare.
l. Waterfront Regulations	<p>(1) Buildings shall be located to allow for maximum waterfront open space to provide waterfront access by all property owners in the development.</p> <p>(2) Within practical limits, views to the waterfront from abutting public streets shall be maintained.</p> <p>(3) Dwelling units shall be located so as to be in a compatible relationship with nonresidential uses.</p>



Section 4.10 OS: Office Service District

A. Purpose.

OS

The OS Office Service District is established to create and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas as a land use buffer while minimizing the undesirable impact of the uses on the neighborhoods which they serve.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Land Use Permit *supplemental development regulations	OS
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes §7.05	S*
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37	S*
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	P
Parks, Playgrounds, & Nature/Conservation Areas	P
Commercial, Services & Retail	
Banks/Financial Institutions (drive through allowed)	P
Film Production Facilities including sound stages and other related activities	P
Funeral Homes & Mortuaries	S
Health Spa	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Offices, Professional	P
Office Services, Business Services & Computer Repair, Data Processing & Computer Centers	P
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Personal Services (beauty shops, tailoring, massage therapy)	P
Planned Commercial Center	S
Recording Studios	P
Repair Shops (for small items such as computers, cameras, tools, watches, phones, and similar items - services performed on the premises)	P

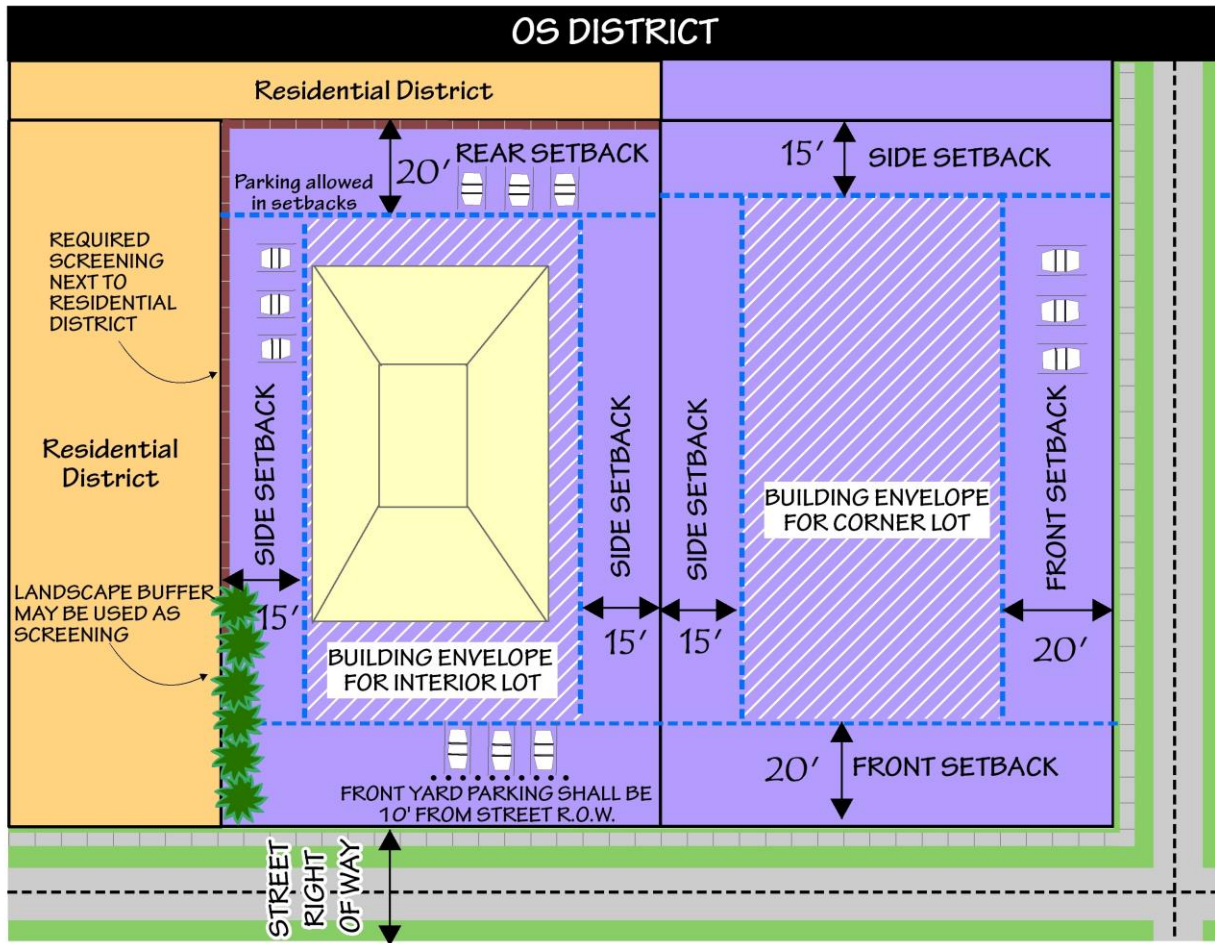
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Land Use Permit *supplemental development regulations	OS
Commercial, Services & Retail (continued)	
Retail Sales	
Health & Personal Care Stores	P
Office Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*
Studios for Dance, Physical Exercise & Music	P
Tattoo and Body Piercing Studios	P
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Colleges, Universities, Business Schools, Trade/Industrial Schools	P
Private Schools for Dance, Music, Voice, & Art	P
Public, Charter or Private Schools (elementary through high school)	S
Human Care & Social Assistance	
Child Care Center /Nursery School (not in home) §7.04	S*
Child Foster Care Homes, Family	P
Convalescent Home or Nursing Home §7.12	S*
Hospitals & Rehabilitation Institutions	P
Medical/Dental/Optical/Health Care Clinics	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right	OS
S = Permitted with a Special Land Use Permit	
*supplemental development regulations	
Public Facilities	
Community Centers	P
Government Offices	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Transportation & Storage	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Helicopter Landing Areas/Helistops §7.19	S*
Parking Lots (Off-Street)	P
Parking Structures	S
Utilities & Energy	
Essential Services	P

C. Development Standards.**OS**

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	75 ft
d. Lot Coverage of Structures (max.)	None
2. Setbacks	
a. Front (min.)	20 ft Corner lots have 2 front yards with a 20 setback on each street
b. Side (min.)	15 ft Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.09 .
b. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
c. Lots with Water Frontage	Regulated by §3.14 .
d. Fences	Regulated by §3.18 .
e. Screening/Buffering	When non-residential abuts a residential district, screening is required per §3.19 .
	(1) Regulated by §3.22 .
f. Circulation, Parking & Loading	(2) Off-street parking may be permitted in the front yard except that no parking shall be permitted in any front yard closer than 10 feet to a street right-of-way line. (3) Off-street parking shall be permitted in the interior side or rear yards.
g. Exterior Lighting	Regulated by §3.21 .
h. Signs	Regulated by §3.23 .
i. Permitted Yard Encroachments	Regulated by §4.04 .



Section 4.11 B-1: Local Business District

A. Purpose.

B-1

The B-1 Local Business District, as herein established, is designed to primarily meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Land Use Permit *supplemental development regulations	B-1
Accommodation & Food/Event Services	
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops	P
Bars/Taverns	P
Cabin Courts (or Cabin Complex)	S
Caterers/Food Service Contractors (as principal use of property)	S
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37	P*
Food Trucks	P
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11	S*
Inns (Lodging Units within Restaurant serving meals to the public)	S
Restaurants without Drive-Through	P
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Agriculture, Forest Products & Animal Services	
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on premises	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor §7.17	P*
Art Galleries & Art Studios	P
Bicycle Shops (sales, rental & repair)	P
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs, gym, swimming, court games)	P
Museums	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Land Use Permit *supplemental development regulations	B-1
Arts, Entertainment & Recreation (continued)	
Parks, Playgrounds, & Nature/Conservation Areas	P
Private Clubs, Lodges, Fraternal Organizations, Social Clubs, & Country Clubs	P
Theaters/Performing Arts Facilities	P
Commercial, Services & Retail	
Auto Repair (Major and Minor), Auto Body/Paint/Interior & Glass, Oil Change, Tire Sales & Installation §7.06 (Major) and §7.07 (Minor)	S*
Funeral Homes & Mortuaries	S
Health Spa	P
Interior Designers/Showrooms	P
Marihuana Microbusinesses §7.34	S*
Marihuana Provisioning Centers & Marihuana Retailers §7.34	S*
Offices, Professional	P
Office Services, Business Services & Computer Repair, Data Processing & Computer Centers	P
Outdoor Display of Products/Materials for Retail Sale or Rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22	S*
Personal Services (beauty shops, tailoring, massage therapy)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P

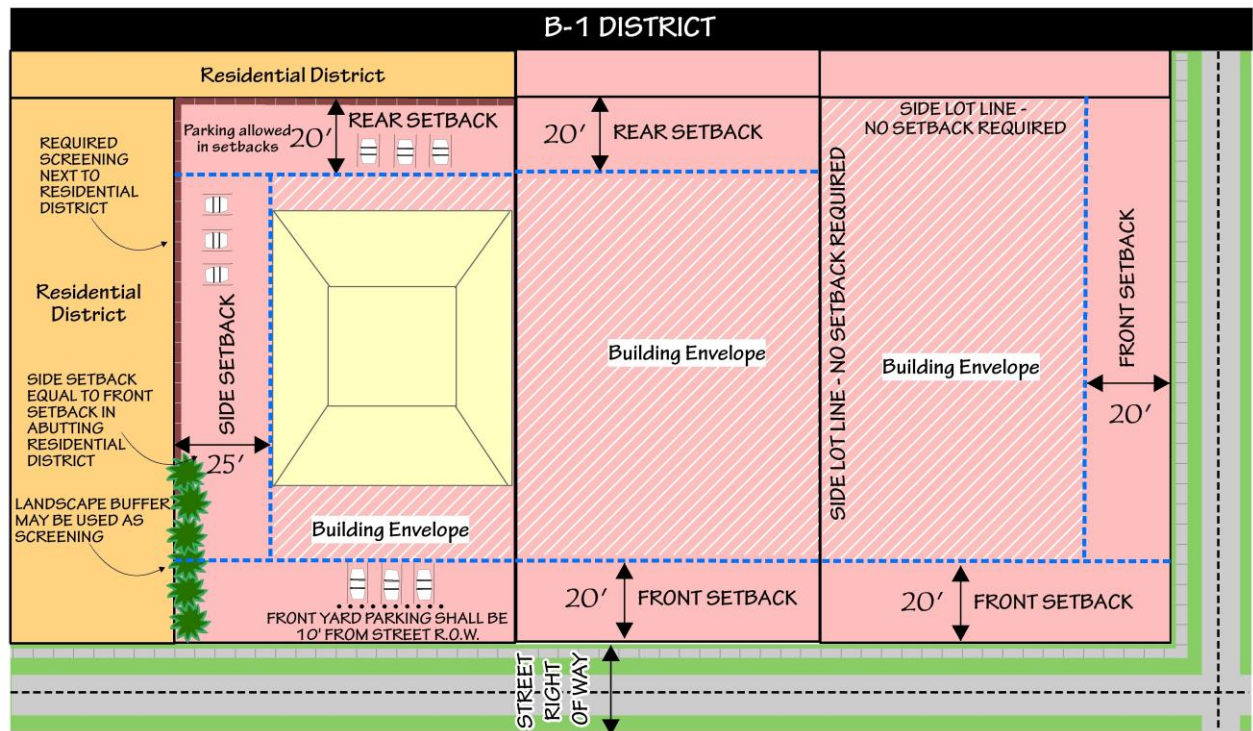
TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-1
Commercial, Services & Retail (continued)	
Planned Commercial Center	S
Recording Studios	P
Repair Shops (for small items such as computers, cameras, tools, watches, phones, and similar items - services performed on the premises)	P
Retail Sales	
Automotive Accessory Sales	P
Antique Stores	P
Convenience Stores	P
Farm Market	P
Florists	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Health & Personal Care Stores	P
Office Supply Stores	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise and Music	P
Tattoo and Body Piercing Studios	P
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Colleges, Universities, Business Schools, & Trade/Industrial Schools	P
Private Schools For Dance, Music, Voice, and Art	P
Public, Charter or Private Schools (elementary through high school)	S
Human Care & Social Assistance	
Child Care Center /Nursery School (not in home) §7.04	S*
Child Foster Care Homes, Family	P
Medical/Dental/Optical/Health Care Clinics	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-1
Public Facilities	
Government Offices	P
Libraries	P
Police/Fire Stations	P
Post Office	P
Residential Uses	
Hotels, Motels, Resorts as Long-Term Rentals (Micro-Units)	P
Transportation & Storage	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Parking Lots (Off-Street)	P
Parking Structures	S
Self-Storage Facilities/Mini-Storage §7.26	S*
Utilities & Energy	
Essential Services	P

C. Development Standards.**B-1**

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	75 ft
d. Lot Coverage of Structures (max.)	None
2. Setbacks	
a. Front (min.)	20 ft Corner lots have 2 front yards with a 25' setback on each street
b. Side (min.)	No side yards are required along the side lot lines, except as otherwise specified in the building code. Where such buildings are abutting a residential district, a side yard setback equal to the minimum front yard setback requirement of the adjacent residential district, whichever is lesser, shall be provided. Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.09 .
b. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
c. Lots with Water Frontage	Regulated by §3.14 .
d. Fences	Regulated by §3.18 .
e. Screening/Buffering	When non-residential abuts a residential district, screening is required per §3.19 .
f. Circulation, Parking & Loading	(1) Regulated by §3.22 . (2) Off-street parking may be permitted in the front yard and street side yard except that no parking shall be permitted closer than ten (10') feet to a street right-of-way line. (3) Off-street parking shall be permitted in the interior side or rear yards. (4) Loading and unloading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley.
g. Exterior Lighting	Regulated by §3.21 .
h. Signs	Regulated by §3.23 .
i. Permitted Yard Encroachments	Regulated by §4.04 .



Section 4.12 B-2: Community Business District

A. Purpose.

B-2

The B-2 Community Business District is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments and which serve the consumer population beyond the corporate boundaries of the City. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging a continuous retail frontage and by limiting automotive-related services and non-retail uses which tend to break up such continuity.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-2
Accommodation & Food/Event Services	
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops	P
Bars/Taverns	P
Cabin Courts (or Cabin Complex)	S
Caterers/Food Service Contractors (as principal use of property)	P
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37	P*
Food Trucks	P
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11	S*
Inns (Lodging Units within Restaurant serving meals to the public)	S
Microbreweries & Distilleries (serving directly to public), Wineries & Cider Mills (incl. processing & accessory uses such as tasting rooms)	P
Night Clubs	P
Restaurants without Drive-Through	P
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Agriculture, Forest Products & Animal Services	
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on-premises	P
Greenhouse, Nursery & Landscaping Establishments	P
Veterinary Clinic/Animal Hospital	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-2
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use), Indoor §7.17	P*
Art Galleries & Art Studios	P
Bicycle Shops (sales, rental & repair)	P
Billiards Halls	P
Bowling Alleys	P
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	P
Firearms Store/Indoor Firearms Range	P
Fitness & Recreational Sports (ex: health clubs, gym, swimming, court games)	P
Museums	P
Parks, Playgrounds, & Nature/Conservation Areas	P
Private Clubs, Lodges, Fraternal Organizations, Social Clubs, & Country Clubs	P
Theaters/Performing Arts Facilities	P
Commercial, Services & Retail	
Banks/Financial Institutions (drive through allowed)	P
Building & Garden Equipment & Supplies Dealers	P
Cash Advance Stores	P
Dry Cleaning & Laundry Services	P

**TABLE OF PERMITTED USES
& SPECIAL LAND USES**

P = Permitted by right	B-2
S = Permitted with a Special Land Use Permit	
*supplemental development regulations	
Commercial, Services & Retail (continued)	
Funeral Homes & Mortuaries	S
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Health Spa	P
Interior Designers/Showrooms	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Offices, Professional	P
Office Services, Business Services & Computer Repair, Data Processing & Computer Centers	P
Outdoor Display of Products/Materials for Retail Sale or Rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22	S*
Personal Services (beauty shops, tailoring, massage therapy)	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Planned Commercial Center	S
Recording Studios	P
Repair Shops (for small items such as computers, cameras, tools, watches, phones, and similar items - services performed on the premises)	P
Retail Sales	
Automotive Accessory Sales	P
Antique Stores	P
Building & Garden Equipment & Supplies Dealers	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm Market	P
Florists	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Office Supply Stores	P

**TABLE OF PERMITTED USES
& SPECIAL LAND USES**

P = Permitted by right	B-2
S = Permitted with a Special Land Use Permit	
*supplemental development regulations	
Commercial, Services & Retail (continued)	
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise, & Music	P
Tattoo & Body Piercing Studios	P
Construction/Contractors	
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Plumbing, Electrical, Welding Shop	P
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Colleges, Universities, Business Schools, & Trade/Industrial Schools	P
Private Schools For Dance, Music, Voice, and Art	P
Public, Charter or Private Schools (elementary through high school)	S
Human Care & Social Assistance	
Child Care Center /Nursery School (not in home) §7.04	S*
Child Foster Care Homes, Family	S
Hospitals & Rehabilitation Institutions	P
Medical/Dental/Optical/Health Care Clinics	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Government Offices	P
Police/Fire Stations	P
Post Office	P

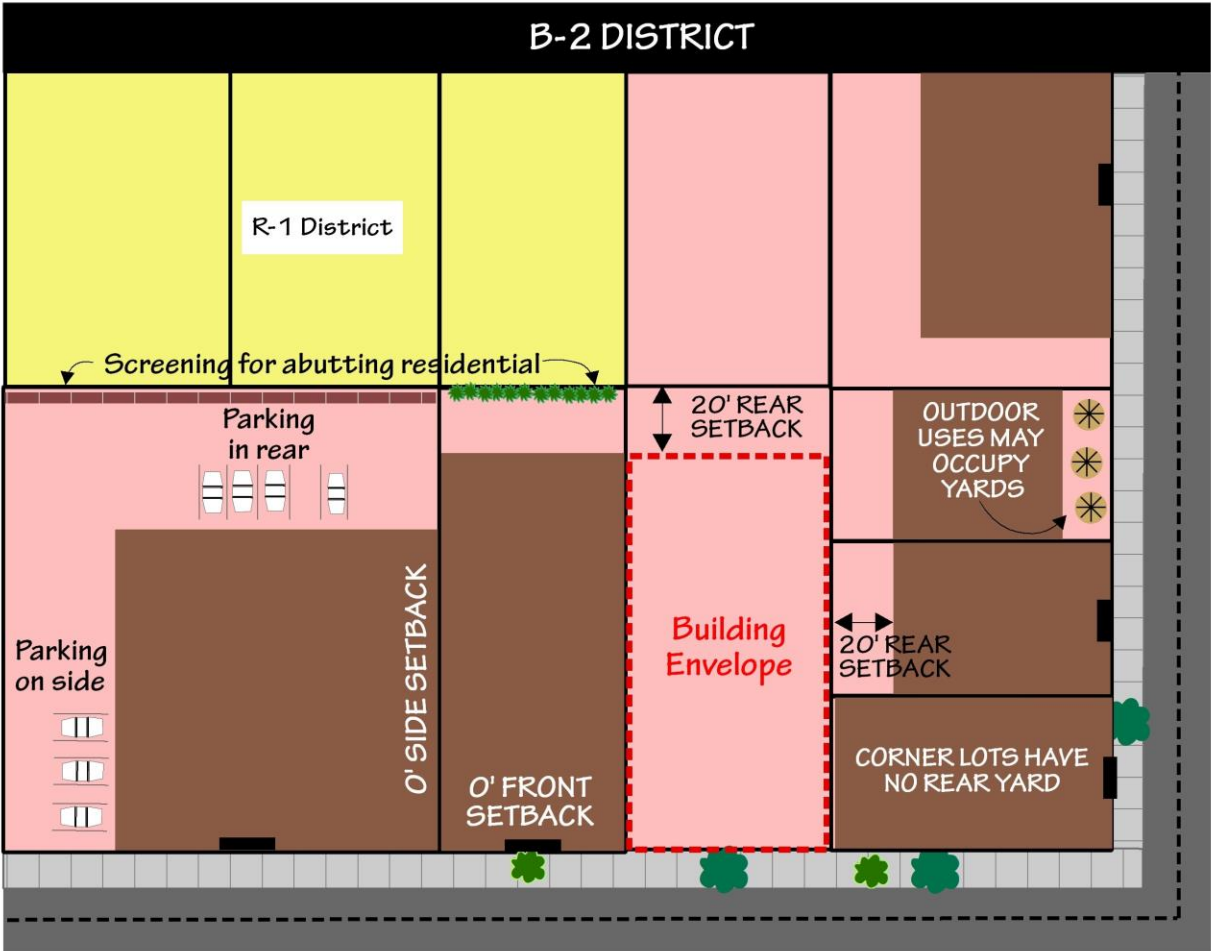
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Land Use Permit *supplemental development regulations	B-2
Residential Uses	
Dwelling Units in conjunction with a Commercial or Office Establishment §7.21	P*
Hotels, Motels, Resorts as Long-Term Rentals (Micro-Units)	P
Transportation & Storage	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Parking Lots (Off-Street)	P
Parking Structures	S
Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers)	S
Self-Storage Facilities/Mini-Storage §7.26	S*
Storage, Indoor (Accessory to the Principal Use)	P
Transit Facilities (including bus garages/stations and scenic & sightseeing transportation/ground passenger transportation such as Greyhound Bus)	P
Utilities & Energy	
Essential Services	P

C. Development Standards.

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards	
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	75 ft
d. Lot Coverage of Structures (max.)	None
2. Setbacks	
a. Front (min.)	None Corner lots have 2 front yards – one on each street
b. Side (min.)	None Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.09 .
b. Porches, Decks, and Access Ramps	Regulated by §4.04.G .

c. Lots with Water Frontage	Regulated by §3.14 .
d. Fences	Regulated by §3.18 .
e. Screening/Buffering	When non-residential abuts a residential district, screening is required per §3.19 . No screening shall be required when residential district is separated from the B-2 lot by a right-of-way.
f. Circulation, Parking & Loading	(1) Regulated by §3.22 . (2) If off-street private parking lots are provided, said lots shall not be located in the front yard unless the Planning Commission determines that no other space is feasibly available for parking. On waterfront lots, parking may be located in the front yard on the street side but shall not be located in the waterfront yard. (3) Loading and unloading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley.
g. Exterior Lighting	Regulated by §3.21 .
h. Signs	Regulated by §3.23 .
i. Encroachments into Public Right-of-Way	(1) Projecting signs may overhang the sidewalk. There shall be a minimum of 8' of clearance between the sidewalk and the bottom of the sign. (2) Awnings may project into the right-of-way 6' from the building. There shall be a minimum of 8' of clearance between the sidewalk and the bottom of the awning. (3) Façade elements including display windows may project into the sidewalk. (4) All of the above are contingent upon approval from MDOT.
j. Blank Walls	Blank walls should not exceed 30' in length. Windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals may be used to eliminate blank walls.
k. Transparency	(1) Building facades within 20' of the sidewalk shall have at least 15% glass for all upper floor facades. Glass is not required to be clear glass. (2) Building facades within 20' of the sidewalk shall have at least 50% clear glass along the ground floor of the façade.
l. Entryways	Buildings within 20' of the sidewalk shall have at least 1 functional entrance facing a sidewalk.
m. Yard Activities	Commercial activities, including food service and seating, may occupy yards.
n. Historic Buildings	The Planning Commission may allow deviations from these development standards in order to accommodate preservation of historic buildings.



Section 4.13 B-3: General Business District

A. Purpose.

B-3

The B-3 General Business District is characterized by more diversified types of retail and automotive services and goods often located to serve passerby traffic.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-3
Accommodation & Food/Event Services	
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops	P
Bars/Taverns	P
Cabin Courts (or Cabin Complex)	S
Caterers/Food Service Contractors (as principal use of property)	P
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37	P*
Food Trucks	P
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11	S*
Inns (Lodging Units within Restaurant serving meals to the public)	S
Microbreweries & Distilleries (serving directly to public), Wineries & Cider Mills (incl. processing & accessory uses such as tasting rooms)	P
Night Clubs	P
Restaurants without Drive-Through	P
Restaurants with Drive-Through (Drive-In or Eat in Car) §7.10	S*
Short Term Rental Homes (ex: Air B&B) §7.39	S*
Sidewalk Café §7.20	S*
Agriculture, Forest Products & Animal Services	
Dog Grooming Establishments	P
Farm Product Sales (Fruit/Vegetable Market) – not grown on-premises	P
Greenhouse, Nursery & Landscaping Establishments	P
Veterinary Clinic/Animal Hospital	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-3
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use), Indoor §7.17	P*
Art Galleries & Art Studios	P
Bicycle Shops (sales, rental & repair)	P
Billiards Halls	P
Bowling Alleys	P
Equipment Rental, Motorized (ORV, Snowmobile)	S
Equipment Rental, Non-Motorized (Outfitter)	P
Firearms Store/Indoor Firearms Range	P
Fitness & Recreational Sports (ex: health clubs, gym, swimming, court games)	P
Museums	P
Outdoor Commercial Recreational Facility (ex – go-karts; miniature golf; disc golf; drive-in theaters) §7.13	S*
Parks, Playgrounds, & Nature/Conservation Areas	P
Private Clubs, Lodges, Fraternal Organizations, Social Clubs, & Country Clubs	P
Theaters/Performing Arts Facilities	P
Commercial, Services & Retail	
Auto Repair (Major and Minor), Auto Body/Paint/Interior & Glass, Oil Change, Tire Sales & Installation §7.06 (Major) and §7.07 (Minor)	S*
Auto Washes	P
Banks/Financial Institutions (drive through allowed)	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-3
Commercial, Services & Retail (continued)	
Building & Garden Equipment & Supplies Dealers	P
Cash Advance Stores	P
Dry Cleaning & Laundry Services	P
Equipment Rental & Sales (including household items)	P
Film Production Facilities including Sound Stages and Other Related Activities	P
Funeral Homes & Mortuaries	S
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations §7.07	S*
Health Spa	P
Interior Designers/Showrooms	P
Laboratories, Medical/Dental	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers	S
Marihuana Microbusinesses §7.34	S*
Marihuana Provisioning Centers & Marihuana Retailers §7.34	S*
Offices, Professional	P
Office Services, Business Services & Computer Repair, Data Processing & Computer Centers	P
Open Air Business (such as but not limited to retail sale of plant materials, lawn furniture and garden supplies)	S
Outdoor Display of Products/Materials for Retail Sale or Rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22	S*
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Planned Commercial Center	S
Recording Studios	P
Repair Shops (for small items such as computers, cameras, tools, watches, phones, and similar items - services performed on the premises)	P
Retail Sales - retail not listed below shall be permitted (P) in the B-3 district	
Automotive Accessory Sales	P
Antique Stores	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-3
Commercial, Services & Retail (continued)	
Building & Garden Equip. & Supplies Dealers	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)	P
Convenience Stores	P
Department Stores	P
Electronics & Appliance Stores	P
Farm Market	P
Florists	P
Gift Shops	P
Grocery Stores/Meat Market/Fruit & Vegetable Market	P
Hardware Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Liquor Stores (liquor is the primary item for sale)	P
Malls, Shopping Centers, or Shopping Plazas	P
Office Supply Stores	P
Pet Stores & Pet Supply Stores	P
Pharmacies/Medical & Optical Supplies	P
Resale Shops/Thrift Shops	P
Sporting Goods, Hobby, Book & Music Stores	P
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14	P*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for Dance, Physical Exercise and Music	P
Tattoo & Body Piercing Studios	P
Taxidermy Shops	P
Construction/Contractors	
Lumber or Building Supply Yards	P
Plumbing, Electrical, Welding Shop	P
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Churches/Places of Worship & Customary Accessory Uses §7.08	S*
Colleges, Universities, Business Schools, & Trade/Industrial Schools	P
Private Schools For Dance, Music, Voice, & Art	P
Public, Charter or Private Schools (elementary through high school)	S

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	B-3
Human Care & Social Assistance	
Child Care Center /Nursery School (not in home) §7.04	S*
Child Foster Care Homes, Family	S
Hospitals & Rehabilitation Institutions	P
Medical/Dental/Optical/Health Care Clinics	P
Residential Human Care & Treatment Facility (not in a residence)	P
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Government Offices	P
Police/Fire Stations	P
Residential Uses	
Dwelling Units in conjunction with a Commercial or Office Establishment §7.21	P*
Hotels, Motels, Resorts as Long-Term Rentals (Micro-Units)	P
Tiny Home Development (more than 1 on a single lot)	S
Transportation & Storage	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Parking Lots (Off-Street)	P
Parking Structures	S
Self-Storage Facilities/Mini-Storage §7.26	S*
Storage, Indoor (Accessory to the Principal Use)	P
Transit Facilities (including bus garages/stations and scenic & sightseeing transportation/ground passenger transportation such as Greyhound Bus)	P
Truck Rental Facilities (ex: U-Haul)	P
Utilities & Energy	
Essential Services	P

C. Development Standards.**B-3**

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

1. Lot & Structure Standards

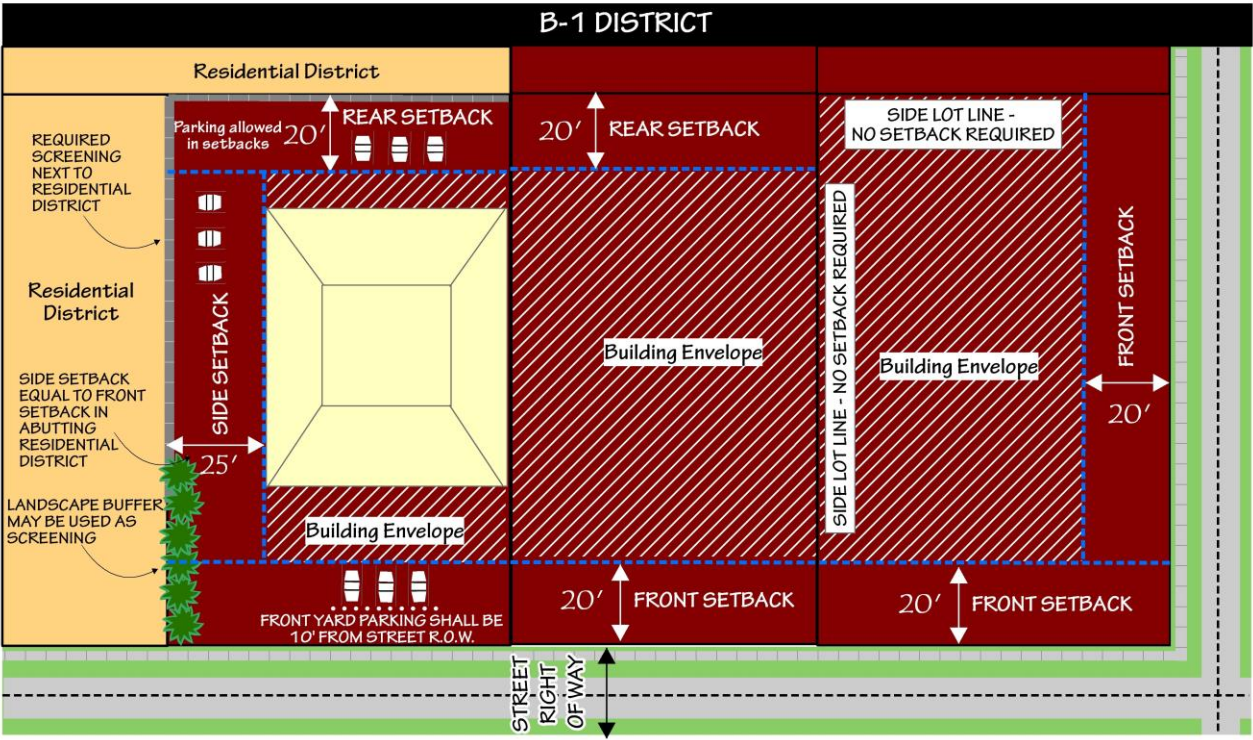
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	75 ft
d. Lot Coverage of Structures (max.)	None

2. Setbacks

a. Front (min.)	20 ft Corner lots have 2 front yards with a 20' setback on each street
b. Side (min.)	No side yards are required except as otherwise specified in the building code. Where such buildings are abutting a residential district, a side yard setback equal to the minimum front yard setback requirement of the adjacent residential district, whichever is lesser, shall be provided. Corner lots have 2 side yards located opposite of each front yard
c. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
c. Lots with Water Frontage	Regulated by §3.14 .
d. Fences	Regulated by §3.18 .
e. Screening/Buffering	When non-residential abuts a residential district, screening is required per §3.19 .
f. Circulation, Parking & Loading	(1) Regulated by §3.22 . (2) Off-street parking may be permitted in the front yard or street side yard except that no parking shall be permitted closer than 10 feet to a street right-of-way line. (3) Off-street parking shall be permitted in the interior side or rear yards. (4) Loading and unloading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley.
g. Exterior Lighting	Regulated by §3.21 .
h. Signs	Regulated by §3.23 .
i. Permitted Yard Encroachments	Regulated by §4.04 .



Section 4.14 I-1: Industrial District

A. Purpose.

I-1

The I-1 Industrial District is designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

B. Uses Allowed.

Permitted and Special Land Uses shall be limited to those listed below (also in **Section 4.16: Full Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plan & Site Plan Review**, **Article 6: Special Land Use Review**, and **Article 7: Supplemental Regulations**.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Agriculture, Forest Products & Animal Services	
Agricultural Products Processing and Storage (excluding concentrated animal feeding operations)	S
Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet/Distribution Centers	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & Related Operations)	S
Grain Elevators	S
Greenhouse, Nursery & Landscaping Establishments	P
Kennels & Dog Clubs §7.27	S*
Arts, Entertainment & Recreation	
Outdoor Commercial Recreational Facility (ex – go-karts; miniature golf; disc golf; drive-in theaters) §7.13	S*
Parks, Playgrounds, & Nature/Conservation Areas	P
Commercial, Services & Retail	
Adult Entertainment Facilities §7.24	S*
Auto Repair (Major and Minor), Auto Body/Paint/Interior & Glass, Oil Change, Tire Sales & Installation §7.06 (Major) and §7.07 (Minor)	S*
Automobile Towing Businesses	S
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Commercial, Services & Retail (continued)	
Business Incubator (Food Incubator listed under Manufacturing)	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales (including household items)	P
Extermination & Pest Control Services	P
Film Production Facilities including Sound Stages and Other Related Activities	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Heavy Equipment Sales & Servicing §7.23	S*
Laboratories, Medical/Dental	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Open Air Business (such as but not limited to retail sale of plant materials, lawn furniture & garden supplies)	S
Outdoor Display of Products/Materials for Retail Sale or Rental (accessory to a principal permitted retail use). No zoning permit necessary. §3.10	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22	S*
Printing/Binding/Publishing of Print Material	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Commercial, Services & Retail (continued)	
Planned Commercial Center	S
Retail Sales:	
Building & Garden Equipment & Supplies Dealers	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Communications	
Small Cell Wireless Facilities §7.18	S*
Television/Radio Broadcasting Stations (with tower) §7.18	S*
Wireless Communications Facilities – Ground Mounted §7.18	S*
Wireless Communications Facilities which use Support Structures (towers) §7.18	S*
Construction/Contractors	
Lumber or Building Supply Yards	P
Plumbing, Electrical, Welding Shop	P
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religion	
Colleges, Universities, Business Schools, & Trade/Industrial Schools	P
Manufacturing, Industrial & Waste Management	
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Manufacturing, Industrial & Waste Management	
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Accessory Retail Sales Connected with an Industrial Use	P
Bakeries (not direct to customer)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	P
Cold Storage Plants	P
Food/Beverage Processing	P
Food/Beverage Bottling & Packaging	P
Food Hub Facility/Food Incubator Facility	P
Incinerator Plant (non-pyrolysis)	P
Incinerator Plant (pyrolysis type)/Gasification	P
Industrial Parks (planned)	P
Junkyards/Salvage Yards/Scrap Yards/ Vehicle Impoundment/Wrecking Yards §7.25	P*
Laboratories, Research & Experimental (not involving hazardous chemicals)	P
Machine Shops	P
Meat Packing Plants	P
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing	P
Mineral Processing Facilities & Operations	P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Portable and Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants, and Similar Uses.	P
Printing or Forming of Box, Carton & Cardboard Products	P
Printing, Lithographic & Blueprinting	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations	P
Research/Design/Experimental Product Development (within enclosed building)	P
Sign Painting & Mfg	P
Smelting Industries	P
Tin Shops or Plumbing Supply Shops	P
Tool & Die Shops	P
Waste Collection Facilities	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Land Use Permit *supplemental development regulations	I-1
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments §7.29	S*
Site Condominium Development §7.30	S*
Public Facilities	
Correctional Facilities (public or private)	S
Police/Fire Stations	P
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants	P
Transportation & Storage	
Drone (Unmanned Aerial) Centers	S
Distribution Centers/Freight Terminals/Trucking Facilities	P
Helicopter Landing Areas/Helistops §7.19	S*
Parking Lots (Off-Street)	P
Parking Structures	S
Self-Storage Facilities/Mini-Storage §7.26	S*
Rail yards	P
Storage, Indoor (Accessory to the Principal Use)	P
Storage Facilities, Outdoor or Indoor (storage is the principal use) §7.25	P*
Transit Facilities (including bus garages/stations and scenic & sightseeing transportation/ground passenger transportation such as Greyhound Bus)	P
Truck Rental Facilities (ex: U-Haul)	P
Truck Repair (semi-trucks)	P
Truck Washes (semi-trucks)	P
Vehicle Parking & Storage, Seasonal (ex: boats, RVs, and cars)	P
Warehousing	P
Wholesale Businesses	P
Utilities & Energy	
Essential Services	P
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (with or without storage yards)	P
Solar Energy Facility (Utility-Scale) §7.35	S*
Utility Transformer Stations & Substations	P

C. Development Standards.

Principal buildings within this district shall adhere to the following standards unless specifically stated otherwise in this Ordinance:

I-1**1. Lot & Structure Standards**

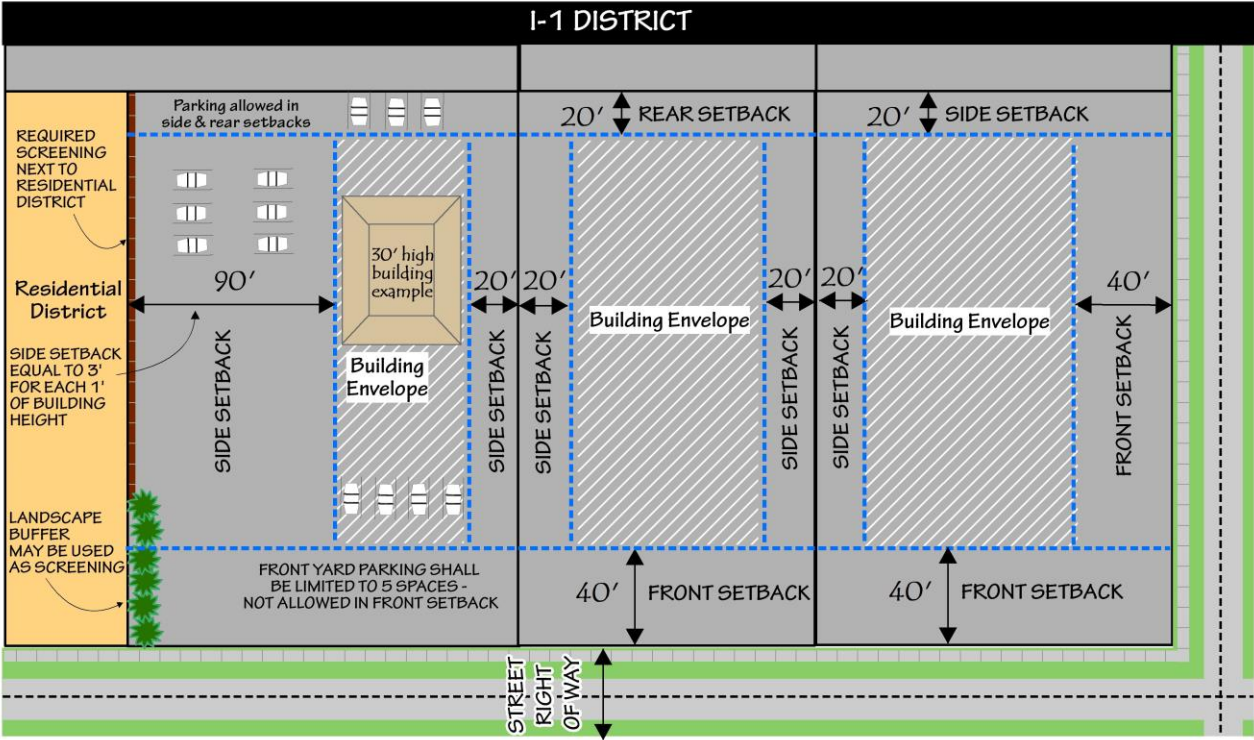
a. Lot Area (min.)	None
b. Lot Width (min.)	None
c. Building Height (max.)	75 ft
d. Lot Coverage of Structures (max.)	None

2. Setbacks

a. Front (min.)	40 ft Corner lots have 2 front yards with a 40' setback on each street	
b. Side (min.)	20 ft Corner lots have 2 side yards located opposite of each front yard	In the Industrial District, where the side lot or rear lot lines abut a residential district, a setback equal to 3' of horizontal distance for each 1' foot of building height of the principal building shall be provided. However, setbacks shall be no less than the required setbacks stated in this table (to the left of this text box).
c. Rear (min.)	20 ft	

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.09 .
b. Porches, Decks, and Access Ramps	Regulated by §4.04.G .
c. Lots with Water Frontage	Regulated by §3.14 .
d. Fences	Regulated by §3.18 .
e. Screening/Buffering	When non-residential abuts a residential district, screening is required per §3.19 .
f. Circulation, Parking & Loading	<p>(1) Regulated by §3.22.</p> <p>(2) In the I-1 district, no off-street parking shall be permitted in the front yard except up to 5 visitors and handicapped parking spaces may be placed in the front yard between the front of the building and the minimum required front yard setback line of the district.</p> <p>(3) Off-street parking shall be permitted in the side or rear yards.</p> <p>(4) Loading and unloading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley.</p>
g. Exterior Lighting	Regulated by §3.21 .
h. Signs	Regulated by §3.23 .
i. Permitted Yard Encroachments	Regulated by §4.04 .



Section 4.15 PUD: Planned Unit Development District

PUD

A. Purpose.

The purpose of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

B. Uses Allowed.

See **Section 7.29.B**.

C. Approval Process.

1. **PUDs as a Stand-Alone District.** PUDs may exist as a zoning district. A property that is proposed to be rezoned to a PUD District shall follow the rezoning procedures in **Section 10.01**. After rezoning, the implementation of the actual PUD project shall be a Special Land Use and shall follow the PUD approval procedures in **Section 7.29**.
2. **PUDs as a Special Use within a District.** PUDs may exist within any other zoning district as a Special Land Use. The PUD shall follow the PUD approval procedures in **Section 7.29**.

D. Development Standards.

See **Section 7.29**.

Section 4.16 Full Table of Permitted & Special Land Uses

R-1	Single-Family Residential District	Land Use Categories	Pg
		Accommodation & Food/Event Services	
R-2	High Density Residential District	Agriculture, Forest Products & Animal Services	
RM	Multiple-Family District	Arts, Entertainment & Recreation	
RF	Riverfront District	Commercial, Services & Retail	
WF	Waterfront District	Communications	
OS	Office Service District	Construction & Contractors	
B-1	Local Business District	Educational Services & Religion	
B-2	Community Business District	Human Care & Social Assistance	
B-3	General Business District	Manufacturing, Industrial & Waste Management	
I-1	Industrial District	Miscellaneous	
		Public Facilities	
		Residential Uses	
		Transportation & Storage	
		Utilities & Energy	

Permitted and Special Land Uses shall be limited to those listed in the following Table of Permitted and Special Land Uses and listed in the individual use tables within each district section (above). Uses not listed in this table are not permitted. Unlisted uses are subject to **Section 4.03.A.3**.

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Accommodation & Food/Event Services										
Bakeries, Confectioneries, Ice Cream Shops, & Coffee Shops				P	P		P	P	P	
Bars/Taverns				P	S		P	P	P	
Bed & Breakfasts & Tourist Homes §7.05	S*		S*	S*	S*	S*				
Cabin Courts (or Cabin Complex)				S			S	S	S	
Caterers/Food Service Contractors (as principal use of property)							S	P	P	
Commercial Event Facilities (Convention Centers/Conference Centers/Banquet Halls/Wedding Venues) §7.37					S*	S*	P*	P*	P*	
Food Trucks				S	S		P	P	P	
Hotels, Motels, Resorts, & Vacation Lodges (attached or detached units) §7.11				S*	S*		S*	S*	S*	
Inns (Lodging Units within Restaurant serving meals to the public)				S			S	S	S	
Microbreweries & Distilleries (serving directly to the public), Wineries & Cider Mills (including processing and accessory uses such as tasting rooms)								P	P	
Night Clubs								P	P	
Restaurants without Drive-Through				P	P		P	P	P	
Restaurants with Drive-Through (Drive-In or Eat in Car) §7.10									S*	
Rooming Houses/Boarding Houses (NO ZONING PERMIT REQUIRED)	P		P	P	P					
Short Term Rental Homes (ex: Air B&B) §7.39	S*		S*	S*	S*	S*	S*	S*	S*	
Sidewalk Café §7.20				S*	S*	S*	S*	S*	S*	

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Agriculture, Forest Products & Animal Services										
Agricultural Products Processing and Storage (excluding concentrated animal feeding operations)										S
Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet/Distribution Centers										P
Dog Grooming Establishments							P	P	P	
Farm Product Sales (Fruit/Vegetable Market) – not grown on-premises							P	P	P	
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & Related Operations)										S
Grain Elevators										S
Greenhouse, Nursery & Landscaping Establishments								P	P	P
Kennels & Dog Clubs §7.27										S*
Veterinary Clinic/Animal Hospital								P	P	

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Arts, Entertainment & Recreation										
Amusement Arcades & Similar Indoor Recreation									P	
Archery Ranges (& as accessory use), Indoor §7.17							P*	P*	P*	
Art Galleries & Art Studios				P	P	P	P	P	P	
Bicycle Shops (sales, rental & repair)				P	P		P	P	P	
Billiards Halls								P	P	
Bowling Alleys								P	P	
Campgrounds & RV Parks §7.15			S*	S*	S*					
Canoe/Kayak Liveries				S	S					
Country Clubs	P		S							
Equipment Rental, Motorized (ORV, Snowmobile)								S	S	
Equipment Rental, Non-Motorized (Outfitter)				P	P		P	P	P	
Firearms Store/Indoor Firearms Range								P	P	
Fitness & Recreational Sports (ex: health clubs, gym, swimming, court games)							P	P	P	
Museums	P			P	P		P	P	P	
Outdoor Commercial Recreational Facility (ex – go-karts; miniature golf; disc golf; drive-in theaters) §7.13				S*					S*	S*
Parks, Playgrounds, & Nature/Conservation Areas	P	P	P	P	P	P	P	P	P	P
Private Clubs, Lodges, Fraternal Organizations, & Social Clubs				S			P	P	P	
Theaters/Performing Arts Facilities				S			P	P	P	

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Commercial, Services & Retail										
Adult Entertainment Facilities §7.24										S*
Auto Repair (Major and Minor), Auto Body/Paint/Interior & Glass, Oil Change, Tire Sales & Installation §7.06 (Major) and §7.07 (Minor)							S*		S*	S*
Automobile Towing Businesses										S
Auto Washes									P	
Banks/Financial Institutions (drive through allowed)						P		P	P	
Boat/RV/Recreational Equipment Repair & Storage										P
Building & Garden Equipment & Supplies Dealers								P	P	P
Business Incubator (Food Incubator listed under Manufacturing)										P
Cash Advance Stores								P	P	
Cleaning Services										P
Commercial Equipment Repair & Maintenance										P
Dry Cleaning & Laundry Services								P	P	
Electronic & Precision Equipment Repair & Maintenance										P
Equipment Rental & Sales (including household items)									P	P
Extermination & Pest Control Services										P
Film Production Facilities including Sound Stages and Other Related Activities						P			P	P
Funeral Homes & Mortuaries	S		S	S		S	S	S	S	
Furniture Refinishing (Upholsterers)/Furniture Repair								P	P	P
Gas Stations §7.07									S*	
Health Spa				P	P	P	P	P	P	
Heavy Equipment Sales & Servicing §7.23										S*
Interior Designers/Showrooms						P	P	P	P	
Laboratories, Medical/Dental						P			P	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales								P	P	P
Manufactured Home Dealers									S	

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Commercial, Services & Retail										
Marihuana Microbusinesses §7.34							S*		S*	
Marihuana Provisioning Centers & Marihuana Retailers §7.34							S*		S*	
Offices, Professional				P	P	P	P	P	P	
Office Services, Business Services & Computer Repair, Data Processing & Computer Centers						P	P	P	P	
Open Air Business (such as but not limited to retail sale of plant materials, lawn furniture and garden supplies)				S	S				S	S
Outdoor Display of Products/Materials for Retail Sale or Rental (accessory to a principle permitted retail use). No zoning permit necessary. §3.10				P	P	P	P	P	P	P
Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment §7.22				S*			S*	S*	S*	S*
Personal Services (beauty shops, tailoring, massage therapy)				P	P	P	P	P		
Photofinishing/Photographers							P	P	P	
Printing/Binding/Publishing of Print Material							P	P	P	P
Planned Commercial Center				S	S	S	S	S	S	S
Recording Studios				P	P	P	P	P	P	
Repair Shops (for small items such as computers, cameras, tools, watches, phones, and similar items - services performed on the premises)						P	P	P	P	
Retail Sales (retail not listed below shall be permitted (P) in the B-3 district)				P						
Automotive Accessory Sales							P	P	P	
Antique Stores				P			P	P	P	
Bait & Tackle Shops				S	S					
Building & Garden Equipment & Supplies Dealers								P	P	P
Clothing, Clothing Accessory & Shoe Stores (including shoe repair)								P	P	
Convenience Stores				P			P	P	P	
Department Stores								P	P	
Electronics & Appliance Stores								P	P	
Farm Market							P	P	P	

Table of Permitted Uses & Special Land Uses											
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1	
Commercial, Services & Retail											
Florists				P			P	P	P		
Gift Shops				P	S		P	P	P		
Grocery Stores/Meat Market/Fruit & Vegetable Market							P	P	P		
Hardware Stores								P	P		
Health & Personal Care Stores				P		P	P				
Home Improvement Centers (lumber stored in enclosed structure)									P	P	
Liquor Stores (where liquor is the primary item for sale)									P		
Malls, Shopping Centers, or Shopping Plazas									P		
Office Supply Stores						P	P	P	P		
Pet Stores & Pet Supply Stores								P	P		
Pharmacies/Medical & Optical Supplies						P		P	P		
Resale Shops/Thrift Shops								P	P		
Sporting Goods, Hobby, Book & Music Stores							P	P	P		
Seasonal Sales/Transient Sales (seasonal/transient sales have a physical location and are not door-to-door sales) §7.14				P*	P*	P*	P*	P*	P*		
Small Engine Repair								P	P		
Small-Scale Craft Making							P	P	P		
Studios for Dance, Physical Exercise & Music						P	P	P	P		
Tattoo & Body Piercing Studios						P	P	P	P		
Taxidermy Shops									P		

Table of Permitted Uses & Special Land Uses											
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1	
Communications											
Small Cell Wireless Facilities §7.18											S*
Television/Radio Broadcasting Stations (with tower) §7.18											S*
Wireless Communications Facilities – Ground Mounted §7.18											S*
Wireless Communications Facilities which use Support Structures (towers) §7.18											S*
Construction & Contractors											
Lumber Yards (pre-planned, finished lumber)/Building Material Sales								P	P	P	P
Plumbing, Electrical, Welding Shop								P	P	P	P
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)								P	P	P	P
Special Trade Contractors Offices & Showrooms with outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)											P
Educational Services & Religion											
Churches/Places of Worship & Customary Accessory Uses §7.08	S*		S*	S*		S*	S*	S*	S*		
Colleges, Universities, Business Schools, & Trade/Industrial Schools						P	P	P	P		P
Private Schools For Dance, Music, Voice, and Art						P	P	P	P		
Public, Charter or Private Schools (elementary through high school)	S		S	S		S	S	S	S		

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Human Care & Social Assistance										
Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME	S		S							
Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME	S		S							
Adult Day Care Facility NOT IN PRIVATE HOME	S		S							
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P						
Adult Foster Care Small Group Home (7-12 adults)	S		S							
Adult Foster Care Large Group Home (13-20 adults)	S		S							
Adult Foster Care Congregate Facilities (over 20 adults)	S		S							
Assisted Living Home	S		S							
Child Care Home, Family (6 or less)	S		S							
Child Care Home, Group (7 -12) §7.03	S*		S*							
Child Care Center/Nursery School (not in home) §7.04	S*		S*			S*	S*	S*	S*	
Child Caring Institution	S		S							
Child Foster Care Homes, Family	P		P	P		P	P	S	S	
Convalescent Home or Nursing Home §7.12	S*		S*			S*				
Hospitals & Rehabilitation Institutions						P		P	P	
Medical/Dental/Optical/Health Care Clinics						P	P	P	P	
Residential Human Care & Treatment Facility (not in a residence)									P	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P						

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Manufacturing, Industrial & Waste Management										
Manufacturing, Light – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects and do not directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.										P
Manufacturing, Heavy – including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects and may directly affect nearby development. External effects shall include but are not limited to air contaminants, blown material, odor, noise, glare, gasses, electrical disturbance, heat, and vibration.										P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)										P
Accessory Retail Sales Connected with an Industrial Use										P
Bakeries (not direct to customer)										P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill										P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)										P
Cold Storage Plants										P
Food/Beverage Processing										P
Food/Beverage Bottling & Packaging										P
Food Hub Facility/Food Incubator Facility										P
Incinerator Plant (non-pyrolysis)										P
Incinerator Plant (pyrolysis type)/Gasification										P
Industrial Parks (planned)										P
Junkyards/Salvage Yards/Scrap Yards/ Vehicle Impoundment/Wrecking Yards §7.25										P*
Laboratories, Research & Experimental (not involving hazardous chemicals)										P

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Manufacturing, Industrial & Waste Management										
Machine Shops										P
Meat Packing Plants										P
Metal Plating/Bufing/Polishing/Cutting/ Slitting/Shearing										P
Mineral Processing Facilities & Operations										P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution										P
Portable and Temporary Hot & Cold Mix Asphalt Plants, Ready-Mix Concrete Plants, and Similar Uses.										P
Printing or Forming of Box, Carton & Cardboard Products										P
Printing, Lithographic & Blueprinting										P
Recycling facilities/Resource Recovery Facilities/Transfer Stations										P
Research/Design/Experimental Product Development (within enclosed building)										P
Sign Painting & Mfg										P
Smelting Industries										P
Tin Shops or Plumbing Supply Shops										P
Tool & Die Shops										P
Waste Collection Facilities										P

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Miscellaneous										
Accessory Buildings & Uses Incidental to Principal Uses	P	P	P	P	P	P	P	P	P	P
Cemeteries which lawfully occupied land at the time of adoption of this Ordinance	S									
Cemeteries including Columbaria and Mausoleums (human or pet) §7.09	S*		S*							
Planned Unit Developments §7.29	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Site Condominium Development §7.30	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Public Facilities										
Community Centers	P		P			P				
Correctional Facilities										S
Government Offices					P	P	P	P	P	
Libraries	P		P			P	P			
Police/Fire Stations	P		P	P	P	P	P	P	P	P
Post Office				P		P	P	P		
Public Works Facilities with Outdoor Storage										P
Water & Wastewater Treatment Plants										P
Residential Uses										
Accessory Dwelling Units §7.36	P*	P*	P*	P*	P*					
Dwelling Units in conjunction with a Commercial or Office Establishment §7.21				P*				P*	P*	
Home Occupations §7.02	PS*	PS*	PS*	PS*	PS*					
Hotels, Motels, Resorts as Long-Term Rentals (Micro-Units)				P			P	P	P	
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §7.33		S*	S*							
Multiple-Family Dwelling Units (Apartments)			P	S	S					
Single-Family Attached Dwelling (Townhouses)	S		P	P	P					
Single-Family Cluster & Open Space §7.32	S*		S*	S*						
Single-Family Detached Dwelling	P		P	P	S					
Tiny Home Development (more than 1 on a single lot)			S	S	S				S	
Two-Family Dwelling (duplex)	S		P	S						

Table of Permitted Uses & Special Land Uses										
P = Permitted Use S = Permitted with Special Land Use Permit *supplemental regulations	R-1	R-2	RM	RF	WF	OS	B-1	B-2	B-3	I-1
Transportation & Storage										
Charter Boat Operations				S	S					
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments						P	P	P	P	
Drone (Unmanned Aerial) Centers										S
Distribution Centers/Freight Terminals/Trucking Facilities										P
Helicopter Landing Areas/Helistops §7.19						S*				S*
Marinas §7.16				S*	S*					
Parking Lots (Off-Street)			P	P	P	P	P	P	P	P
Parking Structures			S	S	S	S	S	S	S	S
Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers)				S	S			S		
Rail yards										P
Self-Storage Facilities/Mini-Storage §7.26							S*	S*	S*	S*
Storage, Indoor (Accessory to the Principal Use)								P	P	P
Storage Facilities, Outdoor or Indoor (storage is the principal use) §7.25										P*
Transit Facilities (including bus garages/stations and scenic & sightseeing transportation/ground passenger transportation such as Greyhound Bus)								P	P	P
Truck Rental Facilities (ex: U-Haul)									P	P
Truck Repair (semi-trucks)										P
Truck Washes (semi-trucks)										P
Vehicle Parking & Storage, Seasonal (ex: boats, RVs, and cars)										P
Warehousing										P
Wholesale Businesses										P
Utilities & Energy										
Essential Services	P	P	P	P	P	P	P	P	P	P
Propane Distributor/Propane Supply Facilities										P
Public Utility Facilities (with or without storage yards)										P
Solar Energy Facility (Utility-Scale) §7.35										S*
Utility Transformer Stations & Substations										P

Section 4.17 Schedule of Regulations

Principal buildings within this district shall adhere to the standards within this table unless specifically stated otherwise in this Ordinance. For the full set of regulations, please see each district section.

Districts	Minimum Size of Lot		Maximum Height of Structure feet	Minimum Setback (in feet)			Max. % of Lot Coverage (Area of all Buildings)	Minimum Floor Area (sq ft)	Minimum Building Width (ft)	Additional Standards
	Area (sq ft)	Width (ft)		Front (a)(c)	Sides (c)	Rear				
R-1 One Family Residential District	7,200	60 (b)	35	25 (c)	4 (1 side) 13 (total of 2 sides)	30	35	800	20 (d)	Section 4.05
R-2 High Density Residential District – single family dwellings (manufactured housing communities regulated by R125.1941)	3,600	30	35	25 (c)	9 (1 side) 18 (total of 2 sides)	30	n/a	800	n/a	Section 4.06
RM Multiple Family District	7,200	60 (b)	35	25	10 (e)	30	35	800	20 (d)	Section 4.07
RF Riverfront District – residential use	n/a	n/a	35	15 (f)	5 (f)	n/a	n/a	800	n/a	Section 4.08
RF Riverfront District – non-residential use				20 (f)	0 (f)			n/a		
WF Waterfront District – single/two family	7,200	60	35	25 (g)	4 (1 side) 13 (total of 2 sides)	n/a	35	800	n/a	Section 4.09
WF Waterfront District – non-residential use	n/a	n/a	35	20 (g)	0 (g)	n/a	n/a	n/a	n/a	
OS Office Service District	n/a	n/a	75	20	15	20	n/a	n/a	n/a	Section 4.10
B-1 Local Business District	n/a	n/a	75	20	(h)	20	n/a	n/a	n/a	Section 4.11
B-2 Community Business District	n/a	n/a	75	n/a	n/a	20	n/a	n/a	n/a	Section 4.12
B-3 General Business District	n/a	n/a	75	20	(h)	20	n/a	n/a	n/a	Section 4.13
I-1 Industrial District	n/a	n/a	75	40	20 (i)	20 (i)	n/a	n/a	n/a	Section 4.14

a. **Waterfront Lots.**(1) **R-1 and R-2 Districts.**

- i. Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots.
- ii. A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side(s) of said lot or parcel.
- iii. The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building one (1') foot above the one hundred (100) year flood elevation, except in those instances where dwellings on adjacent lots are one (1') foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.

(2) **RM District.** The waterfront setback shall be one hundred (100') feet. The area of said setback may be utilized in the computation of density but shall not be used for off-street parking, buildings or accessory uses. Said yard area may be used for open space, recreation, beach facilities, and similar uses.

b. **Lot Width in R-1 and RM Districts.** Interior lots shall have a minimum width of sixty (60') feet and corner lots shall have a minimum width of seventy-five (75') feet.

c. **Corner Lots.** Corner lots have two (2) front yards with a front setback on each street. Corner lots have two (2) side yards located opposite of each front yard.

d. **Minimum Building Width.** There shall be at least twenty (20') feet along at least seventy-five (75%) percent of each side of the building.

e. **Side Yards in RM District.** Every lot on which a multiple-family dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1') foot for each ten (10') feet or part thereof by which the multiple dwelling length exceeds forty (40') feet in overall dimension along the adjoining lot line.

f. **Riverfront District.**

1. **Residential Uses Side Yard.** Residential uses shall have an interior side setback of at least five (5') feet and a street side setback (on a corner lot) of twelve (12') feet.

2. **Non-Residential Uses Side Yard.** No side yards are required along the interior side lot

lines of the District, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than five (5') feet shall be provided. When the lot abuts a residential District or use, a setback of at least ten (10') feet is required. If the said lot is a corner lot, the side line that abuts a street shall have a setback of twelve (12') feet.

3. **Riverfront Yard.** All uses shall have a setback along the river of fifteen (15') feet from the ordinary high water mark.

g. **Waterfront District.**

1. **Waterfront Yard.** Where lots border on a lake, river, or canal, the ordinary high water mark shall be considered the front of such lots. A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side of said lot or parcel. The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building one (1') foot above the 100-year flood elevation, except in those instances where adjacent dwellings are one (1') foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.
 2. **Side Yards for Non-Residential Uses.** No side yards are required along the interior side lot lines, except as otherwise specified in the building code. In an exterior side yard, a setback equal to the front yard setback shall apply. Where such buildings are abutting a residential district, a side yard setback equal to the minimum front yard setback requirement of the abutting residential district shall be provided.
- h. **B-1 and B-3 Districts.** No side yards are required along the side lot lines except as otherwise specified in the building code. Where such buildings are abutting a residential district, a side yard setback equal to the minimum front yard setback requirement of the adjacent residential district, whichever is lesser, shall be provided.
- i. **Industrial District.** In the Industrial District, where the side lot or rear lot lines abut a residential district, a setback equal to three (3') feet of horizontal distance for each one (1') foot of building height of the principal building shall be provided. However, setbacks shall be no less than the required setbacks stated in the schedule of regulations.

Article 5

Plot Plan & Site Plan Review

Sec	Name	Pg
5.01	Purpose & Approval Summary Table	5-1
5.02	Plot Plan Review	5-2
5.03	Site Plan Review Procedures	5-4
5.04	Site Plan Data Required	5-6
5.05	Site Plan Review Standards	5-8
5.06	Changes, Expiration, Revocation, Fees & Guarantees	5-10

Section 5.01 Purpose & Approval Summary Table

It is the purpose of this Article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as business, industrial, and multiple family developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments, such as single-family and two-family dwellings.

Table 5.01 Approval Summary Table

(Plot Plan Review regulated by §5.02 and Site Plan Review Regulated by §5.03 – 5.06)

Type of Use	Plan Required*	Approving Body
1. Single-Family Detached Dwellings	Plot Plan	Reviewed & approved by ZA
2. Single-Family Attached Dwelling Units (i.e. Townhouses) & Duplexes	Site Plan	Reviewed & approved by PC
3. Multiple-Family Dwelling Units	Site Plan	Reviewed & approved by PC
4. Child Care Home, Family or Group	Plot Plan	Reviewed & approved by PC
5. Adult Foster Care or Day Care	Plot Plan	Reviewed & approved by PC
6. Special Land Uses – all except Home Occupations	Site Plan	Reviewed by PC after public hearing
Special Land Uses – Home Occupations	Plot Plan	Reviewed by PC after public hearing
7. Accessory Structures, Buildings & Decks – residential	Plot Plan	Reviewed & approved by ZA
Accessory Structures, Buildings & Decks – non-residential	Plot Plan (ZA may require site plan)	Reviewed & approved by ZA (ZA may forward to the PC for approval)
8. New Commercial, Office, Industrial, Energy, & Institutional Uses	Site Plan	Reviewed & approved by PC

9. Expansion of existing development (that originally requires Planning Commission approval) when the expansion will result in a higher number of parking spaces required.	Site Plan	Reviewed & approved by PC
10. Change of Use (provided the use is permitted in the district, there are no alterations to the footprint, and no additional parking is required)	None	Reviewed & approved by PC
11. Signs	See §3.23	Reviewed & approved by ZA
12. Parking Lots	Site Plan	Reviewed & approved by PC
13. Planned Unit Developments or Site Condominium Developments (Special Land Uses)	Site Plan	Reviewed & approved by PC after public hearing
14. Food Trucks	Plot Plan	Reviewed & approved by PC
ZA = Zoning Administrator PC = Planning Commission *ZA has the authority to make changes to the type of plan required. If a use's approval process is not indicated in the table, then it shall be under the Planning Commission approval authority.		

Section 5.02 Plot Plan Review

A. Plot Plan Data Required.

An accurate, readable drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator. The Zoning Administrator may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning permit. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary.

Table 5.02 Plot Plan Requirements

1. Location	Address and legal description of the property where the proposed use will occur.
2. Contact information	Name, address, and telephone number of the applicant (and owner if different).
3. Property	a. The scale, north arrow, and date. b. The shape, location, and dimensions of the lot and property lines. c. When deemed necessary by the Zoning Administrator, a survey may be required.
4. Setbacks	Location of setbacks.
5. Structures	a. The location, dimensions, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.

	b. An elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
6. Accesses & Rights-of-Way	a. Configuration of the driveway, parking, drains, and site drainage patterns. b. Existing public rights-of-way or easements.
7. Type of Use	a. A description of proposed use(s) of the building(s), land, or structures. b. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users as may be applicable.
8. Natural Features	The location of natural features such as woodlands, streams, floodplains, drains, lakes, or ponds with indication as to which are to be retained or removed.
9. Yards	The yard, open space, parking lot and space dimensions, and number of spaces.
10. Other	Any other information deemed necessary by the Zoning Administrator to determine that the proposed improvement complies with the requirements of this Ordinance.

B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in **Section 5.01** after an application has been submitted and applicable fees have been paid.

1. Plot Plans that are Reviewed and Approved by the Zoning Administrator.

- a. **Procedure.** The Zoning Administrator will issue a Zoning Permit pursuant to **Section 9.03** after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.
- b. **Amendments.** If an amendment is requested to a plot plan approved by the Zoning Administrator, the Zoning Administrator shall review proposed changes to an approved plot plan in accordance with the same procedures, requirements, and standards as specified in **Section 9.03**.

2. Plot Plans that are Reviewed and Approved by the Planning Commission.

- a. **Procedure.** Applicants shall follow the Site Plan Review Procedures in **Section 5.03**. If approved, the Zoning Administrator will issue a Zoning Permit pursuant to **Section 9.03**.
- b. **Amendments.** If an amendment is requested to a plot plan approved by the Planning Commission, **Section 5.06.A** applies.

Section 5.03 Site Plan Review Procedures

A. Pre-Application Meeting.

The Zoning Administrator, alone or in conjunction with other City staff, the Planning Commission Chair, or the full 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 meeting is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application meeting should be held several months in advance of the desired start of construction. Such an advance meeting will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

B. Submittal and Distribution of Site Plans for Review.

Every site plan submitted to the City shall be in accordance with the requirements of this Ordinance. No site plan shall be reviewed by the Planning Commission until it has been reviewed by the Zoning Administrator, in coordination as may be necessary with the fire department, police department, city staff, and consultants for compliance with the standards of the respective departments.

1. **Submittal.** The applicant shall submit four (4) hard copies and one (1) electronic copy of the application and site plan to the Zoning Administrator at least twenty-one (21) days prior to the next Planning Commission meeting. Fees for review of site plans shall be collected at the time of site plan submittal in accordance with the site plan review fee schedule established by the City Council.
2. **Review.** The Zoning Administrator shall review the application and site plans for completeness and if such application or plans are not complete, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit the application and site plan to the Planning Commission.
3. The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:
 - a. The **Iosco County Soil Erosion and Sedimentation Control Officer**
 - b. The **Iosco County Drain Commissioner**
 - c. The **Michigan Department of Transportation**
 - d. The **Iosco County Building Department**
 - e. **District Health Department**
 - f. Local police, fire, and ambulance service providers
 - g. Planning consultant
 - h. Engineering consultant or staff
 - i. Other agencies or departments as deemed appropriate

Agencies, departments, or consultants must transmit their comments, in writing, to the Zoning Administrator at least seven (7) business days before the Planning Commission meeting at which the site plan is to be reviewed.

C. Site Plans Requiring ZBA Action.

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.

D. Review.

The Zoning Administrator and the Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance. The Planning Commission may, at its discretion, delay deliberating upon a site plan until its next scheduled meeting. If the applicant fails to provide representation at the meeting, the review may be postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

E. Planning Commission Action.

1. **Decision.** The Planning Commission shall approve, disapprove, or approve with conditions or modifications, the site plan in accordance with the requirements of the zoning district in which the proposed use is located, the criteria listed in **Section 5.05**, and any applicable standards contained in **Article 7 (Supplemental Regulations)**. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such Commission action.
2. **Findings of Fact.** 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.
3. **Conditions.** Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting. Conditions shall only be issued pursuant to **Section 9.07**.
4. **Signed Copies.** Two (2) copies of the approved site plan, with any conditions required, shall be filed as part of the City's records for future review and enforcement. Two (2) copies shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Zoning Administrator or the chairperson of the Planning Commission. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed as a part of the site plan and delivered to the applicant for information and direction.

5. **Performance Guarantee.** The applicant may be required to post performance guarantees to ensure the completion of improvements associated with the project as per **Section 9.05**.
6. **Zoning Permit.** Approval of a final site plan authorizes the issuance of a Zoning Permit.
7. **Conformity to Approved Site Plans.** Property which is subject to site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto. If construction and development do not conform to such approved plans, the approval and any permit shall be revoked by the Zoning Administrator pursuant to **Section 9.03**. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation or making the property safe.

Section 5.04 Site Plan Data Required

Each site plan submitted shall contain the information contained in **Table 5.04** unless specifically waived, in whole or in part, by the Zoning Administrator or the Planning Commission. The Zoning Administrator or Planning Commission can waive any of the site plan requirements listed below when it is found that those requirements are not applicable to the proposed development. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it including all existing and proposed easements or rights-of-way. Note that any proposed construction, landscaping, retention of natural features, or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these depictions become part of the approval of the site plan.

Table 5.04: Site Plan Requirements

A. General Information

1. Name and address of property owner and developer, including contact information.
2. Name and address of firm preparing the site plan, including contact information.
3. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.

B. Project Description

1. Gross acreage of development.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, hours of operation, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.

C. Property Information & Right of Way

1. A survey showing property dimensions and legal description, including angles, lot area, and dimensions, and an arrow pointing north. The location and width of all abutting rights-of-way and easements.

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Land Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

2. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within 200 feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).

D. Development Features

1. **Proposed Structures.** A plan showing the location of all buildings and structures, including accessory buildings and structures, on the site including building elevation drawings.
2. **Existing Structures.** Existing roads and structures indicating which are to be retained, removed, or altered.
3. **Nearby Structures.** The location and identification of all existing structures within a two hundred (200) foot radius of the property lines of the site.
4. **Existing Rights-of-Way/Easements.** Existing public rights-of-way, private easements of record, and deed restrictions.
5. **Vehicular and Pedestrian Circulation.** Proposed streets and alleys (including cross-sections), acceleration, deceleration, or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel; the inside radii of all curves including driveway curb returns; the width of streets, driveways, and sidewalks; the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles; and proposed traffic control measures, including signs, and proposed street or road names.
6. **Parking.** The locations, sizes, and number of parking spaces in the off-street parking area, and the identification of service lanes.
7. **Loading and Unloading Areas.** The proposed locations and size of all loading and unloading areas.
8. **Landscaping.** A landscaping plan indicating the locations of plant materials to be preserved, and locations of proposed planting and screening and fencing in compliance with the requirements of **Section 3.18** and **3.19**. Also, proposed locations of common open spaces, if applicable.
9. **Waste.** The locations of all storage and disposal facilities including the location of dumpsters.
10. **Lighting and Signs.** The locations of all proposed exterior lighting and signs, including size and type.
11. **Hazardous Materials.** Locations and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.
12. **Storage.** Outdoor storage areas and snow storage areas.
13. **Utilities.** Locations of utilities, water supply, and the location and design of wastewater systems as well as any easements that exist or are proposed to be established for installation, repair, and maintenance of utilities.
14. **Drainage.** A storm drainage and stormwater management plan for all streets and any impacted area. Drainage. Location of exterior drains, dry wells, catch basins,

retention and/or detention areas, sumps, and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes shall also be specified on the site plan.

E. Natural Features

1. Natural features such as woodlands, streams, floodplains, drains, lakes, or ponds, topography (at two (2') foot intervals on-site and within two-hundred (200') feet of the site).

F. Other

1. A statement from the applicant identifying all federal, state, and local permits required, if any.
2. Project completion schedule.
3. Such other information as may be necessary to enable the City to determine the proposed site plan's compliance with the provisions of this Ordinance.
4. All other information required by the City.

Section 5.05 Site Plan Review Standards

In reviewing the site plan, the Planning Commission and Zoning Administrator shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission and Zoning Administrator shall find that provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. In addition, each site plan shall conform to 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. Ingress and Egress.

The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and to pedestrian traffic shall be safe and efficient. Where possible, shared commercial access drives shall be encouraged.

B. **Parking and Circulation.** The location of automobile parking areas and traffic circulation features within the site will assure:

1. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
2. Satisfactory and harmonious relationships exist between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
3. Vehicular and pedestrian circulation shall be well defined.

4. Parking features and circulation meet the requirements of the **Americans with Disabilities Act** and **Section 3.22** of this Ordinance.

C. Privacy.

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and for neighboring properties. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants and neighboring property. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives, which shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

D. Emergency Vehicle Access.

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

E. Preservation of Natural Landscape.

The natural landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

F. Snow Storage.

Adequate snow handling measures shall be planned for and proper snow storage areas shall be provided.

G. Landscaping.

Landscaping, including grass, trees, shrubs, and other vegetation, is provided to maintain and improve the aesthetic quality of the site and area.

H. Outside Storage and Waste Receptacles.

Shall comply with **Section 3.11**.

I. Compatibility with Surrounding Area.

1. The plan for the proposed building or structure shall include elevation drawings and shall indicate the manner in which the structure is in harmony with the general character of the surrounding development and, in general, contributes to the image of the community as a place of beauty, balance, fitness, broad vistas, and high quality.

2. The plan for the proposed building or structure indicates the manner in which the structure and surrounding areas are reasonably protected against external and internal noises, vibrations, noxious odors, and other factors which may tend to make the environment less desirable.
3. The proposed building or structure will not, due to exterior design, appearance, or inferior quality, cause the nature of the local environment to materially depreciate in appearance and value.

Section 5.06 Changes, Expiration, Revocation, Fees & Guarantees

The following Section applies to an approved site plan and to a Planning Commission-approved plans.

A. Amendment to the Site Plan/Plot Plan.

All improvements shall conform to the approved plot plan/site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes and receive the Zoning Administrator's approval prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved plot plan/site plan. A plot plan/site plan may be amended upon application and in accordance with the procedure herein for a plot plan/site plan. The Zoning Administrator may approve minor changes in an approved plot plan/site plan, provided that a revised plot plan/site plan drawing(s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval.

1. **Determination of Minor Changes.** The Zoning Administrator shall consider the following to be a minor change:
 - a. Changes in floor plans that do not exceed twenty-five (25%) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
 - b. Alterations to vertical elevations by up to twenty-five (25%) percent.
 - c. Movement of a building or buildings by no more than ten (10') feet.
 - d. Reduction of the size of any building, structure, or sign.
 - e. Improvements to site access or circulation, such as the inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - f. Internal rearrangement of the parking lot which does not affect the number of parking spaces by more than ten (10%) percent or alter access locations or design.
 - g. Relocation of sidewalks and/or refuse storage stations.

- h. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
- i. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
- j. Changes that will preserve the natural features of the site without changing the basic site layout.
- k. Change type and design of lighting fixture provided there will be no change in the intensity of light at the property boundary.
- l. Changes required or requested by the City or other state or 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.

2. Revised Plot Plan/Site Plan with Minor Changes.

- a. After approval by the Zoning Administrator, the applicant shall prepare a revised plot plan/site plan showing the approved amendment. The revised plot plan/site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
- b. No fees shall be required for minor plot plan/site plan amendments approved by the Zoning Administrator.

3. Amendment to Site Plan – Major.

- a. For amendments to plot plans/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.
- b. If the Zoning Administrator finds that a proposed amendment to a plot plan/site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that plot plan/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. If construction has begun, a Stop Work Order shall be issued, affecting that portion of the project that is not in compliance with the approved plot plan/site plan. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's plot plan/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.

B. Site Plan and Plot Plan Expiration.

The approval of any site plan or plot plan under this provision shall expire eighteen (18) months 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 eighteen (18) month period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that should a lapse of more than one (1) year in continuous substantial construction and development occur, said approval shall expire. The building inspector shall not issue a building permit for any type of construction on the basis of the approved plan after such approval has expired.

C. Revocation of Site Plan or Plot Plan Approval.

If construction and development do not conform to such the approved site plan/plot plan, the approval and any permit shall be revoked by the Zoning Administrator pursuant to **Section 9.03**. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation or making the property safe.

D. Fees for Expired Site Plans/Plot Plans.

Fees for review of an expired plot plan/site plan may be waived in those instances where no substantial change in conditions of the plot plan/site plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired plot plans/site plans or new plot plans/site plans shall be the same as for the initial submittal. Fees shall be provided in accordance with a City Council resolution for applications, permits, and cost recovery for such services as engineering, planning, and attorney fees associated with the project.

Article 6

Special Land Use Review

Sec	Name	Pg
6.01	Purpose	6-1
6.02	Approval Process	6-1
6.03	Special Land Use Standards	6-4
6.04	Inspection of a Special Land Use	6-5
6.05	Amendment to a Special Land Use	6-5
6.06	Expiration, Suspension or Revocation of a Special Land Use	6-6

Section 6.01 Purpose

The development and execution of this Article are based upon the division of the City into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are Special Land Uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, on the impact of those uses upon neighboring properties. These uses are of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Section 6.02 Approval Process

A. Initiation of Special Land Use.

An applicant may file an application to use the land for one or more of the Special Land Uses provided for in **Article 4** in the zoning district in which the land is located.

B. Application for a Special Land Use.

1. **Pre-Application Meeting.** A pre-application meeting pursuant to **Section 5.03.A** may be requested by the applicant.
2. **Application.** An application for Special Land Use shall be filed with the City on a form prescribed by the City, accompanied by the appropriate fee as shall have been adopted by resolution of the City Council. The applicant shall submit four (4) hard copies and one (1) electronic copy of the application and any required plot plan or site plan to the Zoning Administrator at least forty-five (45) days prior to the desired public hearing date.
3. **Content of Application.**

An application for a Special Land Use permit shall contain the following information:

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

- a. The applicant's name, address, and telephone number.
- b. The names and addresses of all record owners and proof of ownership.
- c. Legal description, address, and tax parcel number of the property.
- d. A scaled and accurate survey drawing correlated with a legal description and showing all existing buildings, drives, and other improvements.
- e. A detailed description of the proposed use.
- f. A plot plan or site plan, if requested by the Zoning Administrator or Planning Commission, which plan shall meet all the requirements of **Article 5**.
- g. Any other information as may be appropriate as required by **Article 7** of this Ordinance or as may be required by the Zoning Administrator or Planning Commission.

The Zoning Administrator may waive the plot plan or site plan requirements if the Special Land Use does not involve new construction or improvements/alterations to an existing structure.

4. **Review for Completeness.** The Zoning Administrator shall review the application and plans for completeness and if such application or plans are not complete, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the Zoning Administrator shall record the date of their receipt and transmit the application packet to the Planning Commission.
5. **Coordination.** The Zoning Administrator may distribute the application materials to other agencies/departments pursuant to **Section 5.03.B**.
6. **Transmittal of Recommendation.** The Zoning Administrator shall transmit his/her recommendation along with the comments from all reviewing departments and agencies to the Planning Commission prior to the public hearing.

C. **Review Procedure.**

1. **Public Hearing.** Upon receipt of an application for a Special Land Use, a public hearing shall be held. Notice that a request for Special Land Use approval has been received shall be provided pursuant to requirements of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, (MCL 125.3101 et seq). See **Section 9.08**.
2. **Review.** If a plot plan or site plan is required, the Planning Commission shall review the plot plan or site plan according to the requirements of the zoning district in which the proposed use is to be located, **Section 5.05**, and all other applicable requirements of this Ordinance. In addition, all Special Land Uses shall be reviewed according to the standards set forth in **Section 6.03**.

3. **Representation at Meeting.** If the applicant fails to provide representation, the review may be postponed until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
4. **Delay at Applicant's Request.** The applicant may ask that the Special Land Use approval process, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the added cost. If the delay is requested during the public hearing and a date and time are set for the new review at that time, no additional notification of property owners and newspaper notice shall be required.
5. **Planning Commission Decision.** After the public hearing, the Planning Commission shall do one of the following:
 - a. **Approve.** Approve the Special Land Use application and final plot plan or site plan, if a plot plan or site plan was required. The Zoning Administrator shall then be directed to issue a Zoning Permit for the Special Land Use.
 - b. **Approve with Conditions.** Approve the Special Land Use application and final plot plan or site plan subject to conditions which are imposed in order to ensure the Special Land Use complies with standards stated in this Ordinance. The Zoning Administrator shall then be directed to issue a Zoning Permit for the Special Land Use.
 - c. **Denial.** Deny the Special Land Use application and final plot plan or site plan.
6. **Findings of Fact.** 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.
7. **Notification of Denial.** If the Special Land Use is denied by the Planning Commission, the Zoning Administrator shall send notification of such denial to the applicant within ten (10) days after such Commission action.
8. **Signed Copies.** If a plot plan or site plan was required, two (2) copies of the approved plot plan or site plan, with any conditions required, shall be maintained as part of the City's records for future review and enforcement. Two (2) copies shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Zoning Administrator or the chairperson of the Planning Commission.
9. **Applications Requiring ZBA Action.** Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, the application may be approved contingent upon approval of the Zoning Board of Appeals.

10. **Applications Requiring a Rezoning.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Land Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
- Separate Consideration.** The rezoning shall be considered separately and prior to the Special Land Use Permit.
 - Procedures.** The Ordinance procedures for each decision shall be followed as specified. Any Special Land Use Permit approval must be conditioned upon adoption of the rezoning by the City Council.
 - Standards.** All standards required by this Ordinance shall be observed for each action.
 - Public Hearings.** The public shall be given the opportunity for input on both the rezoning and Special Land Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
11. **Conditions and Guarantees.** In granting a Special Land Use permit, the Planning Commission may impose conditions it deems necessary to achieve the objective and standards of this Ordinance, the standards of the zoning act, and the public health, safety, and welfare of the City. Conditions imposed shall be pursuant to **Section 9.07**. Failure to comply with such conditions shall be considered a violation of this Ordinance. An approved Special Land Use permit, including all conditions, shall run with the land to which the approval applies, and shall remain unchanged. Amendments to conditions shall be governed by **Section 5.06**.
12. **Effect of Denial of a Special Land Use.** No application for a Special Land Use which has been denied wholly or in part by the City shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of a change of conditions found to be valid by the Planning Commission.
13. **Appeal to the ZBA.** The decision of the Planning Commission with respect to a Special Land Use permit may not be appealed to the Zoning Board of Appeals.

Section 6.03 Special Land Use Standards

The Planning Commission shall review the particular circumstances and facts of each proposed Special Land Use in terms of the following standards and required findings and with respect to any additional standards set forth in this Ordinance. The Planning Commission shall find and report adequate data, information, and evidence demonstrating whether the proposed use meets all of the following standards:

A. The Special Land Use:

- Will be consistent with the intent and purpose of this Ordinance.

2. Will be compatible with the community Master Plan of current adoption.
 3. Will be compatible with essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or schools affected by the use.
- B. The establishment, maintenance, or operation of the Special Land Use will not be detrimental to or endanger the public health, safety, general welfare, or the natural environment.
 - C. The Special Land Use will not be hazardous, disturbing, or injurious to the use or enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish or impair property values within its neighborhood. The Special Land Use will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - D. The establishment of the Special Land Use will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in the district.
 - E. Adequate utilities, access roads, drainage, parking, lighting, storage, refuse removal, easements, play areas, open space, landscaping, snow removal, and all necessary facilities as required by the City have been or are being provided.
 - F. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 - G. The Special Land Use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this or other ordinances of the City.
 - H. The Special Land Use shall not create additional requirements at public costs for public facilities or services that will be detrimental to the economic welfare of the City.

Section 6.04 Inspection of a Special Land Use

The Zoning Administrator or designee shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use permit.

Section 6.05 Amendment to a Special Land Use

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required according to the procedures stated in **Section 5.06**. Amendments to the Special Land Use or any conditions which are not considered "Minor Amendments" shall undergo the same review process as the original Special Land Use request.

Section 6.06 Expiration, Suspension or Revocation of a Special Land Use

A. Expiration.

In any case where a Special Land Use has not been established within eighteen (18) months after the date of granting authorization for the use, the Special Land Use authorization shall automatically be null and void without further action by the City. At least thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may submit an application to the Planning Commission for a one (1) year extension of the Special Land Use permit. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension. Fees shall apply to requested extensions.

B. Revoke Special Land Use.

The Planning Commission may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent or is in violation of any of the provisions of this Ordinance or of any other ordinance or regulation of the City. The breach of any condition shall be cause for the Planning Commission to revoke a Special Land Use Permit.

1. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Land Use Permit and order the use to cease.
2. **Second Notice and Order.** After expiration of the thirty (30) day period and if the correction has not been made, the Planning Commission may revoke the Special Land Use permit. The Zoning Administrator shall notify the permit holder, by certified mail, that the Special Land Use permit has been revoked and the use for which the permit was granted must cease within thirty (30) days from the date of this second notice.
3. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special Land Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

C. Special Land Use and Transfer or Sale of Property.

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **subsection E** below. A Special Land Use approval runs with the land until such time as the use designated in the approval is changed by the occupant as in **subsection D** or **subsection E** below. The land then reverts back to only the uses and conditions permitted by right in that specific zoning district.

D. Special Land Use that has been Replaced or Superseded.

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.

E. Abandonment of Special Land Use.

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 Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been turned off.
2. Whether the property, buildings, grounds, or signs have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

Article 7

Supplemental Regulations

Sec	Name	Pg	Sec	Name	Pg
7.01	Purpose	7-1	7.21	Dwellings in Conjunction with Commercial or Office	7-18
7.02	Home Occupations	7-2	7.22	Outdoor Sales Space for New or Used Autos, Recreational Vehicles, Manufactured Homes & Boats	7-19
7.03	Group Child Care Homes	7-4	7.23	Heavy Equipment Sales & Service	7-19
7.04	Child Care Centers	7-5	7.24	Adult Entertainment Facilities	7-20
7.05	Bed & Breakfasts/Tourist Homes	7-5	7.25	Outdoor Storage Yards & Junkyards	7-21
7.06	Major Auto Repair	7-6	7.26	Mini-Storage Facilities	7-23
7.07	Gas Stations & Minor Auto Repair	7-7	7.27	Kennels	7-23
7.08	Churches & Place of Worship	7-8	7.28	Extraction Operations for Sand, Gravel, Clay, Stone & Topsoil	7-24
7.09	Cemeteries	7-8	7.29	Planned Unit Development	7-26
7.10	Drive-In & Drive-Through Establishments	7-9	7.30	Condominiums Projects/Site Condominiums	7-30
7.11	Motels & Hotels	7-9	7.31	Subdivision or Site Condominium Open Space Plan in R-1 District	7-31
7.12	Nursing Homes	7-10	7.32	Single-Family Clustering Option	7-34
7.13	Outdoor Commercial Recreation & Flea Markets	7-10	7.33	Manufactured Housing Communities	7-36
7.14	Seasonal Use	7-11	7.34	Marihuana Facilities	7-38
7.15	Camping Facilities/RV Parks	7-12	7.35	Solar Energy Facilities (Utility-Scale)	7-40
7.16	Marinas	7-12	7.36	Accessory Dwelling Units/Guest Houses	7-42
7.17	Archery & Gun Range	7-12	7.37	Commercial Event Facilities	7-43
7.18	Wireless Communications	7-13	7.38	Reasonable Accommodation Use	7-45
7.19	Helicopter Landing Areas	7-17	7.39	Short Term Rentals	7-46
7.20	Sidewalk Cafes	7-18			

Section 7.01 Purpose

In addition to the regulations set forth in this Ordinance, the following are specific regulations and design standards for uses marked with an asterisk in **Section 4.16** (Full Table of Permitted & Special Land Uses) and the use tables within each district section in **Article 4** and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

Section 7.02 Home Occupations

A. Prohibited Home Occupations.

The following are prohibited as home occupations:

1. Private clubs.
2. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors, or uses resulting in electrical interference.
3. Restaurants.
4. Motor vehicle repair or paint shops.

B. Home Occupations Subject to Special Land Use Permit.

If any of the following apply to a Home Occupation, a Special Land Use Permit is required:

1. Employs two (2) or more individuals who reside off-premises.
2. Needs frequent delivery or shipment of goods.
3. Utilizes more than twenty-five (25%) percent of the floor area of the dwelling or more than fifty (50%) percent of the floor area of the accessory building for the Home Occupation.
4. Engages in retail sales to customers who visit the premises.

C. Standards for Home Occupations.

Home Occupations that are permitted or which have been granted a Special Land Use permit shall be subject to the following standards:

1. **Exterior Appearance.** The exterior appearance of the structure shall not be altered or the Home Occupation within the residence conducted in a manner which would cause the premises to differ from its residential character and the surrounding neighborhood.
2. **Employees.** A Home Occupation may employ no more than one (1) person who works on the premises of the Home Occupation who does not physically reside on the premises containing the Home Occupation unless a Special Land Use permit has been issued.

3. **Floor Area.** The Home Occupation shall occupy no more than twenty-five (25%) percent of the floor area of the dwelling or fifty (50%) percent of a detached accessory building unless a Special Land Use permit has been issued.
4. **Storage.** There shall be no outside storage of any kind related to any Home Occupation unless screened from view of neighboring property or the public right-of-way.
5. **Outside Display.** The Planning Commission has the authority to permit outside display of finished goods. The location and percentage of yard utilized for outside display shall be determined by the Planning Commission.
6. **Traffic and Off-Street Parking.** No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Occupation shall be provided by an off-street area or by that premise's street frontage.
7. **Deliveries/Customer Visits.** The delivery of goods or the visit of customers shall not be permitted before 6:00 a.m. or after 8:00 p.m. Deliveries shall be made by small vehicles such as step vans and similar vehicles.
8. **Entrances.** Separate entrances for the Home Occupation shall not constitute a nuisance to neighboring property owners.
9. **Equipment.** Mechanical or electric equipment employed by the Home Occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
10. **Signs.** Signage shall conform to signage standards for residences in **Section 3.23**.
11. **Public Services.** Sewerage or water use shall not be in excess of what is normal in the neighborhood.
12. **External Effects.** No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no Home Occupation exists.

D. Compliance, Review, and Violations.

1. Upon written application by the owner, the Zoning Administrator or Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation 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 and to the owner of the real property premises, if different from the operator of the Home Occupation. 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.

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.

4. Proposed revisions or additions to a Home Occupation shall constitute a change of use and shall be subject to a new review and approval.

Section 7.03 Group Child Care Homes

A. Siting Requirements.

Group child care homes shall not be located closer than one thousand five hundred (1,500') feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:

1. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
2. A community correction center, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. Special Performance Standards.

1. All outdoor play areas shall be enclosed with fencing a minimum of four (4') feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group child care home should not require exterior modifications to the dwelling nor should the front setback be the location of play equipment.
3. At least one (1) off-street parking space shall be provided for each non-family employee of the group child care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. A drop-off area shall be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.

Section 7.04 Child Care Centers

- A. Child care centers may be a principal use of the property or may be permitted as an accessory use to an approved use, such as a church, school, office, or other place of employment upon review and approval as a Special Land Use.
- B. The facility shall comply with all applicable building codes.
- C. One (1) parking space per caregiver and/or employee plus off-street drop off for delivery and pick up of children shall be provided.
- D. The site shall comply with the sign provisions of **Section 3.23**.
- E. A fenced area not less than four (4') feet in height shall be provided for a play area.

Section 7.05 Bed & Breakfasts/Tourist Homes

- A. The following site and development requirements shall apply:
 - 1. Off-street parking shall be provided based upon one (1) space for each rental room and one (1) space for the operator of the facility. It is the intent to discourage yards from being destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration by submission of an analysis of parking required and parking available within a three hundred (300') foot radius of the subject parcel. After analyzing this data, the Planning Commission may recommend approval of a lower number of required parking spaces if sufficient off-street parking exists in the neighborhood.
- B. The following special performance standards shall apply:

The bed and breakfast facility/tourist home must be a single-family dwelling which is operated and occupied by the owner/or manager.

- 1. Meals may be served to overnight guests only and may not be served to the public at large.
- 2. The applicant shall provide a scaled floor plan of the premise as part of the Special Land Use application.
- 3. The exterior appearance of the structure shall not be altered from its single-family character.
- 4. The impact of the bed and breakfast facility/tourist home on the neighborhood shall be no greater than that of a private home with overnight guests.
- 5. Retail sales are not permitted beyond those activities serving overnight patrons.

6. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
7. The establishment shall contain at least two (2) exits to the outdoors.
8. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
9. Lavatories and bathing facilities shall be available to all persons using the premises.
10. No separate or additional kitchen facilities shall be provided for paying guests.

Section 7.06 Major Auto Repair

- A. The following site and development requirements shall apply:
1. Ingress and egress to the facility shall be only from a paved major thoroughfare or from a shared access drive to such roadway.
 2. No more than two (2) driveways to a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50') feet and driveway widths shall not exceed thirty-five (35') feet. Driveways shall be separated by a minimum of twenty (20') feet.
 3. Curb openings shall be no closer than ten (10') feet to any adjoining lot line and shall be no closer than twenty (20') feet to an intersection as measured from the right-of-way.
 4. No lot line of the site shall be less than two hundred (200') feet from any lot line of any place of public assembly including but not limited to hospitals, sanitariums, schools, churches, or other institutions.
 5. All buildings shall be set back not less than forty (40') feet from all street rights-of-way lines.
 6. All fuel pumps shall be located not less than fifteen (15') feet from any lot line or within thirty (30') feet from the street right-of-way and shall be arranged so that motor vehicles, trailers, or semi-trailers using them will not be parked on or overhanging any public sidewalk or street right-of-way.
 7. The site shall be a minimum of fourteen thousand (14,000) square feet in area and have a minimum of one hundred forty (140') feet of frontage. On lots with frontage on two (2) streets, the street designated as the major access side of the site shall have not less than ninety (90') feet of street frontage.
 8. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

9. There shall be provided on those sides abutting or adjacent to a residential district a six (6') foot solid wall such as brick, decorative block, or decorative poured concrete. The height of the wall shall be measured from the surface of the ground of the abutting residential district.

10. Semi-trailers used for storage are limited to no more than sixty (60) consecutive days.

B. The following special performance standards shall apply:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, undercoating, and repair equipment and operations shall be located within a completely enclosed structure.
2. All lighting shall be shielded from adjacent streets and residential districts, and all under-canopy lighting shall be flush-mounted on the underside of the canopy.
3. Storage of vehicles rendered inoperative for any reason and vehicles without current license plates or registrations shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building and shall be screened from view of neighboring properties and the public right-of-way by a six (6') foot solid wall of brick, decorative block, or decorative poured concrete.
4. An auto wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
5. Retail sales of convenience store merchandise sold primarily to patrons purchasing fuel or services may be permitted.
6. The sale of propane gas is permitted provided all requirements of the International Fire Code, as amended, are complied with.

Section 7.07 Gas Stations & Minor Auto Repair

The following site and development standards shall apply:

- A. The minimum lot area shall be ten thousand (10,000) square feet and so arranged that ample space is available for motor vehicles which are required to wait for service.
- B. The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty (20') feet from a street right-of-way intersection or from adjacent residential districts.
- C. There shall be provided, on those sides abutting or adjacent to a residential district, a six (6') foot high solid wall such as brick, decorative block, or decorative poured concrete. The height of the wall shall be measured from the surface of the ground of the abutting residential district.

- D. All lighting shall be shielded from adjacent streets and residential districts and under-canopy lighting shall be flush-mounted on the underside of the canopy.
- E. The sale of propane gas is permitted provided all requirements of the International Fire Code, as amended, are complied with.
- F. For facilities with new underground storage tanks, the site shall be not less than three hundred (300') feet from any residential well, eight hundred (800') feet from a non-community public water well, and two thousand (2,000') feet from any public water well, or as otherwise required by state or federal law.
- G. All fuel pumps shall be located not less than fifteen (15') feet from any lot line or within thirty (30') feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- H. Retail sales of convenience store merchandise sold primarily to patrons purchasing fuel or services may be permitted.

Section 7.08 Churches & Place of Worship

The following site and developmental requirements shall apply:

- A. All ingress and egress to and from the site and all parking areas shall be hard-surfaced.
- B. No more than twenty-five (25%) percent of the site area shall be covered by buildings.
- C. No more than sixty (60%) percent of the site shall be covered by impervious surface.
- D. No building shall be closer than fifty (50') feet to any lot line or right-of-way.
- E. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1') foot for each one (1') foot of additional height above the district height limitation. A spire is excluded from height restrictions.
- F. No child care center, private school, or other use requiring Special Land Use approval shall be allowed on the site without a separately approved Special Land Use permit for each use. Approval for these uses can occur concurrently with the Special Land Use approval for the Church/Place of Worship. All accessory uses shall comply with the regulations in this Ordinance specified for the individual accessory uses.

Section 7.09 Cemeteries

- A. All burial plots and all structures shall be set back no less than thirty (30') feet from any lot line or street right-of-way.

- B. Parking shall be provided on the site, at least fifty (50') feet from any lot line, and no cemetery parking shall be permitted on any public street.
- C. Cemeteries shall be established in compliance with city, county, and state laws as may be applicable.

Section 7.10 Drive-In & Drive-Through Establishments

The following site and developmental requirements shall apply:

- A. All egress and ingress to and from the site shall be hard-surfaced and shall be at a distance of at least sixty (60') feet from the intersection of two (2) streets, as measured from the right-of-way of the intersecting streets.
- B. The outdoor space used for parking and movement shall be hard-surfaced.
- C. No drive shall be closer than seventy-five (75') feet to any other drive and the maximum number of driveways permitted is two (2).
- D. All lighting shall be shielded from adjacent residential districts.
- E. There shall be provided, on those sides abutting or adjacent to a residential district, a six (6') foot solid wall such as brick, decorative block, or decorative poured concrete. The height of the wall shall be measured from the surface of the ground of the abutting residential district.
- F. Locations for any such establishment shall be confined to major streets and shall have the entrance to both the business and parking area for such establishment on the thoroughfare. Access from a side residential street or alley shall be prohibited.
- G. Adequate vehicle stacking spaces shall be provided for the drive-through lane. Stacking spaces shall not conflict with parking or ingress and egress drives and shall be designed to not allow vehicle stacking into the right-of-way.

Section 7.11 Motels & Hotels

The following site and developmental requirements shall apply:

- A. Ingress and egress shall be only from a paved street.
- B. Units shall be rental units and shall not constitute permanent residential accommodations except for those units that are occupied by the property owner or manager.
- C. All units shall meet the requirements of all city ordinances and county and state requirements for dwelling construction and occupancy.

- D. Long-term rental of motel/hotel rooms (micro-units) of more than thirty (30) days is permitted. Rooms which are used for long-term rental shall have adequate kitchen facilities available (i.e. kitchenette).

Section 7.12 Nursing Homes

The following site and developmental requirements shall apply:

- A. All ingress and egress for the site shall be from a paved street.
- B. No building shall be closer than fifty (50') feet to any lot line.
- C. Parking areas shall not be located within fifty (50') feet of a residence.
- D. All facilities shall be licensed by the State of Michigan and shall conform to applicable state and federal laws.

Section 7.13 Outdoor Commercial Recreation & Flea Markets

The Planning Commission may request a feasibility or market study prior to approval.

- A. The following site and developmental requirements shall apply:
 - 1. The site shall be located on a paved street with access approved by the City.
 - 2. Minimum site area shall be:
 - a. Three (3) acres for a flea market, farm market, batting cages, skateboard park, or mini-golf.
 - b. Ten (10) acres for an amphitheater, amusement park, or driving range. Minimum lot width shall be six hundred (600') feet.
 - c. Twenty (20) acres for a drive-in theater, air gun, and survival game, fairgrounds, go-cart racing, automobile and motorcycle track, youth camp, religious retreat, or hunting camp. Minimum lot width shall be six hundred (600') feet.
 - 3. No building or spectator seating facility shall be located within one hundred (100') feet of a lot line.
 - 4. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within sixty (60') feet of adjacent land zoned or used for residential purposes, a minimum of six (6') foot high wall or obscuring fence shall be provided along the sides of the parking area adjacent to such residential land.

5. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight (8') feet in height. Fences shall be of permanent finished construction, painted, or otherwise finished neatly, attractively, and inconspicuously.
- B. The following special performance standards for all outdoor commercial recreation facilities shall apply:
 1. The applicant shall obtain and provide evidence of compliance with all appropriate federal, state, county, and local permits as appropriate.
 2. Facilities shall provide off-street parking and passenger loading areas.
 3. An adequate stacking area shall be provided for vehicles waiting to enter the lot.
 4. No temporary sanitary facility or commercial dumpster type of trash receptacle shall be located within two hundred (200') feet of an existing dwelling.
 5. All sanitary facilities shall be designed and constructed in strict conformance with **health department** regulations.
 6. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to midnight and may be prohibited on legal holidays.
 7. Drive-in theater screens shall be so located as to be out of view from any street or residential area.

Section 7.14 Seasonal Use

- A. The use shall be considered a temporary use.
- B. A permit shall be required specifying the period of time the use is permitted to occur.
- C. The site shall be part of an establishment occupied with a building from which the seasonal use is conducted unless otherwise approved by the Zoning Administrator.
- D. Encroachment on public streets or walkways shall be prohibited unless authorized by the City.
- E. Removal of all equipment utilized on the site shall be promptly removed upon termination of the use.

Section 7.15 Camping Facilities/RV Parks

The following site and development requirements shall apply:

- A. Each campsite shall be set back from any right-of-way or lot line at least equal to the principal building setback.
- B. No more than one (1) permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager, or an employee.
- C. Each campsite shall have designated places for fires.

Section 7.16 Marinas

- A. Buildings shall be located to allow for maximum waterfront open space to provide waterfront access by all property owners in the development.
- B. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Zoning Administrator and the Planning Commission, who may impose any reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected.
- C. All ingress and egress from said site shall be directed onto a major thoroughfare.
- D. Winter storage of boats on land shall not be visible from abutting public streets or from residential districts.

Section 7.17 Archery & Gun Range

The following site and developmental requirements shall apply:

- A. An applicant for a permit for an archery and gun range shall submit an application on forms provided by the City which shall require a description of the proposed archery and gun range and the qualifications of the applicant to operate the proposed facility.
- B. Structures and archery/gun range activities shall comply with district setbacks.
- C. All signs shall comply with **Section 3.23** of this Ordinance.
- D. All off-street parking shall comply with **Section 3.22** of this ordinance.

Section 7.18 Wireless Communications

A. Uses Exempted (Single-Use Towers and Masts).

Antenna towers and masts erected and operated as a residential or commercial accessory use serving only that property (such as but not limited to Amateur Radio Service Station Antenna and other “customer end” devices covered by 47 CFR Section 1.4000) are exempt from this Section. Such wireless structures may be erected at the minimum heights and dimensions sufficient to accommodate amateur radio service communications and other such wireless transmissions. See **Over-the-Air Reception Devices (47 CFR Section 1.4000)**. Single-use towers and masts shall comply with all FCC rules and regulations in effect at the time they are erected. Property owners who erect single-use towers and masts shall notify the City prior to erecting such a tower. This exemption does not cover antennas used to transmit signals to and/or receive signals from multiple customer locations. See **Section 3.09.B.4** for regulations pertaining to Amateur Radio Service Antennas.

B. Uses Allowed.

1. **Co-Location - Permitted Use.** Pursuant to Section 3514 of **2006 PA 110, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.)**, co-location of wireless communications equipment is a permitted use of property.
 - a. No antenna or similar sending/receiving device appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower’s structural integrity.
 - b. The installation and/or operation of the above-mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
2. **New Wireless Communications Support Structure (also called “support structure” or “tower”) and Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).** All other types of Wireless Communications Facilities which do not fall under Support Structures, Ground-Mounted Wireless Communications Facilities, or Small Cell Wireless Facilities will be classified as Ground-Mounted Wireless Communications Facilities. New support structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations) are a Special Land Use in the Industrial District and shall be evaluated using the procedures stated in **subsection C** of this Section using the standards stated in **subsection D**.

C. Approval Procedure.

1. An application for Special Land Use approval of wireless communications support structures or ground-mounted wireless communications facilities (ground stations or earth stations) shall include all information required by **Section 5.04: Site Plan Data Required**.

2. 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.
3. If, before the expiration of the fourteen (14) day period under **subsection C.2**, 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 fourteen (14) day period under **subsection C.2** 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.
4. After the application is deemed complete, a public hearing shall be held. The notice of the public hearing shall be given pursuant to **Section 9.08**.
5. After a public hearing is held, the Planning Commission shall review the standards in **Section 5.05**, **Section 6.03**, and the standards contained in **subsection D** below. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

D. Standards for New Wireless Communications Support Structures or Ground-Mounted Wireless Communications Facilities (Ground Stations or Earth Stations).

The following site and development requirements shall apply:

1. **Lot Size.** A minimum lot area of two (2) acres.
2. **Location on Lot.**
 - a. The wireless communications support structure shall be located so that there is a sufficient radius of clear land around the support structure so that its collapse would be completely contained on the property.
 - b. **Setback from Dwellings.** All structures shall be located at least two hundred (200') feet from any principal building located upon a separate lot from the structure.
 - c. **District Setback.** No part of any support structure or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or support structure is to be located.

3. **Fencing.** The base of the support structure and wire/cable supports or ground-mounted wireless communications facilities (ground stations or earth stations) shall be fenced with a minimum six (6') foot high chain link fence to prevent unauthorized access.
4. **Visibility.** Support structures and antennas shall be painted to minimize offsite visibility. Screening may be required for ground-mounted wireless communications facilities (ground stations or earth stations).
5. **Compliance.**
 - a. The applicant shall provide verification that the plans of the support structure construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all **Federal Aviation Administration** and **Federal Communications Commission** standards and all other applicable building codes and statutes.
 - b. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the City. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
6. **Employees.** There shall be no employees located on the site on a permanent basis.
7. **Materials.** Metal support structure shall be constructed of or treated with corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
8. **Reception Interference.** Support structure shall be located so that they do not interfere with reception in nearby residential areas.
9. **Spacing.** Minimum spacing between support structure locations shall be one-quarter (1/4) mile.
10. **Height.** Height of the support structure shall not exceed two hundred (200') feet from grade.
11. **Lighting.** Support structure shall not be artificially lighted unless required by the **Federal Aviation Administration**.
12. **Advertisement/Identification.** There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
13. **Abandonment.** Any antenna or support structure or ground-mounted wireless communications facilities (ground stations or earth stations) that are not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or support structure shall remove the same within ninety (90) days of receipt of written notice from the Zoning Administrator.

14. **Co-Location.** Co-location on an existing support structure shall take precedence over construction of a new support structure. No new support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing support structure, or alternate technology that does not require the use of a support structure, can accommodate the proposed antenna.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right of way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Facilities Deployment Act, 2018 PA 365**, as amended. In such case, a utility pole in the ROW may not exceed forty (40') feet above ground level and a small cell wireless facility in the ROW shall not extend more than five (5') feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.
2. **Special Land Use Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with **2018 PA 365**, as amended shall be subject to review and approval by the Planning Commission as a Special Land Use in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under **subsection (1)** resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Planning Commission shall approve or deny the Special Land Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.
 - b. The Planning Commission shall base its review of the request on the standards contained in **Sections 5.05** and **Section 6.03** provided, however, that a denial shall comply with all of the following:

- (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
- c. In addition to the provisions set forth in **subsection b**, in the Planning Commission's review:
- (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
 - (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Planning Commission and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.19 Helicopter Landing Areas

Site and developmental requirements, as well as site performance standards, shall be consistent with the requirements of the **Michigan Aeronautics Commission** and the **Federal Aviation Authority**.

Section 7.20 Sidewalk Cafes

Cafes occupying public sidewalks or a public space may be permitted subject to the following:

- A. A site drawing showing a detailed plan of the outdoor cafe must be submitted to and approved by the Planning Commission.
- B. Plans for setting up the outdoor cafe must provide for the passage of pedestrians in a manner designed to assure traffic and pedestrian safety and shall not be less than six (6') feet in width.
- C. The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the **District Health Department No. 2** or a similar regulatory agency.
- D. Liability insurance and property damage coverage naming the City as an insured party, in an amount approved by the Planning Commission and/or City Council, must be provided before an outdoor cafe may be set up on any public space including parks.
- E. Approval of the Planning Commission is required for the use of any City park, and approval of the City Council is required for the use of any other public area or facility.

Section 7.21 Dwellings in Conjunction with Commercial or Office Uses

Dwellings in conjunction with commercial and office uses may be permitted in buildings specifically designed for commercial and offices uses subject to the following:

- A. Dwelling units shall not occupy the storefront of a commercial or office building at ground level. Dwelling units may occupy ground level (to the rear of the business), upper level, or basement level. Businesses may occupy any number of floors.
- B. Dwellings shall meet applicable codes and ordinances of the city, county, or state.
- C. Floor plans drawn to scale identifying areas to be utilized for dwelling and commercial purposes shall be submitted to the Zoning Administrator.
- D. In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed-use and may approve such mixed-use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 1. Compatible hours of operation.
 2. Noise of operation or occupancy that would be detrimental to the business operation or vice-versa.

- 3. Excessive foot traffic.
- E. Off-street parking shall be provided in accord with **Section 3.22**.
- F. Refuse removal shall be provided for by the owner or occupant of the premises.

Section 7.22 Outdoor Sales Space for New or Used Automobiles, Recreational Vehicles, Manufactured Homes & Boats

- A. All lighting shall be shielded from adjacent streets and residential districts. Exposed string lights shall be prohibited.
- B. Ingress and egress to the outdoor sales area shall be at least twenty (20') feet from the intersection of any two (2) streets.
- C. A six (6') foot high wall or solid fence shall be provided when abutting or adjacent districts are zoned for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.
- D. No major repair or major refinishing shall be done on the property.
- E. A suitable building for said use shall be located on the site.
- F. A minimum lot width of one hundred (100') feet fronting on a street and containing a minimum of at least ten thousand (10,000) square feet in area shall be provided.
- G. The provisions of **1949 PA 300, Michigan Vehicle Code**, as amended, (MCL 257.1 et seq.), regulating new and used vehicles shall be complied with.

Section 7.23 Heavy Equipment Sales & Service

- A. The site shall be a minimum of fourteen thousand (14,000) square feet in area. The street designated as the major access side of the site shall have not less than ninety (90') feet of street frontage.
- B. Ingress and egress to the facility shall be only from a paved major thoroughfare or from a shared access drive to such roadway.
- C. No more than two (2) driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed fifty (50') feet and driveway widths shall not exceed thirty-five (35') feet. Driveways shall be separated by a minimum of thirty (30') feet.

- D. Curb openings shall be no closer than ten (10') feet to any adjoining lot line and shall be no closer than twenty (20') feet to an intersection as measured from the right-of-way.
- E. No lot line of the site shall be less than two hundred (200') feet from any lot line of any place of public assembly, including but not limited to hospitals, sanitariums, schools, churches, or other institutions.
- F. All buildings shall be set back not less than forty (40') feet from all street rights-of-way lines.
- G. For facilities with underground storage tanks, distance from residential wells, non-community public water wells, and public water wells shall comply with state or federal law.
- H. All fuel pumps shall be located not less than thirty (30') feet from any lot line or within forty-five (45') feet from the street right-of-way and shall be arranged so that the motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- I. The entire area used for vehicle service shall be hard-surfaced and adequately drained into an approved area.

Section 7.24 Adult Entertainment Facilities

The purpose and intent of the Section of this Ordinance pertaining to the regulation of adult entertainment facilities are to regulate the location and operation of, but not to exclude, adult entertainment facilities within the City and to minimize their negative secondary effects. It is recognized that adult entertainment facilities, 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 adult entertainment facilities 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, or general welfare of City 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 adult entertainment facilities and their products, or to deny adult entertainment facilities access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by city ordinances, state, or federal law. If any portion of this Ordinance relating to the regulation of adult entertainment facilities or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult entertainment facilities following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

Adult entertainment facilities may be permitted provided the conditions below and such other conditions as may be required to protect adjacent uses and residential neighborhoods are met.

- A. No adult entertainment facility shall be permitted within six hundred (600') feet of a church, park, child care center, group child care home, or a public or private school property.

- B. No adult entertainment facility shall be permitted within six hundred (600') feet of a residentially zoned district.
- C. No adult bookstore, adult motion picture theater, adult theater, adult personal service business, or an adult cabaret shall be located within eight hundred (800') feet of any other establishment that is an adult bookstore, adult motion picture theater, adult theater, adult personal service business, or an adult cabaret.
- D. In determining the distance limitation in the paragraphs above, measurement shall be made from the lot line of the church, park, child care center, group child care home, school, residential zoning district, or other adult entertainment facility in a direct line to the nearest point on the lot line of the proposed adult entertainment facility.
- E. No adult entertainment facility shall be greater than five thousand (5,000) square feet.
- F. 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.
- G. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (midnight).
- H. 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 and a 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 7.25 Outdoor Storage Yards & Junkyards

- A. The following site and development requirements shall apply:

1. A solid fence, wall, or earthen berm at least eight (8') feet in height shall be provided around all sides of the area used for outdoor storage or to store junk to screen said site from surrounding property. Such fence or wall shall be of permanent finish and sound construction.
 2. No portion of the enclosed area shall be located within three hundred (300') feet of residentially zoned properties, schools, day care facilities, churches, hospitals, or convalescent or nursing homes.
 3. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Planning Commission finds that such access point will minimize impacts on other properties.
 4. The minimum lot or parcel size for junkyards shall be ten (10) acres and the minimum frontage and lot width shall be three hundred (300') feet.
 5. All enclosed areas shall be set back at least one hundred (100') feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least two hundred (200') feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
 6. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 7. The front yard shall be planted with trees, grass, and shrubs pursuant to the provisions of **Section 3.20** of this Ordinance.
 8. Storage shall not be allowed in the required front yard.
- B. The following special performance standards shall apply:
1. All activities shall be confined within the enclosed area including any storage of materials; stockpiling of materials; disassembly of materials, parts, or vehicles; and the storage or parking of any operative or inoperative vehicle. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
 2. 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.
 3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved. Access drives in storage areas shall be watered or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
 4. The junk yard operations shall be licensed by the **State of Michigan** to sell used vehicle parts or tow non-operational vehicles.

5. Materials listed on the Michigan Critical Materials Register (such as gasoline and solvents) that require secondary containment and a pollution incident protection plan shall be filed with the **Michigan Department of Energy, Great Lakes, and Environment or similar regulatory agency.**

Section 7.26 Mini-Storage Facilities

- A. The following site and developmental requirements shall apply:
 1. The facility shall have direct access to a paved street.
 2. The minimum lot or parcel size for mini storage facilities shall be two (2) acres.
 3. One (1) parking space shall be provided for each twenty (20) rental units within the buildings, and one (1) parking space shall be provided for each employee.
 4. The lot area used for parking and access shall comply with surface material standards in **Section 3.22.G.9** and shall be drained so as to dispose of all surface water.
- B. The following special performance standards shall apply:
 1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted in or from the storage units by the lessees.
 2. Storage of goods shall be limited to personal property with no commercial distribution allowed, and no operation shall exist which requires the regular delivery or pick-up of goods in vehicles with a gross vehicle weight rating in excess of ten thousand (10,000) pounds.
 3. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
 4. The exterior of mini-storage buildings shall be of finished quality and properly maintained.
 5. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 7.27 Kennels

- A. The following site and developmental requirements shall apply:
 1. The lot area shall be at least five (5) acres in size and three hundred (300') feet in width.
 2. Kennels may not be located in a platted subdivision or condominium development.

3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred (100') feet to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas and buildings where the animals are maintained shall be located in the rear yard only.

B. The following special performance standards shall apply:

1. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.
2. All animals must be licensed and maintained in a healthful manner.
3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or occupants is prohibited.
5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
6. During the hours of 7:00 a.m. until 10:00 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large in unfenced areas of the property, except as part of supervised training.
7. Dust and drainage from the kennel shall not create a nuisance or hazard to adjoining property or uses.
8. The outside perimeter of the run and/or exercise area shall be enclosed by fencing sufficient to prohibit the escape of animals.
9. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, vermin, the spread of disease, or offensive odor.
10. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

Section 7.28 Extraction Operations for Sand, Gravel, Clay, Stone, & Topsoil

- A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110, as amended**, the City 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 the 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.
- C. A minimum lot area of five (5) acres shall be required.
- D. Notwithstanding any other minimum yard sizes required by this Zoning Ordinance, extraction activities shall be set back the following minimum distances:
 1. One hundred (100') feet from the right-of-way of any public street, private road, or highway.
 2. One hundred fifty (150') feet from abutting residentially zoned property.
 3. One hundred (100') feet from abutting commercial or industrial zoned property.
- E. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum of fifty (50') feet in width.
- F. For the purposes of this Section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by an issued permit validly in place at the effective date of this Zoning Ordinance, and shall require Special Land Use approval.

Section 7.29 Planned Unit Development

A. Purpose.

The intent of a Planned Unit Development is to permit more flexibility and consequently encourage a greater imaginative and creative use and design of structures and land than is allowable under the specific districts standards of this Ordinance where such modifications will not be contrary to the intent of this Ordinance. It is further intended to promote more efficient and economical use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, open space, and the preservation of natural scenic qualities.

B. Permitted Uses.

The following uses may be allowed in a PUD. Mixed uses are encouraged.

1. **Residential Uses.** Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory uses and structures are permitted in a PUD.
2. **Nonresidential Uses.** Nonresidential uses are permitted in a PUD provided that such uses are compatible and harmoniously incorporated into the unitary design of the PUD.
3. **Development not associated with Residential Uses.** A PUD may exclude residential development and allow other commercial, industrial, institutional, cultural, and/or recreational uses if the applicant can demonstrate that the proposed PUD is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated. A PUD excluding residential uses may not be located in a Residential Zoning District.

C. Flexibility of District Standards.

Minimum development standards set forth by the original district in which the proposed PUD is located shall act as general guidelines. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Planning Commission may permit specific departures from the requirements of the Zoning Ordinance.

D. Development Standards.

1. **Uses.** 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. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features.

3. **Design of Features.** A Planned Unit Development shall be designed so as to provide adequate light, air, privacy, circulation patterns, and public services. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
4. **Open 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. Open space and recreational areas shall be areas which are usable to the residents and shall not consist of roads, parking areas, on-site drainage, and the like. The open space shall be disposed of as required in **subsection b** below. The Planning Commission may waive or reduce this open space requirement during the approval process.
 - 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 City and retained as common open space for parks, recreation, and related uses. All land dedicated to the City 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 City 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.
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. **Perimeter Setback.** The Planning Commission may require a setback from the perimeter of the PUD property.

E. Review and Approval.

1. **Pre-Application Meeting.** The developer shall meet with the Zoning Administrator, Planning Commission Chair, and/or Planning Commission 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 obtain feedback on the preliminary proposal.
2. **Combined Preliminary and Final Site Plan Review.** The applicant may request that the preliminary and final site plan review process be combined into one process. If this is requested by the applicant, the submittal requirements shall be a site plan including all of the data in **Section**

- 5.04.** However, the Planning Commission may require more than one (1) meeting to complete the review.
3. **Submission of Preliminary Site Plan.** The applicant shall submit four (4) hard copies and one (1) digital copy of a preliminary site plan at least twenty-one (21) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:
- General footprint of proposed and existing buildings.
 - Indication of proposed uses and their general locations.
 - General layout of streets, drives, parking areas, and pedestrian paths.
 - Individual parcels, if applicable.
 - Proposed setbacks for district perimeters and individual buildings within the development.
 - Proposed perimeter buffer zones and screening.
 - Conceptual landscape plan.
 - Development phases, if applicable.
 - Type, estimated number, and density range for residential development.
 - Other information as may be deemed necessary by City staff or the Planning Commission to properly review the proposal.
 - Additional supporting documentation including a written narrative describing the project.

4. **Preliminary Site Plan Approval.**

- Public Hearing.** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **Section 9.08** of this Ordinance.
- 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.

5. Final Site Plan Approval.

- a. The applicant shall submit four (4) hard copies and one (1) digital copy 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 twenty-one (21) 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 **Section 5.04**.
 - 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 **Section 9.08** of this Ordinance.
 - e. Following the public hearing, the Planning 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. The Planning Commission approval shall be based on the requirements stated in this Section, site plan review criteria in **Section 5.05**, Special Land Use approval standards in **Section 6.03**, and, if applicable, 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.
 - 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 reapproval. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on-site or offsite 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.
6. **Amendment to an Approved PUD.** Amendments to a final approved site plan for a PUD shall follow the regulations in **Section 5.06**.

Section 7.30 Condominiums Projects/Site Condominiums

A. Condominium Projects.

All condominium projects including, but not limited to, attached condominium unit projects, single unattached site condominium projects, also known as site condominiums, and conversion condominium projects, shall conform to the requirements of all ordinances, rules, and regulations of the City of Tawas City including, but not limited to, this Zoning Ordinance and the **Condominium Act**, MCL 559.101 et seq.

B. Site Condominiums.

1. All site condominium developments and structures herein shall comply with all the use, size, sign, height, area, and setback regulations of the zoning district in which the site condominium is located.
2. 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.
3. Setbacks shall be measured from the boundaries of the site condominium unit.

C. Site Condominium Review and Approval Procedures.

Application for review and approval of a site condominium project shall be made pursuant to the approval procedures outlined in **Section 5.03 (Site Plan Review Procedures)**.

D. Site Condominium Development Review Application - Required Information.

A person, firm, or corporation shall provide the following information with respect to the project:

1. Information as required under the **Section 5.04 (Site Plan Data Required)** of this Ordinance.
2. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs, and utilities.
3. Street and utility specifications and sectional diagrams.
 - a. If a site condominium is proposed to have private streets, the Planning Commission shall require that the private streets be developed to the minimum design, construction inspection, approval, and maintenance requirements of the City.
 - b. All private streets in a site condominium development shall have a paved driving and parking surface of asphalt or concrete.

- c. A storm drainage and stormwater management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.
 - d. Utility plans shall show all sanitary sewer, water, and storm sewer lines and easements granted to the City for installation, repair, and maintenance of all utilities, and meeting all of the City's standards for construction of utilities.
4. A copy of the proposed Master Deed and restrictions.
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 City Clerk:
- a. One (1) copy of the as-built site condominium plans.
 - b. One (1) copy 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.

E. Expansion or Conversion of Site Condominium Projects.

Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval.

Section 7.31 Subdivision or Site Condominium Open Space Plan in R-1 District

- A. The intent of this plan is to promote the following objectives:
- 1. Provide a desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
 - 2. Encourage developers to use a creative approach in the development of residential areas.
 - 3. Encourage an efficient, aesthetic, and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass or preserve natural amenities or obstacles on the site.
 - 4. Encourage the provision of open space within reasonable distance of all lot development of the subdivision or site condominium and to further encourage the development of recreational facilities.

- B. Modifications to the standards outlined in **Section 4.17**, Schedule of Regulations, may be made by the Planning Commission after a public hearing when the following conditions are met:
1. The area and width of lots in the R-1 district may be reduced on a case by case basis.
 2. Rear yards may be reduced by ten (10') feet when such lots border on land dedicated for private parks, recreation, or usable open space.
 3. Under the provisions of subsection B.1 of this Section, for each square foot of land gained within a residential subdivision or site condominium through the reduction of lot size below the minimum requirements as outlined in the schedule of regulations for the R-1 district, at least equal amounts of land shall be reserved for the common use of the lot owners of the subdivision and maintained by them in a manner approved by the City.
 4. The area to be reserved for open space and recreation purposes shall in no instance be less than fifteen (15%) percent of the net area of the site, provided a parcel divided by a road or stream may be considered as one (1) parcel. Further, each such area or areas of land dedicated for common use:
 - a. Shall not include any area used for street purposes.
 - b. Shall be designed and laid out in such a manner that it shall directly border a majority of the lots within the development.
 - c. Shall be provided with significant means of access by streets or pedestrian access ways to all areas reserved for the common use of the land for those lots in the development that do not directly border the common areas.
 - d. Shall be designed and laid out in such a manner that at least one portion of the total common areas shall be capable of being used for recreational purposes.
 - e. Shall contain no recreational areas at or along the outer perimeters of the development except that such areas may extend to the outer perimeter of the development when the area can be connected to like recreation areas in adjacent developments. Open space areas other than those intended for recreational use may extend to or along the outer perimeter of the development.
 - f. Shall not include bodies of water and subaqueous areas unsuitable for recreational purposes as part of the land area necessary to meet the minimum requirements of this Section when such land comprises more than twenty-five (25%) percent of the total common area, except that lakes or ponds, when landscaped and maintained as an integral part of a larger common area within the development, may be included in usable open space computations.
 - g. Shall be designed and laid out in such a manner that all land reserved for common use shall maintain its natural drainage. The entire common area may, however, be located in a floodplain.

- C. The reasonableness of the open space plan option on any given parcel of land shall be subject to review and approval of the Planning Commission as to lot layout, street configuration, and the location and size and overall layout of the open space areas. Review of a conceptual development plan shall first be made by the Zoning Administrator for a recommendation to the Planning Commission. Approval of the conceptual development plan by the Planning Commission shall authorize the applicant to proceed with preparation of a preliminary plan or site condominium plan based on the general layout of the approved conceptual development plan.
- D. The Planning Commission, in carrying out its review of the common areas of the plan, shall find:
1. The location, size, and overall shape of the proposed common areas are suitable for the purposes for which they are intended.
 2. Those portions of the total common land area intended for recreational purposes are of adequate size and shape to permit recreational use and are generally unencumbered by extensive tree cover, shrub masses, changes in topography, poor soil conditions, or other conditions that would make use of the area undesirable for the recreation.
 3. Whenever possible, the overall area of the common lands is extended throughout the development in such a manner that it will directly serve the maximum number of lots possible.
 4. The overall area of common land, wherever possible, varies in width so as to take advantage of the natural amenities of the site such as ground cover, streams, gullies, ground swales, etc., and to effectuate a more pleasing, natural appearance.
 5. Whenever a varying in the widths of the common areas is proposed, as closely as possible, a general balance between the narrower common lands and the broader common lands is achieved.
 6. The location, size and shape of proposed access points, open spaces, recreational areas, and any proposed accessory structures, are clearly shown on the plan and identified, and that these areas and structures, along with general use patterns and pedestrian circulation, relate well with the lots within the development.
- E. Under the open space plan, the developer shall reserve the total park area in accordance with the requirements of **subsection B.4** of this Section at the time of filing of the final plat or site condominium plan as required in the City's subdivision regulations.
- F. Provisions for bonded or funded security for the assurance of the installation of required improvements, utilities, and facilities shall be in compliance with **Section 9.05 (Performance Guarantee)** as may be required by the City Council.

Section 7.32 Single-Family Clustering Option

The intent of this Section is to permit, through design innovation, flexibility in the development of single-family residential housing patterns on sites where the conventional subdivision approach to residential development would either destroy the unique environmental significance of the site or where a transitional type of this residential development is desirable. To accomplish this, the following modifications to the single-family residential standards of this Ordinance may be permitted subject to the conditions herein imposed, and after a public hearing held, the notice of which is set forth in **Section 9.08** of this Ordinance.

- A. In single-family residential districts, the clustering of single-family dwellings may be permitted. In approving areas for single-family residential cluster development under this Section, the Planning Commission shall find at least one of the following characteristics exists on the land:
 1. An area generally parallel to, and generally not to exceed three hundred sixty (360') feet in depth, on those unsubdivided parcels of land abutting a major thoroughfare with a projected right-of-way width of at least one hundred twenty (120') feet or greater so as to provide a transition between said major thoroughfare and conventional single-family detached housing areas.
 2. An unsubdivided area, which the Zoning Administrator and the Planning Commission find:
 - a. To be of unusual shape; or
 - b. To be composed of generally unbuildable soils as determined and certified by a licensed engineer over a majority of the site area; or
 - c. To be characterized by major stands of trees, streams, or other natural or man-made watercourses which extend over a majority of the site and which as significant natural assets, should be preserved; or
 - d. To be land on which residential use of land is desirable but, in the Planning Commission's estimation, would not be suitable for conventional single-family development by virtue of the land's physical constraints to such development.
- B. The area to be set aside for open spaces (including recreation areas and watercourses) accomplished through application of the single-family cluster option shall represent at least fifteen percent (15%) of the total area of the site and shall be distributed throughout the development.
- C. Under this Section, the attaching of single-family homes in clusters, or the detaching of single-family homes in clusters shall be permitted subject to the following conditions:
 1. The attaching of single-family homes within a cluster shall be permitted when said homes are attached either through a common party wall or garage wall which does not have more than fifty (50%) percent of an individual wall in common with the wall or walls of an adjoining home.

2. The detaching of single-family homes within clusters shall be permitted, provided said homes shall be spaced not less than six (6') feet apart when opposing dwelling unit walls contain no openings, and not less than ten (10') feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet fire codes, except that in no case shall said walls be less than six (6') feet apart.
3. The maximum number of homes in a cluster shall contain no more than four (4) homes.
4. No structure within a cluster shall be located closer than twenty-five (25') feet to any interior private street or drive, public right-of-way, or peripheral property line.

Clusters of single-family homes shall be arranged on the site so that none shall face directly into a major thoroughfare, nonresidential district, or nonresidential use. All cluster housing units shall include at least one (1) attached completely enclosed garage for each dwelling unit. The Planning Commission may modify this garage attachment requirement.

- D. **Preliminary Application.** An applicant seeking use of the single-family cluster option shall submit an application to the Zoning Administrator and the Planning Commission for consideration. The Zoning Administrator and the Planning Commission, in making their review, shall find that the site possesses at least one of the requirements for qualifications as outlined in subsection A.1 or A.2 before approving the application. The Zoning Administrator and the Planning Commission shall conduct their review in accordance with the public hearing requirements set forth in **Section 9.08** of this Ordinance.
- E. **Site Plan Content.** A site plan shall be submitted for review by the Zoning Administrator and the Planning Commission after the application pursuant to subsection D above has been approved for the use of the cluster housing option. The site plan shall contain the information specified in **Section 5.04** in addition to the following:
 1. The structural outline (building envelope) of all structures proposed on the site.
 2. Architectural renderings of building facade elevations within a typical cluster.
 3. The areas to be dedicated as open space and recreational use, showing access, location, and any improvements. Assurance of the permanence of the open space and its continued maintenance shall be submitted for review and approval by the City Attorney. The City Attorney shall review and render an opinion with respect to:
 - a. The proposed manner of holding title to the open space.
 - b. The proposed manner of payment of taxes.
 - c. The proposed method of regulating the use of open land.
 - d. The proposed method of maintenance of property and the financing thereof.

- e. Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.
 - f. The location of access drives, streets, and off-street parking areas, sidewalks, trash receptacles, snow storage areas, etc.
 - g. The location, extent, and type of landscaping in accordance with the requirements of **Section 3.20** of this Ordinance.
4. Other information required by the City.
5. The applicant shall submit, as a part of the site plan, proposed building elevations and typical floor plans. Elevation drawings need only be a sample of development through the site. Where more than one (1) type of structural design is intended, however, sample elevation and corresponding floor plans for each type shall be submitted.
- F. **Landscaping/Berm.** In reviewing the site plan for application of the single-family cluster option to a particular site, the Planning Commission shall require a landscaped earth berm, at least six (6') feet in height at its lowest elevation, be provided along the entire property line of any boundary line abutting a major thoroughfare or nonresidential district. The berm shall not be included as any part of a side or rear yard but may be a part of an adjoining open space area. Earth berms, where employed on the site, shall be designed so as not to obscure clear vision at street intersections. The Planning Commission may permit an optional landscape treatment that is consistent with **Section 3.20** of this Ordinance and which will serve as an effective screening barrier when a landscape berm is not practical due to site conditions or constraints.
- G. **Approval Time Limit.** Approval of a site plan under this Section shall be effective for a period of one (1) year from date of approval with one (1) year extensions permissible. Development not started in this period shall be considered as abandoned and authorization shall expire, requiring that any proposed development thereafter shall be resubmitted for review and approval by the Zoning Administrator and the Planning Commission. Any proposed change in a site plan after approval has been granted shall require review and approval by the Planning Commission prior to effecting said change.

Section 7.33 Manufactured Housing Communities

A. The following site development requirements shall apply:

The following minimum and maximum standards shall apply to all manufactured housing communities:

1. **Minimum Lot Area.** The minimum lot area shall be ten (10) acres.
2. **Minimum Lot Frontage and Lot Width.** The minimum lot frontage and lot width shall be three hundred thirty (330') feet for the entire manufactured housing community.

3. **Maximum Height.** The maximum height shall be two (2) stories but shall not exceed twenty-five (25') feet.
4. **Manufactured Housing Community Open Space Requirements.** All manufactured housing communities having fifty (50) or more home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than two (2%) percent of the park's gross acreage, or twenty-five thousand (25,000) square feet of open space, whichever is greater.
5. **Manufactured Housing Site Area.** All manufactured housing communities shall be developed with sites comprised of five thousand five hundred (5,500) square feet per manufactured housing unit, subject to the following:
 - a. The area requirement for any one (1) site may be reduced by no more than twenty (20%) percent in a one-for-one exchange for area dedicated as open space above and beyond the minimum two (2%) percent open space area required.
 - b. In no case shall the open space and distance requirements be less than that required under **Rules 941, 944, and 946 of the Mobile Home Commission General Rules.**
6. **Manufactured Housing Construction.** All manufactured housing placed on sites within manufactured housing communities shall conform with all **U.S. Department of Housing and Urban Development (HUD)** manufactured home certification requirements.
7. **Manufactured Housing Community; Nonresidential Uses.** No portion of any **manufactured housing community** shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the manufactured housing community.
8. **Home Occupations.** Home occupations shall be prohibited in manufactured housing communities.
9. **Skirting.** Skirting shall be installed around the entire periphery of a manufactured home and shall conform to the **State of Michigan Administrative Rule 125.1604.**

B. The following special performance standards shall apply:

All manufactured housing communities shall be constructed and maintained in accordance with **1987 PA 96, as amended, the Mobile Home Commission Act**, MCL 125.2301, and the **rules and regulations promulgated by the Mobile Home Commission** pursuant to the authority vested in the Mobile Home Commission by such act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the **State of Michigan** and all other agencies pursuant to the **Mobile Home Commission Act**.

Section 7.34 Marihuana Facilities

A. Commercial Marihuana Facilities and Establishments.

1. Licensing.

- a. Marihuana facilities shall remain in compliance with the State of Michigan licensing requirements.
- b. Marihuana facilities shall receive a license from the City prior to operating and shall continue to comply with the **City of Tawas City Marihuana Facilities and Establishments Ordinance**.
- c. The license issued by the City and State shall be prominently displayed within the marihuana facility in a location where it can be easily viewed by the public.
- d. The marihuana facility shall be operated in compliance with regulations the City may issue and which may be modified from time to time as the City deems appropriate.

2. Standards.

- a. **Location.** Marihuana facilities shall only be allowed in the B-1 and B-3 districts along the west side of US 23 (Lake Street) from Ninth Avenue to the south city limits to and along the east side of US 23 from Bay Drive to the south city limits.
- b. **Indoor Operations.** All activity related to a marihuana facility shall be done indoors with the exception of curb-side delivery if allowed by the State of Michigan.
- c. **Consumption.** Smoking or consumption of marihuana shall not be allowed on the site of the marihuana facility.
- d. **Impact on Adjacent Uses/Odors.** Facilities and establishments shall not emit noxious odors or fumes and shall comply with **Section 3.24 Performance Standards**. The establishment operation and design shall minimize any impact to adjacent uses including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises.
- e. **Artificial lighting.** Any artificial grow lighting shall not be visible from neighboring properties, streets, or rights-of-way.
- f. Marihuana facilities shall not be allowed as home occupations.

B. Primary Caregivers.

1. **Intent and Purpose.** The purpose of this Section is to implement land use regulations to address Primary Caregivers as authorized by the enactment of the [Michigan Medical Marijuana Act \(hereinafter referred to as the "MMMA"\)](#), [Initiated Law 1 of 2008](#), MCL 333.26423, et seq, and its administrative rules, R 333.101, et seq.
2. **Regulations for Primary Caregivers.** Primary caregiver facilities are hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met. No zoning permit is required.
 - a. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
 - b. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties and must not be visible from adjacent streets or public ways.
 - c. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a husband and wife or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
 - d. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than two (2) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
 - e. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (1) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (2) the qualifying patient visits are for purposes unrelated to primary caregiver services.
 - f. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (1) in the presence of his/her parent or guardian, or (2) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (3) the qualifying patient visits are for purposes unrelated to primary caregiver services.
 - g. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.

- h. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the City.
- i. If the primary caregiver facility is within a dwelling unit, the dwelling unit shall be occupied and shall not be a vacant residence. The primary use of the property shall remain residential.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from federal law.

Section 7.35 Solar Energy Facilities (Utility-Scale)

A. Reflection/Glare.

Solar collection devices, or a combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways, and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required as part of the site plan submitted.

B. Impervious Surface/Stormwater.

If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by an engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency, and quantity of use, and groundwater quality protection measures shall be provided. Any necessary permits from outside agencies for offsite discharge shall be provided.

C. Height.

Solar collection devices shall not exceed twenty (20') feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment). The Planning Commission has the ability to waive this height requirement if the waiver will not negatively affect neighboring properties or negatively affect public health, safety, and welfare.

D. Noise.

Sound produced from the solar energy facility shall not exceed fifty-five (55) decibels at the property line (except during initial construction, routine maintenance and repairs, and final decommissioning of the site).

E. Screening.

Solar collection devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission.

F. Dimensional Regulations.

The setbacks of all solar collection devices and ancillary equipment shall be at least fifty (50') feet from all property lines. Solar collection devices will be kept at least one hundred (100') feet from any residence.

G. Electrical Transmission Lines.

All electrical service and transmission lines on the site of the solar energy facility shall be located underground.

H. Installation.

Solar collection devices shall be installed, maintained, and used only in accordance with the manufacturer's specifications.

I. Other Standards.

In addition to the standards listed within this Section, **Section 5.05: Site Plan Review Standards**, and **Section 6.03: Special Land Use Approval Standards**, the Planning Commission shall consider the following factors when reviewing the proposal:

1. Visual impact and lighting.
2. Waste and hazardous materials.
3. Access/service roads.
4. Public safety.

J. Abandonment.

Any solar collection site which is not used for twelve (12) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the City and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the City and request twelve (12) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the City will have the removal and restoration done at the owner/applicant's expense and any expenses incurred by the City will be a lien on the property. Removal shall include removing posts,

equipment, panels, foundations, and other items so that the ground is restored to its pre-construction state and is ready for development as another land use.

K. **Performance Guarantee.**

The Planning Commission may require the applicant to furnish the City with a performance guarantee pursuant to **Section 9.05** in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

Section 7.36 Accessory Dwelling Units/Guest Houses

The purpose of this Section is to allow a minor amount of space on a lot and/or within an accessory building to be used, rented, or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied, single-family homes in the City. The following regulations shall apply:

- A. A Zoning Permit is required. The Zoning Administrator is responsible for reviewing the application and issuing the permit.
- B. One (1) accessory dwelling unit is allowed per lot.
- C. If the accessory dwelling unit is rented or leased, the tenants of the accessory dwelling unit shall be permanent residents rather than transients unless a Special Land Use Permit is obtained as a Short Term Rental.
- D. When accessory dwelling units are attached to the primary or accessory structure, the accessory unit shall not exceed fifty (50%) percent of the total floor area of the principal dwelling so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
- E. The accessory dwelling unit shall be provided electricity, plumbing, heat, and bathroom and kitchen facilities.
- F. The accessory dwelling unit shall be a self-contained unit and shall be:
 - 1. Located within or above an attached or detached garage; or
 - 2. A freestanding, detached unit. The unit shall have no wheels and shall be attached to a permanent foundation.
- G. The residents of the principal dwelling shall maintain the accessory dwelling unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
- H. The accessory dwelling unit shall conform to current building code standards.

- I. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.
- J. Deviations from the above standards may be allowed with Planning Commission approval contingent on the following:
 - 1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - 2. Granting the deviation will not otherwise impair the public health, safety, or general welfare of the residents.
 - 3. Granting the deviation will uphold the spirit and intent of this Ordinance.

Section 7.37 Commercial Event Facilities

- A. Restaurants with banquet facilities where commercial event facilities are accessory to the restaurant shall not be subject to this Section.
- B. **Parking.** No vehicles associated with the event shall be permitted to be parked on public roadways. All vehicle parking shall be maintained "on-site." "On-site" is defined as at least one hundred (100') feet from the property boundaries of the parcel on which the event is permitted. Adequate parking shall be provided for the guests of the event and those employed in support of the event. At a minimum, at least one (1) parking space for every four (4) persons attending the event shall be provided for on-site parking. The Planning Commission is authorized to take into account, to the extent it deems practicable, the joint use of parking spaces that may exist for a public restaurant or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of offsite parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
- C. **Hours of Operation.** Year-round operations may be authorized. Proposed hours of operation (including event commencement and termination times) shall be included within the application and shall be set during site plan review. For purposes of this Section, "termination" shall mean the termination of food, drinks, service, and entertainment, with the understanding that attendees and servers will need a reasonable amount of time after termination to exit the premises.
- D. **Amplified Sound.** Outdoor speakers, outdoor public address systems, or similar sound devices shall not be operated without written consent of the Planning Commission as part of site plan review. Proposed hours for amplified sound shall be included in the application. The Planning Commission shall determine that no public nuisance will be established. Sources of amplified sound include but are not limited to recorded music, live musical performances, and spoken word. Enclosed buildings, tents, pavilions, and other open/non-enclosed structures shall be considered an acceptable location for the source of amplified sound as referenced in this Section. Strict consideration shall be afforded to the maintenance of ambient outdoor noise levels at the property boundaries.

- E. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
- F. **Capacity.** The number of persons allowed at each proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
- G. **Sanitary Facilities.** Adequate permanent and/or temporary sanitary restroom facilities shall be provided on-site, and the type and location of such facilities shall be subject to the approval of the Planning Commission and the **District Health Department No. 2.**
- H. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
- I. **Ingress/Egress.** The site of the Commercial Event Facility shall have at least two (2) means of egress, at least one (1) of which is adequate for emergency vehicles, as determined by the Planning Commission in consultation with Tawas City's emergency responders and the Tawas City Street Administrator, based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
- J. **Buffers.** The Planning Commission may require appropriate buffers between the Commercial Event Facility and adjoining properties given the size of parcel, the natural topography, and vegetative cover.
- K. **Outdoor Seating.** Seating for events may occur outdoors, under a fabric structure temporarily constructed on the property, or in an event barn or other structure.
- L. **Submittal Requirements.**
 - 1. In addition to the requirements in **Section 5.04**, the site plan must show the area of event, parking, temporary structures, and sanitary restroom facilities.
 - 2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Planning Commission for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, sanitary restroom facilities, and maximum number of guests. The plan shall also include a list of contacts for emergency situations.
 - a. Hours of operation must include setup and takedown times.
 - b. The event plan must provide the expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors, and spectators/participants.
 - c. The event plan must provide the expected number of automobiles and other vehicles intended to use the property at one time and collectively.

- d. The event plan must provide certification that the property where the event is to take place is not subject to any covenant or restriction limiting its use, or if the use is restricted by easement or otherwise, a copy of a survey or diagram depicting the easement area and any reserved area where development rights are intact.

If a change to the approved event management plan is requested by the applicant at any time after the approval of the Special Land Use permit, a new Special Land Use permit process shall be required.

- M. The Planning Commission may grant a deviation from any of the subsections A through K above upon the following findings:
 1. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 2. Granting the deviation will not otherwise impair the public health, safety, or general welfare of the residents.
 3. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the Special Land Use permit process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested at a later date, a new Special Land Use permit process shall be required.

Section 7.38 Reasonable Accommodation Use

This Section is intended to authorize the grant of relief from the strict terms of this Ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., the **Federal Fair Housing Amendment Act of 1988**, requires the City to make "reasonable accommodation" for a particular proposed uses of property, the following shall apply:

- A. As a condition to approval of a reasonable accommodation use, the applicant shall comply with all the terms of this Section and shall demonstrate all of the following:
 1. The ultimate residential users of the property shall be persons for whom the state or federal law mandates the City shall make reasonable accommodations in connection with proposed uses of land.
 2. In consideration of the needs, facts, financial, and other conditions within the City and within the population to be served by the proposed use, the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity and enjoyment within the City.

3. Approval of the proposed housing shall not require or likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one (1) or more other uses and activities in or likely to be in the area, and shall not impose undue financial and administrative burden. The interests of the City shall be balanced against the need for accommodation on a case-by-case basis.
 4. No other specific provision exists and is available to provide the relief sought.
- B. The application for a reasonable accommodation use shall include the following:
1. A plan drawn to scale showing the proposed use and development.
 2. A separate document providing a summary of the basis on which the applicant asserts entitlement to approval of a reasonable accommodation use, covering each of the requirements of **subsections A.1 through A.4**, above.
 3. The information required for site plan review, provided, upon showing by the applicant that the inclusion of specified information generally required for site plan review would be irrelevant, the City may waive the requirement to include such material in the application.
 4. All regulations and standards for buildings, structures, and site improvements within the district in which the property is situated shall apply.

Section 7.39 Short Term Rentals

A. Standards.

1. **Zoning Permit.** A separate Zoning Permit is required for each short-term rental property regardless of ownership.
2. **Exterior.** All exterior premises shall be kept free from any accumulation of junk or garbage.
3. **Trash.** Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin.
4. **Nuisance.** Activities on a short-term rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, or vibrations.
5. **Parking.** All parking associated with a short-term rental shall be out of the roadway and entirely on-site, in the garage, driveway, or other improved area.
6. **Trespass.** Renters and guests shall not trespass onto a neighboring property and shall not utilize docks or other water-related features belonging to neighboring property owners.

7. **Events.** Special events are not allowed on the site for more than the number of permitted occupants.
8. **Pets.** Pets shall be secured on the property or on a leash at all times. Pets shall not be allowed to whine, yelp, bark, or howl for a period of ten (10) minutes or longer. Pets shall not be left unattended.
9. **Noise.** Noise during quiet hours must be limited to that which does not disturb the quiet, comfort, or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 7:00 AM.
10. **Fires.** No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
11. **Fireworks.** Fireworks of any kind are not allowed on rental property except in accordance with city ordinances or state law.
12. **Street Address Posted within Dwelling Unit.** The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

1. Each owner of a short-term rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property, or portion thereof, used for a short-term rental.
3. The property owner will provide the phone number of the local agent to all neighbors within a one hundred (100') foot radius of the subject property boundaries.
4. An owner meeting the requirements of subsections 1 and 2 above may designate themselves as the local agent.
5. A notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number at which the agent can be reached, and the maximum occupancy of the dwelling unit as permitted by this Ordinance.
6. The permit holder shall notify the City of any changes in ownership or in the local agent.

C. Owner Responsibility.

1. The owner or local agent shall require the standards in this Section be met by renters and their guests as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the short-term rental do not violate this Ordinance by notifying the occupants of the rules regarding short-term rentals and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. Standards from this Ordinance shall be posted in clear view within the Short Term Rental unit. Failure to take immediate action to abate a violation of this Ordinance may result in forfeiture of the Zoning Permit. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way.
2. Upon application, the owner or local agent shall sign an affidavit stating that they are aware of the rules and regulations and that they will comply with them.

D. Zoning Permits.

1. Short-term rentals require a Zoning Permit.
2. The following elements are required prior to approval of a Zoning Permit or permit renewal:
 - a. A fully completed and signed Zoning Permit application form, provided by the City, including all the required supplemental documents.
 - b. Owner contact information.
 - a. Contact information for a local agent available by phone twenty-four (24) hours a day, seven (7) days a week whenever the unit is utilized as a rental.
 - c. Where more than one (1) person has an ownership interest, the required information shall be provided for each owner. In those cases in which the owner is not a person, the information required shall be provided for the organization owning the short-term rental dwelling and for the president, general manager, or other chief executive officer of the organization.
3. A short-term rental Zoning Permit shall be issued by calendar year. All permits shall expire at the end of the calendar year and must be renewed each year. If the current owner has not violated the Ordinance, renewal for next year is guaranteed if reapplication is applied for.
4. An annual registration fee shall apply.

Article 8

Zoning Board of Appeals

Sec	Name	Pg
8.01	Creation & Membership	8-1
8.02	Powers of the Zoning Board of Appeals	8-3
8.03	Appeals Procedures	8-4
8.04	Standards	8-5
8.05	Expiration	8-6
8.06	Resubmittal	8-6

Section 8.01 Creation & Membership

A. Creation.

Pursuant to the **Michigan Zoning Enabling Act, 2006 PA 110** (MCL 125.3101 et seq.), as amended, there shall be established and appointed by the City Council, a Zoning Board of Appeals (ZBA).

B. Membership.

- Members and Terms of Office.** Such board shall consist of five (5) members, one (1) of whom shall be a member of the City Council, one (1) a citizen member of the Planning Commission with appointment by the City Council coinciding with his/her Planning Commission term, and three (3) members who shall be selected from the electors of Tawas City and appointed by the City Council. In the latter instance, one (1) of such members shall be appointed for a one (1) year term, one (1) of such members shall be appointed for a two (2) year term, and one (1) of such members shall be appointed for a three (3) year term. Thereafter, each member shall be appointed to hold office for a full three-year term.
- No elected official or employee of the City, other than the appointed City Council member, shall be a member of the Zoning Board of Appeals.
- An elected official of the City may not serve as chairperson or vice-chairperson of the Zoning Board of Appeals.
- Vacancies.** Any vacancy in the Zoning Board of Appeals shall be filled by the City Council for the remainder of the unexpired term.
- Per Diem.** Compensation of members of the Zoning Board of Appeals shall be fixed by the City Council.

6. **Alternates.** The City Council may also, if it so desires, appoint not more than two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called in the absence of a regular member of the Zoning Board of Appeals who will be unable to attend one (1) or more meetings. 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. Alternates shall be selected from the electors of Tawas City.
7. **Officers.** The Zoning Board of Appeals shall annually elect its own chairperson and at such other times as the Board may determine by rule.
8. **Dual Membership on the ZBA/Planning Commission.** A member of the Zoning Board of Appeals who is also a voting 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.
9. **Removal of Members.** Members of the Zoning Board of Appeals shall be removed by the City Council for misfeasance, nonfeasance, or malfeasance of duty or misconduct in office upon written charges and after a public hearing. A member shall ask to be disqualified from a vote in which the member has a conflict of interest. Failure of a member to ask to be disqualified from a vote in which the member has a conflict of interest constitutes malfeasance in office.

C. Administration.

1. **Rules of Procedure and Records.** The Zoning Board of Appeals shall adopt its own rules of procedure and shall maintain a record of its proceedings which shall be filed in the office of the City Clerk and shall be a public record. The fees to be charged for appeals shall be set by resolution of the City Council. All meetings of the Zoning Board of Appeals shall be open to the public.
2. **Quorum and Majority Vote.**
 - a. The Zoning 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.
 - b. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or the Planning Commission, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

Section 8.02 Powers of the Zoning Board of Appeals

The Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an appeal, administrative review, interpretation, exception, or variance as defined as follows:

A. Interpretation.

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance including its interpretation and interpretation of the Zoning Map.

B. Administrative Review.

The Zoning Board of Appeals shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by any City administrative official or body charged with enforcement of this Ordinance.

C. Non-Use Variance.

The Zoning Board of Appeals may grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other non-use-related standard in this Ordinance. Variances may be granted when practical difficulties prevent compliance with the strict letter of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. In granting any variance, the Zoning Board of Appeals may attach thereto such conditions, pursuant to **Section 9.07**, regarding the location, character, or other features of the proposed uses as it may deem reasonable in furtherance of the purposes of this Ordinance. In granting a variance, the Zoning Board of Appeals shall state the grounds upon which it justified the granting of a variance.

D. Powers Not Granted.

1. **Amendments.** The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of this Ordinance.
2. **Special Land Use Approvals.** The Zoning Board of Appeals shall not hear appeals of decisions regarding special land use or planned unit development requests.
3. **Use Variances.** The Zoning Board of Appeals shall not allow a use in a district in which it is not listed as a Permitted Use or Special Land Use in **Article 4**.

Section 8.03 Appeals Procedures

A. Notice of Appeal.

1. Appeals and requests made to the Zoning Board of Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau by filing a Notice of Appeal with the Zoning Board of Appeals on appropriate forms provided by the City and payment of the required fee. The Notice of Appeal shall be made within thirty (30) days after a decision by the Zoning Administrator or Planning Commission.
2. The Zoning Board of Appeals may require the applicant to furnish surveys, plans, or other information as may be reasonably required to the Zoning Board of Appeals for the proper consideration of the matter.
3. The applicant shall submit one (1) electronic and four (4) hard copies of a completed application with associated fee and information required by the Zoning Administrator including surveys, site plan, plot plan, or other information deemed reasonably necessary for making any informed decision on the appeal, not less than forty-five (45) days prior to the date of the hearing.
4. Fees for the processing of appeals shall be established by resolution of the City Council.

B. Public Hearing.

1. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal or request for interpretation or variance, giving due notice thereof pursuant to the notice requirements of **2006 PA 110** (MCL 125.3101 et seq.), as amended (see **Section 9.08**).
2. **Appearance.** Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Zoning Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Zoning Board of Appeals.
3. All hearings conducted by the Zoning Board of Appeals shall be open to the public in compliance with the **Open Meetings Act, 1976 P.A. 267**, as amended.

C. Stay.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

D. Decision.

1. The Zoning Board of Appeals may reverse or affirm wholly or partly or may modify an order, requirement, decision, or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or the Planning Commission, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance or to effect any variation from this Ordinance.
2. **Appeal to Circuit Court.** The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal from a decision of a Zoning Board of Appeals shall be filed within whichever of the following deadlines comes first:
 - a. 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.
 - b. 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.

Section 8.04 Standards

Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. The applicant must show practical difficulty by demonstrating 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, 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 Tawas City.

Section 8.05 Expiration

No order of the Zoning Board of Appeals permitting the erection or alteration of buildings shall be valid for a period longer than eighteen (18) months unless actual construction and development have been commenced in accordance with said approval prior thereto.

Section 8.06 Resubmittal

No application for a variance, interpretation, or appeal which has been decided, in whole or in part, by the Zoning Board of Appeals shall be re-submitted for a period of one (1) year from the date of such decision, unless a rehearing is granted pursuant to **Section 9.10** of this Ordinance.

Article 9

Administration & Enforcement

Sec	Name	Pg
9.01	Zoning Administrator	9-1
9.02	Planning Commission	9-1
9.03	Administrative Process	9-2
9.04	Fees	9-7
9.05	Performance Guarantee	9-7
9.06	Use of Consultants	9-8
9.07	Conditions	9-9
9.08	Public Notification	9-9
9.09	Violations	9-11
9.10	Rehearing	9-11
9.11	Interpretation & Conflicting Provisions	9-13

Section 9.01 Zoning Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator of the City or his/her designee. In this Ordinance, the phrase “Zoning Administrator” shall refer to both the Zoning Administrator and his/her designee. The Zoning Administrator shall have the authority to:

- A. Issue Zoning Permits.
- B. Review site plans and other zoning issues for presentation to the Planning Commission or City Council.
- C. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.
- E. Enforcement actions may be initiated by a complaint or by the Zoning Administrator independently anytime he or she identifies a violation.

Section 9.02 Planning Commission

A. Powers and Duties.

The Planning Commission is hereby designated “the commission” pursuant to **2006 PA 110** (MCL 125.3101 et seq.), as amended, and shall perform the duties of said commission as provided in said Act, together

with such other powers and duties as are given to the commission by the provisions of this Ordinance. One (1) member of the Planning Commission shall serve as a member of the Zoning Board of Appeals.

B. Authority.

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

1. **Site Plan Approval.** The Planning Commission shall review site plans and issue its approval, conditional approval, or denial of said site plan.
2. **Site Plan Amendments.** The Planning Commission shall review requests for site plan amendments that are not considered minor amendments by the Zoning Administrator, or which the Zoning Administrator has forwarded to the Planning Commission per **Section 5.06**.
3. **Special Land Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Land Use Permit. Following a public hearing, the Planning Commission shall issue its approval, conditional approval, or denial of said application.
4. **Rezoning or Text Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the City Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and City Council approval.

Section 9.03 Administrative Process

No land, building, structure, or part thereof shall be occupied by or used for any use for which a building permit is required by this Ordinance unless and until a Zoning Permit shall have been issued for such new use. No land or building shall be occupied or reoccupied, used, or changed in use until a Zoning Permit shall have been issued by the Zoning Administrator stating that the land or building or proposed use of a building or land complies with all the provisions of this Ordinance. A copy of such Zoning Permit shall be made available on the premises.

A. Application Review Process.

1. On submission of an application, the Zoning Administrator will review the application material to determine the review process according to the Review Process Table in **subsection D**.
2. The Zoning Administrator may require a boundary survey and marking of property corners for any application.
3. The Zoning Administrator will forward the application to the Planning Commission (see **Article 5** for Site Plan Review and **Article 6** for Special Land Use Review) or Zoning Board of Appeals (**Article 8**) for approval in cases which require approval by either of those bodies. In cases of applications

which require administrative approval of the Zoning Administrator, an administrative review will occur prior to the issuance of a Zoning Permit.

B. Zoning Permits.

1. Zoning Permit Required.

- 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 City 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.
- b. A Zoning Permit shall be required for change of occupancy for all uses except single-family, two-family, and multiple-family dwellings.

2. Final Plot Plan or Site Plan Approval Required.

- a. The Zoning Administrator shall not issue a Zoning Permit until a final plot plan or site plan has been approved and is in effect pursuant to **Article 5**.
- b. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect.

3. Other Required Permits. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a Zoning Permit.

4. Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance. The construction or usage affected by any Zoning Permit shall be subject to the following:

- a. **First Inspection - Prior to Construction.** At the time of staking out of building foundation or location of the structure, the property owner is responsible for determining and marking the correct location of property lines from which setbacks are measured to allow the Zoning Administrator to determine if the improvements meet the standards of this Ordinance.
- b. **Second Inspection - After Construction.** Upon completion of the construction authorized by the Zoning Permit, the Zoning Administrator shall inspect the premises to ensure compliance with authorized approvals.

5. Zoning Permit Expiration. Zoning Permits shall be effective for the following time period:

- a. Zoning Permits for approvals issued by the Zoning Administrator are effective for one (1) year.
 - b. Zoning Permits for approvals issued by the Planning Commission are effective for eighteen (18) months.
 - c. The Zoning Administrator may extend a Zoning Permit for one (1) additional year, at his or her discretion, or refer the extension to the Planning Commission for consideration of approval.
6. **Zoning Permit Revocation.** 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. The Planning Commission shall have the power to revoke a Special Land Use permit pursuant to **Section 6.06**.
 7. **Payment of Fees.** 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 City Council.
 8. **Conformance with Approved Plans.** Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission 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.
 9. **Failure to Obtain a Permit.** Any person, partnership, limited liability company, corporation, association, or other entity who fails to obtain any necessary Zoning Permit or permit after-the-fact, pursuant to subsection 10 below, shall be subject to **Section 9.09**.
 10. **Permit After the Fact.** Any building erected, relocated, or altered, or any construction which requires a Zoning Permit from the City which begins without first obtaining the required Zoning Permit may be issued that Zoning Permit (and all permits necessary for approval), but this Zoning Permit and possibly others will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in this Ordinance which can be filed as after-the-fact permits include but are not limited to Zoning Permits, site plans, variances, rezoning, and Special Land Use permits.

The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating City ordinances may also be issued for any project which does not abide by City ordinances.

C. Record Maintained.

The Zoning Administrator shall keep a record of each application that has been submitted including the review, findings, conditions, decision, and all other records pertaining to each application. This record shall be a public record and open for inspection upon request.

D. **Review Process Table.**

The following **Table 9.03** is a summary of basic requirements for various administrative actions under this Ordinance. It supplements the preceding text but is not a substitute for it.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table 9.03: Review Process Table

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)- Number of days before hearing	Mailed notice to owners and occupants within 300' - Days before hearing	Body to which applicant may appeal a denial
Approval of single-family detached dwelling, accessory building, deck, or sign. (See Table 5.01)	Applicant	Zoning Administrator	No	Not required	Not required	Zoning Board of Appeals
Duplex, attached single-family dwelling, multiple-family, commercial, office, institutional, or industrial uses, food trucks, day care homes, parking lots, change of use. (See Table 5.01)	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
Special Land Use	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant, Zoning Administrator or Planning Commission	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Rezoning (Map Amendment) or Text Amendment	Applicant, Zoning Administrator, Planning Commission, Zoning Board of Appeals, or City Council	Step 1: Planning Commission recommends to City Council	Yes	Not less than 15 days	Not less than 15 days	No action until after City Council decision
		Step 2: City Council	No	-----	-----	Subject to protest petition
		Step 3: City Council publishes Notice of Adoption (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 10 th day after publication.				
Zoning Ordinance Enforcement	Zoning Administrator, Planning Commission, or City Council	-----	-----	-----	-----	Zoning Board of Appeals

Section 9.04 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 City, the City Council may 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 Zoning Administrator, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees may 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 (10%) percent of the initial escrow deposit or less than ten (10%) percent 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 City 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. If fees remain unpaid, the City is authorized to place a lien on the property and/or to pursue collection of fees through the court system.

Section 9.05 Performance Guarantee

- A. The Zoning Board of Appeals, City Council, or Planning Commission is delegated the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, site plan approval, Special Land Use approval, or variance. The Zoning Board of Appeals, City Council, or Planning Commission may, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require a cash, performance, or surety bond executed by a reputable surety company authorized to do business in the state, or irrevocable letter

of credit, in an amount determined by the Zoning Board of Appeals, City Council, or Planning Commission to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such cash, performance, surety bond or irrevocable letter of credit, consideration shall be given to the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- B. The performance guarantee shall be deposited with the City Treasurer at the time of the issuance of the permit authorizing the activity or project.
- C. The City Council shall establish procedures whereby a rebate of cash deposits, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses.
- D. As used in this Section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval to protect natural resources or the health, safety, or welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including but not limited to roadways, paving, walls, curbing, striping, lighting utilities, sidewalks, screening, landscaping, drainage, and clean-up and rehabilitation of the site.
- E. A certificate of occupancy for any improvement shall not be issued by the Iosco County Building Department, nor shall the property be used or occupied in any way, until the required physical site improvements are fulfilled. In instances where all improvements, as required by this Ordinance, are not completed and a temporary certificate of occupancy is requested, the cost of such remaining improvements shall be estimated by the Zoning Administrator, taking into account the criteria listed above. The Zoning Administrator may grant temporary occupancy if use of the premises does not constitute a hazard or nuisance. Temporary occupancy will not be granted until satisfactory cash bond or irrevocable letter of credit in the amount of the estimated cost of completion is filed with the City Treasurer. If the work is not completed by the date specified on the temporary occupancy permit, the City Council may use the cash, surety bond, or irrevocable letter of credit to complete the improvements.
- F. Objection to a performance guarantee requirement must be in writing and filed with the City Council within thirty (30) days of notice of the requirement. The determination of the City Council shall be final.

Section 9.06 Use of Consultants

From time to time, the Zoning Administrator, Planning Commission, or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Land Use permits, site plans, rezonings, or other matters related to the planning and development of the City.

Section 9.07 Conditions

- A. Reasonable conditions may be required in conjunction with the approval of a Special Land Use, Planned Unit Development, single-family cluster development, or other land uses or activities permitted by discretionary decision and for site plans (a non-discretionary decision). The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do the following:
1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the City as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- B. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions. Changes to conditions of an approved site plan shall only be approved pursuant to **Section 5.06** and changes to conditions to an approved Special Land Use shall only be approved pursuant to **Section 6.05**.

Section 9.08 Public Notification

All applications for development approval requiring a public hearing shall comply with the **Michigan Zoning Enabling Act, 2006 PA 110** as amended, MCL 125.3101 et. seq., and the other provisions of this Section with regard to public notification.

- A. All public hearing notices shall be published once in compliance with the Michigan Zoning Enabling Act at least fifteen (15) days before the date of the meeting at which the application will be considered (or the hearing held, if a hearing is involved) (MCL 125.3103). The notices shall:
1. Describe the nature of the zoning request/application/action.
 2. State the time, date, and place of the meeting.

3. Indicate the property that is the subject of the request. (If the request involves ten (10) or fewer adjacent properties, the notice must also include a list of all existing street addresses within the properties.)
 4. Indicate when and where written comments will be received concerning the request.
- B. If the notice is for Planning Commission or City Council action to adopt an initial Zoning Ordinance, this is the only required notice.
- C. If the request involves a rezoning of ten (10) or fewer adjacent properties, a Special Land Use, a variance, Zoning Board of Appeals interpretation of the Zoning Ordinance, or appeal of an administrative decision regarding a specific parcel, the notice must also be sent by mail or personal delivery to:
1. Owners of property for which the approval is being considered.
 2. All persons to whom real property is assessed within three hundred (300') feet of the property.
 3. Occupants of all structures within three hundred (300') feet of the property (regardless of whether the property or occupant is located in the City). If the name of the occupant is not known, the term "occupant" may be used.
 - a. 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.
- D. Notice of a request for a Zoning Board of Appeals interpretation of the Zoning Ordinance or appeal of an administrative decision notice must also be sent to the person requesting the interpretation (MCL 125.3604).
- E. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first-class, properly addressed, postage paid. City 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.
- F. **Registration to Receive Notice by Mail.**

Each electric, gas, and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the City Clerk to receive written notice of all public hearings. The City Clerk shall be responsible for providing this notification, as

established by the City Council. The requesting party must provide the City Clerk information to ensure notification can be made.

Section 9.09 Violations

A. Violations.

Any firm, corporation, or person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction and is subject to payment of a civil fine plus costs and other sanctions, for each infraction pursuant to the Tawas City Municipal Civil Infraction Ordinance.

B. Declaration of Public Nuisance.

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this Ordinance and in violation of any of the provisions hereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

C. Fines, Separate Offenses.

The owner of any building, structure, or premises or part thereof where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a separate offense and be liable for the fines herein provided.

D. Each Day a Separate Offense.

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

E. Rights and Remedies Cumulative.

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

Section 9.10 Rehearing

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's or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The City 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. If the type of decision requires a public hearing, then the notice requirements of **Section 9.08** shall be followed.

Section 9.11 Interpretation & Conflicting Provisions

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of public health, morals, safety, comfort, convenience, or general welfare. It is not intended, by this Ordinance, to repeal, abrogate, annul, or in any way impair or interfere with any existing provision of law or ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

A. Conflicting Provisions and Laws.

1. **Conflicting Provisions within this Ordinance.** Where any provision of this Ordinance is either more restrictive or less restrictive than any other provision of this Ordinance, then the provision that is more restrictive or imposes a higher standard or requirement shall govern.
 - a. **Conflicting Graphics, Tables, and Text.** The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics, and tables shall control over graphics.
2. **Conflicting Provisions with another Law or Ordinance.** Where any provision of this Ordinance conflicts with any provision of any other law or ordinance, the provision of which is more restrictive or imposes a higher standard or requirement shall govern.
3. **Conflicting Provisions a Superseding Law or Ordinance.** When any provision of this Ordinance conflicts with any provision of a law which legally supersedes this Ordinance, such superseding law shall prevail.

- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement; provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement, than such easement, covenant, or other private agreement, the provisions of this Ordinance shall govern.

Article 10

Adoption & Amendment

Sec	Name	Pg
10.01	Amendment Process	10-1
10.02	Rezoning Standards	10-3
10.03	Conditional Rezoning	10-3
10.04	Severance Clause	10-7
10.05	Vested Right	10-7
10.06	Repeal & Savings Clause	10-7
10.07	Enactment & Effective Date	10-8

Section 10.01 Amendment Process

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the Ordinance or sections to be amended to the Ordinance. The City Council is authorized and empowered to cause this Ordinance to be amended.

A. Initiation of Amendments.

- Proposals for amendments, supplements, or changes may be initiated by the City Council of its own action, by the Planning Commission, by the Zoning Administrator, or by application of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- All amendment proposals not originating with the Planning Commission shall be referred to the Planning Commission for a recommendation before any action is taken by the City Council.

B. Amendment Procedure.

- Application and Payment of Fee.** Each application, by one (1) or more persons, for an amendment shall be submitted upon an application of standard form to the Zoning Administrator. A fee, as established by the City Council, shall be paid at the time of application to cover costs of advertising for public hearings and processing of the amendment request. The Zoning Administrator shall transmit the application to the Planning Commission for recommended action.
- Public Hearing.** The Planning Commission shall conduct a public hearing on the proposed amendment in accordance with **Section 9.08**.

3. **Recommendation.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
4. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings and recommendation to the City Council. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in **Section 10.02** in making its finding and recommendation.
5. **City Council Action.**
 - a. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the Planning Commission's findings of the proposed amendment and, in the case of a rezoning, the criteria listed in **Section 10.02** and shall vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the City Council.
 - b. The City Council may hold a public hearing if it considers it necessary, and must grant a hearing to a property owner who makes a request by certified mail to the City Clerk. Such hearings may be conducted only after notice is given pursuant to **2006 PA 110** (MCL 125.3101 et seq.), as amended. (See **Section 9.08**)
 - c. The City Council may refer any proposed changes to the amendment back 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 City Council. In the event that an application is referred back to the Planning Commission, the City Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. The City Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.
6. **Publication.** Once adopted by the City Council, amendments to this Ordinance shall be filed with the City Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect on the tenth (10th) day after publication or at a later date as may be specified by the City Council at the time of adoption.
7. **Resubmittal.** No application for an amendment that has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the City Council, are found to be valid.
8. **Protest Petition.** Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the City Council, signed by the owners of at least twenty (20%) percent

of the area of land in the proposed change, or twenty (20%) percent of owners of land within an area extending outward one (100') hundred feet from the boundary of the land included in the proposed change, such amendment may be passed by a two-thirds (2/3) vote of all members of the City Council. All publicly owned lands shall be excluded in calculating the twenty (20%) percent land area required.

Section 10.02 Rezoning Standards

In considering any application for an amendment to the official zoning map (rezoning), the Planning Commission shall and the City Council shall consider the following criteria in making its findings, recommendations, and decision:

- A. The proposed use is consistent with the goals, objectives, and future land use of the currently adopted Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, the proposed use is consistent with recent development trends in the area.
- B. All of the allowable uses in the proposed district are reasonably consistent with surrounding uses.
- C. There will not be an adverse physical impact on surrounding properties.
- D. Rezoning will not create a deterrent to the improvement or development of adjacent properties in accordance with existing regulations.
- E. The rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. rezoning will not result in spot zoning).
- F. The City and other governmental agencies have the ability to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the proposed amendment is adopted.

Section 10.03 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the City, 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, 2006 PA 110**, as amended, 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 Land Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Land 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 the offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. **Planning Commission Review.**

The Planning Commission, after a public hearing as set forth pursuant to **Section 9.08** of this Ordinance and consideration of the factors set forth in **Section 10.02** (except **10.02.E**) 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. **City Council Review.**

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the City Council 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 City Council shall, in accordance with Section 401 of **2006 PA 110**, refer such amendments back to the Planning Commission for a report thereon within a time specified by the City Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. **Approval.**

1. If the City Council 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 City Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the 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 City Council.
 - 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 City 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 City 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 City with the County Register of Deeds. The City Council 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 City 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.

F. 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.

G. 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 one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may, upon written request, be extended by the City Council if:

1. it is demonstrated to City Council'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 City Council 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.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection G** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the City Council 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.

I. 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 H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** above or during any extension thereof granted by the City Council, the

City 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.

K. City Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City 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)**.

L. Failure to Offer Conditions.

The City 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 10.04 Severance Clause

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

Section 10.05 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; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 10.06 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Tawas City Zoning Ordinance in its entirety.
- B. The repeal of any previous Tawas City 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 10.07 Enactment & Effective Date

This Ordinance is hereby declared necessary for the preservation of the peace, health, safety, and welfare of the people of the City of Tawas City, Iosco County, Michigan.

1.	Date of Planning Commission public hearing:	
2.	Date of City Council first reading:	
3.	Date of City Council second reading:	
4.	Date of City Council Adoption	
5.	Date of publication:	
6.	Date ordinance shall take effect:	