

ZONING ORDINANCE

ADOPTED APRIL 11, 2022



PRESQUE ISLE TOWNSHIP

PRESQUE ISLE COUNTY, MICHIGAN

Presque Isle Township ZONING ORDINANCE

Presque Isle Township
Presque Isle County
Michigan

Adopted: April 11, 2022

Effective: April 21, 2022

Table of Amendments

Prepared with the assistance of:

Northeast Michigan Council of Governments
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Article 1

Title & Purpose

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Section 1.1 Title

This document shall hereby be known as the Presque Isle Township Zoning Ordinance.

Section 1.2 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the health, safety, and general welfare of the residents of and visitors to Presque Isle Township. The provisions herein are intended to encourage the proper use of land and natural resources as they pertain to the social, physical, and economic well-being of the Township including the optimum distribution of residential, commercial, recreational, industrial, and transportation activities; to limit the improper use of land, water, and other natural resources; to minimize hazards to health and property; to avoid overcrowding, provide adequate light and ventilation and control excessive noise, air, and visual pollution in and around dwellings and places of employment in the Township; to lessen traffic congestion and promote the wise distribution and use of land for public facilities and utilities, such as schools, community centers, government offices, medical facilities, and electrical and gas generation and transmission equipment; and to be one means of implementing the goals, objectives, and policies as set forth in the Presque Isle Township Master Plan.

Section 1.3 Enabling Authority

This Ordinance is adopted pursuant to **2006 PA 110**, as amended (Michigan Zoning Enabling Act, M.C.L. 125.3101 through 125.3702).

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Section 2.1 Rules

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise:

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. Words used in the present tense shall include the future; words in the singular number shall denote the plural number, and the plural shall denote the singular.
- D. A "building" or "structure" includes any part thereof.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for," and "occupied for."
- F. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and," "or," and "either, or" shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events shall apply.

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- 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
- 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- G. "Township" shall hereinafter refer specifically to Presque Isle Township.
- H. Terms not herein defined shall be assumed to have the meanings customarily assigned them.
- I. The term "Planning Commission" shall hereinafter refer to the Presque Isle Township Planning Commission.
- J. The term "Township Board" shall hereinafter refer to the Presque Isle Township Board of Trustees.
- K. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

Section 2.2 Definitions

A

Abandonment. The cessation of activity in or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a period of six (6) months or longer. See [Section 6.6](#) for the time period and criteria for Special Use abandonment and [Section 3.25](#) for the time period and criteria for Nonconforming Use abandonment.

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. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street.

Accessory Building/Accessory Structure. A building/structure or portions of a building/structure which 1) is subordinate to and serves a principal building or principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and 4) is located on the same zoning lot as the principal building or principal use. Where an accessory building is attached to a principal building in a substantial manner, such as with a wall and a roof, the accessory building shall be considered a part of the principal building.

Accessory Dwelling Unit. A secondary residential dwelling unit located on the same lot as a single-family dwelling unit. Accessory dwelling units shall be developed in accordance with the standards set forth in [Section 7.2](#) and only in those zoning districts where the use is listed as a Permitted or Special Use. Also

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known as a **Guest House**.

Accessory Use. A use naturally and normally incidental and subordinate to and devoted exclusively to the principal use of land or building.

Addition. Any construction which increases the size of a building, such as a porch, attached garage, carport, room, deck, or wing. See also **Floor Area**.

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, easement, or public utility right-of-way.

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. As defined by the Adult Foster Care Facility Licensing Act (**PA 218 of 1979**, as amended): a governmental or nongovernmental establishment, licensed by the State of Michigan that provides foster care to adults. Adult foster care facility 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.

A. The following additional definitions shall apply in the application of this Ordinance.

1. **Adult Foster Care Home, Family.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Home, Small Group.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week for two (2) or more consecutive weeks.
3. **Adult Foster Care Home, Large Group.** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care twenty-four (24) hours a day, for five (5) or more days a week 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, or the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128,

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and provides residential services for six (6) or fewer individuals under 24-hour supervision or care. **Adult Foster Care Home, Family** is considered a State-Licensed Residential Facility. For residential facilities which are not considered Family Adult Foster Care Homes, the licensee may or may not be a member of the household or an occupant of the residence.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the **Public Health Code, 1978 PA 368**, MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 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:
 - (1) Two (2), if the total number of residents is ten (10) or fewer.
 - (2) Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - (3) Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - (4) Five (5), 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 the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.

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- 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.

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.

Air Right. The rights to the space above a property for development.

Agriculture. See [Farm, Commercial](#) or [Farm Domestic](#).

Agricultural Tourism Business. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Farm stays
- B. Bakeries selling goods grown primarily on-site
- C. Educational tours, classes, lectures, and seminars
- D. Family-oriented animated barns (i.e. haunted houses)
- E. Gift shops for agriculturally-related products, crafts
- F. Historical agricultural exhibits
- G. Organized meeting space (i.e. weddings, birthdays, corporate picnics) (also called a [Commercial Event Facility](#))
- H. Petting farms, animal display, and pony rides
- I. Picnic areas (including rest rooms)
- J. Playgrounds, wagon/sleigh rides, nature trails
- K. Restaurants related to the agricultural use of the site
- L. Seasonal outdoor mazes of agricultural origin
- M. Small-scale entertainment (i.e. concert, car show, art fair) (this facility is sometimes classified as a [Commercial Event Facility](#))

Alley. A public right-of-way, not more than thirty (30') feet in width affording a secondary means of access to abutting property but not intended for general traffic circulation.

Alteration. Any structural change, addition, or modification in construction or type of occupancy or any change in the structural members of a building such as bearing walls, beams, or girders, which may hereinafter be considered as "altered" or "reconstructed."

Applicant. Any person that applies for a permit.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and

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meals to individuals who are partially able to provide services to themselves.

Attached. Any structure or part of a structure immediately adjacent to another structure or part of a structure, and fastened securely to same by walls and a roof.

Auto Repair. Any activity involving the general repair or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame, or fender straightening and repair; or overall painting and rust proofing of automobiles.

Auto Repair Garage. Any commercial building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to engine, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, or installation of equipment.

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

B

Bar or Tavern. An establishment primarily devoted to the serving of alcoholic beverages for consumption on the premises.

Basement or Cellar. 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 ceiling is less than the vertical distance from the average grade to the floor. A basement or cellar shall not be counted as a story.

Bed and Breakfast/Tourist Home. An owner-occupied single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests (for less than thirty (30) days), provided certain zoning requirements are met.

Bedroom. A dwelling room used or intended to be used by human beings for sleeping purposes.

Berm. An earthen mound used for the purpose of landscaping, screening, or enclosure which is compacted and finished with adequate topsoil to support grass or other landscape materials in a neat and well-maintained condition.

Biofuel Production Facilities (on Farms).

- A. **Biofuel.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **Ethanol.** A substance that meets the ASTM international standard in effect on the effective date of this Section as the D-4806 specification for denatured fuel-grade ethanol for blending with gasoline.

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- C. **Farm.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **Proof Gallon.** That term as defined in 27 CFR 19.907. A gallon of liquid at 60 degrees Fahrenheit which contains fifty (50%) percent by volume of ethyl alcohol having a specific gravity of 0.7939 at sixty (60) degrees Fahrenheit referred to water at sixty (60) degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

Block. A property surrounded by streets or abutting one (1) side of a street and situated between the two (2) nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Boarding House/Rooming House. An owner-occupied single-family dwelling containing guest rooms for three (3) or more individuals in which lodging is provided with or without meals for compensation and which is open to long-term (for thirty (30) days or more) guests only (not to the traveling public).

Brewpub. A facility where beer is produced, stored, and sold for consumption on or off the premises which shall meet the requirements of the Michigan Liquor Control Commission.

Buffer Strip. An area established to separate properties of divergent usage by providing a natural screening effect of both sight and sound which might otherwise be objectionable.

Buildable Area. The space remaining on a lot or lots of record after the minimum setback and open space requirements have been complied with.

Building. An independent structure, temporary or permanent, having a roof supported by columns, walls, or other means of stabilization and used for the enclosure and protection of persons, animals, personal property, or for the operation of a business. Structures with interiors which are not accessible for human use, such as tanks, smokestacks, grain elevators, coal burners, oil cracking towers, or similar structures, shall not be considered as buildings.

Building Height. The vertical distance from the established grade to the ridge line of the uppermost roof. See **Grade.** Amended 11/14/22

Building Line. The line parallel to the front line at the minimum required front setback line.

Building, Principal. The building which is used for the principal purposes of the lot on which it is situated.

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C

Cabin Court/Cabin Complex. Grouping of multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

Camp. A tent, cabin, or a group of these used for temporary lodgings..

Campground/RV Park. 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.

Cemetery. Property including mausoleums and/or columbariums used or intended to be used for the perpetual interment of deceased human beings.

Child Care Facility. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under [1973 PA 116](#), as amended (Child Care Organizations Act, being MCL §§ 722.111 - 722.128) and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

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

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- C. **Family Child Care Home.** A state-licensed, owner-occupied private home in which at least one (1) but fewer 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. Family child day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- D. **Group Child Care Home.** A state-licensed, owner-occupied private home in which more than six (6) but not more than (12) minor children are given care and supervision for periods 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. Care is given for more than four (4) weeks during a calendar year.

Church. See [Place of Worship](#).

Clinic. A building or group of buildings where human patients are admitted for examination and treatment by at least one (1) professional such as a physician, dentist or the like, and patients are not lodged overnight.

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

Club/Lodge/Fraternal Organization. A formal organization of persons for civic, social, or recreational purposes organized under bylaws, rules, or regulations and comprising an elected board and/or officers with a membership qualified by dues or equity shares.

Commercial. A term relating to the use of property in connection with the purchase, sale, or trading of goods or personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than fourteen (14) days during any twelve (12) month period.

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. Events for which the owner or operator of the venue receives no fee or other remuneration in connection with the event and no fees are charged to attendees shall not be considered commercial events.

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

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the State [Condominium Act, 1978 PA 59](#), as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the

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underlying fee and in the spaces and building parts used in common by all the unit owners.

- A. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the **Condominium Act**.
- B. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- C. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- D. **Site Condominium.** All allocation or division of land permitted under the State of Michigan **Condominium Act, 1978 PA 59**, as amended, which permits single-family detached housing pursuant to a master deed.
- E. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Township including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- F. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of **1978 PA 59**, as amended.
- G. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
- H. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with the Township Code of Ordinances and the **Condominium Act**.
- I. **Convertible Condominium.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- J. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the **Condominium Act**.
- K. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "Site Condominium Lot" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions

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of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, maximum floor area ratio, and required setbacks. Condominium setbacks shall be measured as described below:

1. **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the nearest point of the structure including the eave. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from a parallel line fifteen (15') feet from the nearest pavement edge to the foundation of the unit.
 2. **Rear Yard Setback.** The distance between the limit of the development and the nearest point of the structure including the eave. Within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district. Along the perimeter of the development, the setback shall be measured from the property line of the development.
 3. **Side Yard Setback.** The distance between the nearest point of the structure including the eave and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district unless otherwise stated in this Ordinance.
- L. **Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- M. **Site Condominium Unit.** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A site condominium unit is not a lot or parcel as those terms are used in this Ordinance.

Convalescent or Nursing Home. A home, qualified for license under applicable Michigan Law, for the care of children, aged, or infirm and providing facilities for four (4) or more patients.

Convenience Store. A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or stores materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.

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Country Club. A private social and recreation facility providing one (1) or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and club house for members, their families, and invited guests.

D

Deck. A platform used for outdoor living purposes that may or may not be attached to a building and which protrudes above ground level. For the purposes of determining if a deck is attached to a principal building, a deck that abuts (touches) a principal building shall be considered attached.

Density. The intensity of development in any given area measured in this Ordinance by the number of dwelling units per acre.

Development. The construction or relocation of a building on a lot of record or the use of open land for a new activity.

District. A portion of the Township in which certain buildings and activities are permitted and in which certain regulations, in accordance with the Ordinance, are applicable. Also called Zoning District.

Drive-In or Drive-Through Establishment. A commercial facility with access to roadways whose principal method of operation is to serve customers while in their automobiles. Such facilities include but are not limited to banks, laundry and dry cleaners, fast food restaurants, etc.

Driveway. A private road connecting a dwelling unit, garage, or parking apron with a public road right-of-way, and consisting of an improved structure of concrete, asphalt, or gravel.

Dwelling, Duplex. A building consisting of two (2) separate single-family dwelling units.

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. Multiple-family dwelling includes multi-level apartment buildings and also the following:

- A. **Bungalow Court.** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- B. **Courtyard Apartments.** A structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.
- C. **Multiple-Family Condominium.** An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership on the common grounds.

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D. **Townhouses.** A single-family attached dwelling with three (3) or more units sharing common side walls and usually situated in a straight line with each other.

Dwelling, Single-Family. A detached building, occupied by and designed for one (1) family, and containing sleeping, living, cooking, and sanitary facilities for that family.

Dwelling Unit. A building or portion of a building, either site-built or pre-manufactured, which has sleeping, eating, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a recreational vehicle, truck, bus, motor home, tent, or other such portable structure be considered a dwelling unit unless approved as a temporary dwelling unit.

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. As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving, and filling of earth.

Essential Services. Underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety, and welfare but not including buildings other than those which are primarily enclosures or shelters for essential services equipment. Wireless Communications Facilities/Antennas, Alternative Tower Structures, Solar Energy Facilities (Utility-Scale), and Wind Energy Systems are not included within this definition of 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. This does not include alterations for farming or gardening purposes.

Extractive and Mining Operations. The removal, by mining, of valuable natural resources from a property.

F

Family. A person or persons living in one (1) dwelling unit and related by blood, marriage, or legal adoption (and their domestic employees) and comprising a single-housekeeping unit or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character and cooking as a single housekeeping unit. This definition shall not include a society, club,

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fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization nor include a group of individuals whose association is temporary in character or nature.

Farm, Commercial. 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, Domestic. A parcel of land used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience. Dogs, cats, and other typical household pets are not regulated as a Domestic Farm.

Farm Buildings. Any building or structure, other than a dwelling unit, built or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

Farm Market. A year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. While the location must take place on property controlled by the affiliated farm, it does not have to be a physical structure such as a building. Fresh products as well as processed products may be sold at the farm market. At least fifty (50%) percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or fifty (50%) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least fifty (50%) percent of the product’s primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc. “Farm Market” includes the term “Roadside Stand.”

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 and Rural Development](#).

Farm Stay. A hosted accommodation on a working farm or ranch with guests paying for the privilege of staying overnight. Farm stay facilities may allow guests to help with farming activities or operations. Also called Vacation Farm or Guest Ranch. Farm stay accommodations may be offered in a variety of formats including but not limited to guest rooms in the principal dwelling, guest rooms in accessory buildings, campsites where guests bring their own accommodations, or sites where permanent freestanding recreational structures are in place (cabins, yurts, permanent tents, and the like). Farm Stays are classified as an [Agricultural Tourism Business](#).

Fence. A permanent or temporary partition or structure erected as a divider, barrier, or enclosure and not part of a structure requiring a building permit.

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Fence, Screening. Fences when used as an alternative to wall or masonry wall as specified herein shall consist of a screening type, i.e., wooden, wooden pickets, or steel or aluminum mesh with installed slats. Corrugated fencing material shall not be permitted.

Filling. The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

Firewood. The cut trunks and branches of trees and bushes.

Flood Plain. The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water which has been or may be covered by floodwater. Determination of a flood plain is:

- A. 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.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

Floodway. The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge floodwater.

Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the interior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area is to include the basement floor area when more than one-half (½) of the height of the basement is above the established curb level or finished lot grade, whichever is higher. Floor area does not include elevator shafts or stairwells on each floor, floor space used for mechanical equipment, attic space having headroom of seven (7') feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in the determination of floor area. Areas of basements (except what is described above), porches, or attached garages are not included in the determination of floor area.

Floor Area, Usable. That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise, which may include hallways, breezeways, stairways, or elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

Floor Area Ratio (Net). The ratio between the total permitted floor area of a building or buildings and the total lot or site area.

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Food Truck/Food Trailer/Food Stand. A readily movable structure from which food is sold that typically contains cooking facilities where the food is prepared. The structure is usually a wheeled vehicle that is motorized or towed.

G

Game Farm. A farm or other rural property with captive game, licensed by the DNR, and used as a "hunt-for-fee" or similar commercial hunting operations in which animals are hunted and taken by clients or customers, who pay for the opportunity to hunt and take game species. Game farms may also be used to buy, breed, observe, and/or sell captive game species, as permitted by the Michigan DNR.

Garage, Commercial. See [Auto Repair Garage](#).

Garage, Private. A building for the private use of the owner or occupant of the principal building and situated on the same lot, used for the storage of motor vehicles and general household goods, but excluding facilities for mechanical service or repair of a commercial or public nature.

Gas Station. A building used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water, and other commodities designed for motor vehicles, aircraft, and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts, and accessories within a building provided that such repair and installation are of a minor nature.

Gazebo. A free-standing structure which is at least fifty (50%) percent open on each side, constructed of wood using the post and beam principle and consisting of light framework. The roof may be lattice, wood, or asphalt shingles. It may be round or up to eight (8) sided.

Grade. For the purposes of this Ordinance, the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

Greenbelt. A specified area of property adjacent to a lake or stream within which certain development restrictions apply.

Group Child Day Care Home. See [Child Care Facility: Group Child Care Home](#).

Guest House. See [Accessory Dwelling Unit](#).

H

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

Highway. A public thoroughfare or street, excluding alleys, but including federal, state, and county roads

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and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home Occupation. An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and which does not alter the residential character of the neighborhood.

Homeless Shelter. See [Residential Human Care Facility](#).

Hospital. An institution providing health services primarily for in-patients and medical or surgical care of the sick and injured including laboratories, out-patient departments, training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the developmentally disabled or mentally ill are not considered hospitals.

Hotel or Motel. A commercial building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms, none which have cooking facilities. One (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel or motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms. Also known as motor courts.

Hunting Camp. Private property with permanent structure and hunting blinds, used for the hunting of game species during the hunting season as set forth and regulated by the [Michigan Department of Natural Resources](#).

Hunting Club. A club organized for the purpose of hunting.

I

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

Inn. A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short-term basis and which offers meals to the public for compensation.

J

Junk. For the purposes of this Ordinance, this term shall refer to any discarded, abandoned, damaged, deteriorated, inoperative, dismantled, or partially dismantled motor vehicles, machinery, appliances, products, merchandise, scrap metals, or materials (or parts thereof).

Junk Yard. A place, structure, or lot where junk, waste, discarded, salvaged, or similar materials, including metals, wood, slush, timber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are

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bought, sold, disassembled, baled, exchanged, or handled. Junk yards include auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment. Pawn shops and establishments which sell, purchase, or store used cars, salvaged machinery, used furniture, radios, appliances, or similar household goods and the processing of used, discarded, or salvaged materials as part of manufacturing operations are not considered junk yards.

K

Kenel. Any lot or premises on which four (4) or more dogs, cats, or other household pets of any one (1) species more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

L

Lake Frontage. The land adjacent to and abutting the ordinary high water mark of all inland lakes and Lake Huron.

Land Use Permit. A land use permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

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

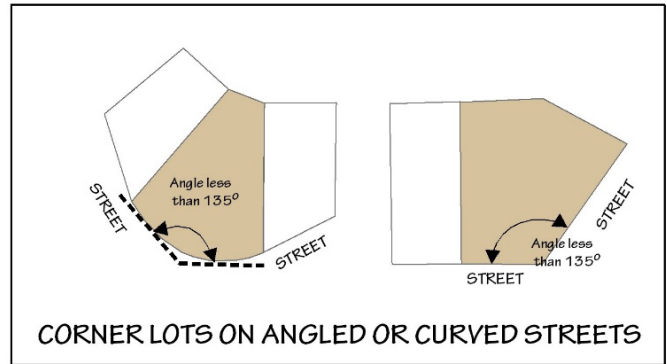
Loading Space. An off-street space on the same lot with a building or groups of buildings for temporary parking for a commercial vehicle while loading or unloading materials. Loading space is not to be included as off-street parking in the process of computing off-street parking areas.

Lot. A separate parcel of land occupied, or intended to be occupied, by a principal building or a group of such buildings, or utilized for the principal use or uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot shall not include public or private road easements or road right-of-ways. The word “lot” shall include a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building is placed and limited rights to the yard area surrounding the building.

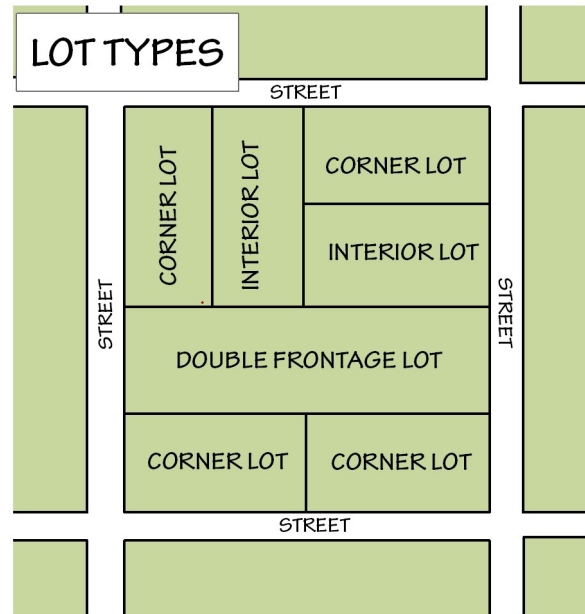
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Lot, Corner. A lot where the interior angle of two (2) adjacent sides of the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if, at 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, Double Frontage. A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street of all lots in the plat and in the request for a land use permit. If there are existing buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.



Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Lake. A lot having frontage directly upon a lake (natural or man-made). The portion adjacent to the water shall be designated the front lot line, and the street frontage shall be designated the rear lot line.

Lot, Waterfront. A lot having frontage directly upon a body of water (natural or man-made) including a lake, pond, river, or stream.

Lot Area. The total horizontal area within the lot lines of the lot.

Lot Depth. The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a waterfront lot, it is from the water frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

Lot Lines. A line dividing one (1) lot from another or from the right-of-way and thus constitute property lines bounding a lot.

Lot Line, Front.

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- A. **Interior Lot.** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way.
- B. **Corner Lot or Double Frontage Lot.** In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- C. **Lakefront Lot.** In the case of a lakefront lot, the front lot line shall be the line adjoining the ordinary high water mark of the lake.
- D. **Riverfront Lot.** In the case of a lot abutting a river or stream, the front lot line shall mean the line separating the lot from such street right-of-way.
- E. **Islands.** In the case of an island, the entirety of which is under the same ownership, the determination of the front lot line shall be made by the property owner and shall be filed with the Township. The Zoning Board of Appeals is the body authorized to clarify any ambiguity in this determination.

Lot Line, Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot. In the case of a lakefront lot, the rear lot line shall be the line separating the lot from the street right-of-way when the street is more or less parallel to the lake shoreline. If a lakefront lot does not abut a major street, the rear lot line shall be the line separating the lakefront lot from the adjoining lot nearer the street.

Lot of Record. A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the County Register of Deeds or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a land surveyor (so registered and licensed in the State of Michigan) and likewise so recorded and on file with the County Register of Deeds.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

M

Manufactured Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This definition does not include a recreational vehicle. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. Also called a mobile home.

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

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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.

Medical Marijuana. For purposes of this Section, the words and phrases as contained herein shall have the meanings as set forth in [MCL 333.26423](#) and the regulations adopted by the State of Michigan, Department of Licensing and Regulatory Affairs, or any successor agency pursuant to authority conferred by Section 5 of [Initiated Law 1 of 2008](#). For the purposes of this Ordinance, the terms "marijuana" and "marihuana" as used here, in the State Act, and elsewhere, shall be synonymous.

- A. **Caregiver Operation.** Any registered primary caregiver that cultivates, produces, sells, distributes, possesses, transports, or makes available marijuana in any form to another patient or to another primary caregiver for medical use. The term "caregiver operation" shall not include the private possession, private production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this Ordinance.
- B. **Enclosed, Locked Facility.** That term as defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marijuana Act, being MCL 333.26423).
- C. **Marijuana Establishment.** An enterprise at a specific location at which a licensee is licensed to operate under [Initiated Law 1 of 2018, Medical Regulation and Taxation of Marijuana Act](#), MCL 333.27951 et seq.; including a marijuana grower, marijuana microbusiness, marijuana processor, marijuana retailer, marijuana secure transporter, or marijuana safety compliance facility.
- D. **Marijuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under [2016 PA 281, Medical Marijuana Facilities Licensing Act](#), MCL 333.27101 et seq.; including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq.
- E. **Medical Marijuana.** That term as defined in the [Public Health Code](#), MCL 333.1101 et seq., the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq.; the [Medical Marijuana Facilities Licensing Act](#), MCL 333.27101 et seq.; and the [Marijuana Tracking Act](#), MCL 333.27901 et seq.
- F. **Primary Caregiver.** That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by [State Department of Licensing and Regulatory Affairs](#) or any successor agency to assist with a Qualifying Patients' use of medical marijuana.
- G. **Qualifying Patient.** That term defined in Section 3 of [Initiated Law 1 of 2008](#), as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.

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Mini-Storage. Groups of buildings that contain individual compartmentalized and controlled access stalls or lockers (sometimes in varying sizes) for dead storage of customer’s goods or wares.

Mixed Use Development. More than one (1) type of development on a single parcel of land (for example: residential and commercial on one (1) parcel).

Motor Home. See [Recreational Vehicle \(RV\)](#).

N

Nonconforming Lot of Record. A lot of record existing at the time of the adoption of this Ordinance which is not in conformance with the area and or width standards of this Ordinance.

Nonconforming Structure. A structure or portion thereof existing at the time of the adoption of this Ordinance which is not in conformance with the standards of this Ordinance.

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

Nonconforming Use. An activity existing at the time of the enactment of this Ordinance, on a lot or lots of record, and which is not in conformance with the use regulations for the zoning district in which it is located according to this Ordinance.

Nursery School. See [Child Care Facility: Child Care Center](#).

Nursery, Plant Materials. Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees, and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

Nursing Home. See [Convalescent or Nursing Home](#).

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Examples of nuisances include but are not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people particularly at night, vehicular traffic, burned-out structures, and condemned structures.

O

Off-Street Parking Lot. A facility providing a means of temporarily storing a motor vehicle in a defined space and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit so as to accommodate two (2) or more vehicles.

Outdoor Sales/Rental. Sales and rental of products generally occurring outside of an enclosed building including, but not limited to the following: bicycle, motor vehicle, boat, aircraft, home equipment sales,

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repair or rental services, manufactured homes, farm implements, recreation vehicles, gardening equipment, outdoor furniture, and similar items.

Ordinary High Water Mark. Is defined as in [Part 301 of the Natural Resources and Environmental Protection Act 1994 PA 451](#), to mean 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 an inland lake which has had a level established by law, it means the high established level. On Lake Huron, the ordinary high water mark is set by Michigan's Great Lakes Submerged Lands Act at 581.5 feet above mean sea level, per international Great Lakes Datum of 1985. On a river or stream, the ordinary high water mark shall be the ten-year flood plain.

Outdoor Furnace. Any equipment, device or apparatus, or any part thereof, which is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or heating of water.

P

Parcel. See *Lot*.

Parking Apron. An improved structure of concrete, asphalt, or gravel located immediately in front of a garage to allow for temporary parking, loading/unloading of vehicles, etc.

Parking Space. An area of defined size and length which is designated for the parking of vehicles.

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.

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

Permitted Use. A use-by-right which is specifically authorized in a particular zoning district.

Person. An individual, corporation, co-partnership, association, firm, limited liability company, or any other legal entity.

Pet, Domestic. Only such animals as may commonly be housed within domestic living quarters and are not considered Exotic Pets.

Pet, Exotic. Breeds of animals that are uncommonly found as either pets or livestock. These breeds are often not indigenous, are undomesticated, unusual in appearance, venomous, and can be potentially dangerous if they escape. Exotic animals could include, but are not limited to, nonhuman primates; venomous cold-blooded reptiles or other animals; constrictor snakes three (3') feet or longer; wild or exotic cats including bobcats, cheetahs, lions, panthers, and tigers; non-domesticated carnivores like

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bears and wolves; sharks; ostriches or emu; venomous spiders and insects; elephants; camels; wild animals like skunks, raccoons, deer, and badgers; gamecocks and other fighting birds or fowl, and any animal that is predominately wolf or coyote.

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

Planned Unit Development (PUD). Land under unified control which allows a development to be planned and built as a unit and which permits, upon review and approval, variations in district standards related to density, land use, setbacks, open space, and other design elements, and the timing and sequencing of the development.

Planning Commission. The body appointed by the Township Board under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq. Refers to the Presque Isle Township Planning Commission.

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

Porch, Enclosed. A covered, totally enclosed space located on any side of a building and attached to the main structure, but not considered an integral part of the main structure. An enclosed porch shall meet principal building setbacks.

Porch, Open. A covered space located on any side of a building with a roof supported by columns and attached to the main structure, but not considered an integral part of the main structure. An open porch shall meet principal building setbacks.

Principal Building. See [Building, Principal](#).

Principal Use. The land use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

Public Utility. A person, firm or corporation, municipal department, board, or commission duly authorized to provide and providing, under federal, state, or municipal regulations to the general public, any of the following: water, gas, steam, electricity, telephone, telegraph, waste disposal, communication, or transportation.

Pumphouse. A small building to house parts of a water system. A pumphouse shall be no larger than is necessary to house the elements of the water system.

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R

Recreation Vehicle (RV). A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, truck-mounted campers, fifth wheel trailers, travel trailers, and pop-up or folding campers. This term does not include manufactured or mobile homes.

Residential Human Care Facility. A facility (not within a private residence) providing any of the following:

- 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 contains 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 grocery, sporting goods, gasoline service outlet, and/or food service facility which is open to guests and/or the public.

Rooming House. See [Boarding House/Rooming House](#).

S

Salvage Yard. See [Junk Yard](#).

Scrap Yard. See [Junk Yard](#).

School Bus Pick-Up Shed. A small building near the roadside which usually contains some type of seating which is used to shelter persons who are waiting to be picked up by a bus.

Seasonal Use Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales and seasonal produce.

Setback. The minimum required horizontal distance measured from the front, side, or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the principal building or structure on that lot. The required yard setback is determined by measuring the distance from the lot line/right-of-way line to that part of the structure nearest the lot line (including the eave).

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Sexually Oriented Business. 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 theater, escort agency, nude model studio, and similar establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

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

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies ten (10%) percent or more of the floor area or visible inventory within the establishment.

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

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

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

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1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **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.
- H. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic devices (resembling human), both physical and digital.
- I. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- J. **Nudity or a State of Nudity.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- K. **Specified Anatomical Areas.** Means and includes any of the following:
1. Less than completely and opaquely covered.

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- a. Human genitals.
 - b. Pubic region.
 - c. Buttocks.
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- L. **Specified Sexual Activities.** Means and includes any of the following:
- 1. Human genitals in a state of sexual arousal.
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for compensation for periods of less than thirty (30) days.

Sign. Any device designed to inform the general public or attract the attention of persons. The following shall not be considered signs for purposes of this Ordinance:

- Signs not exceeding four (4) square feet in area and bearing only property numbers, post box numbers, names of occupants, or premises.
- Flags and insignia of any government, except when displayed in connection with commercial promotions.
- Legal notices, identification, informational, or directional signs erected or required by government bodies.
- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

A. **Abandoned Sign.** A sign to which any of the following applies:

- 1. The sign has remained blank over a period of one (1) year.
- 2. The sign’s message becomes illegible in whole or substantial part.
- 3. A sign which has fallen into disrepair.

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B. **Accessory Sign.** A permanent 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.

C. **Awning or Canopy Sign.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.

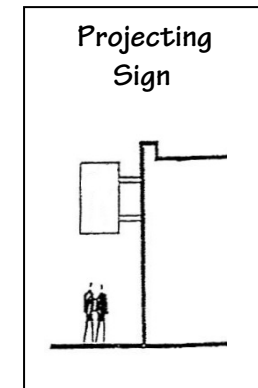
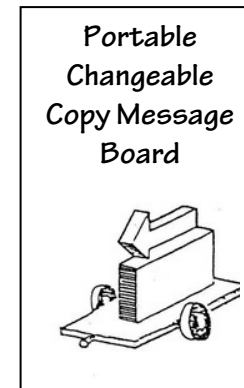
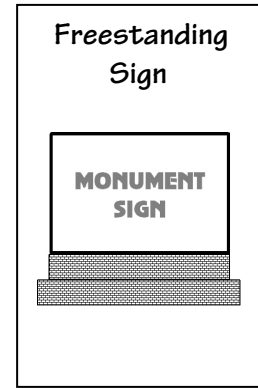
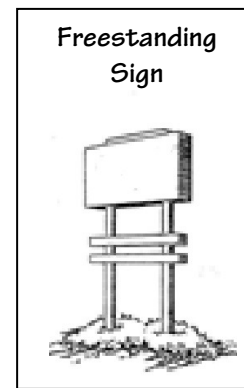
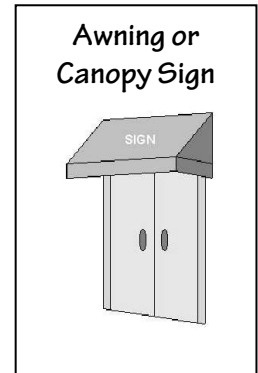
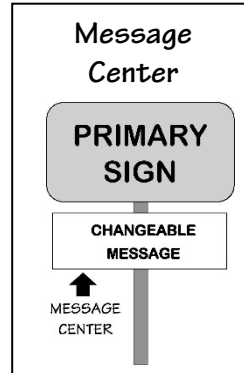
D. **Freestanding Sign.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include monument-style signs.

E. **Message Center, Digital.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.

F. **Message Center, Static.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

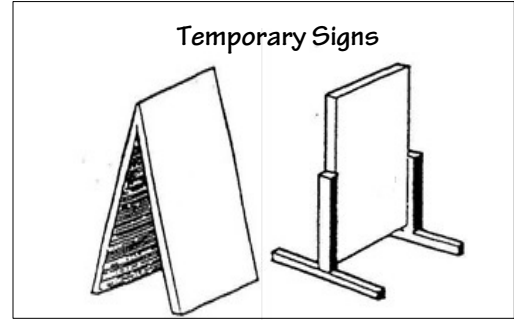
G. **Projecting Sign.** A sign, other than a wall sign, which is perpendicularly attached to and projects from a structure or building wall not specifically designed to support the sign.

H. **Portable Changeable Copy Message Board.** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.

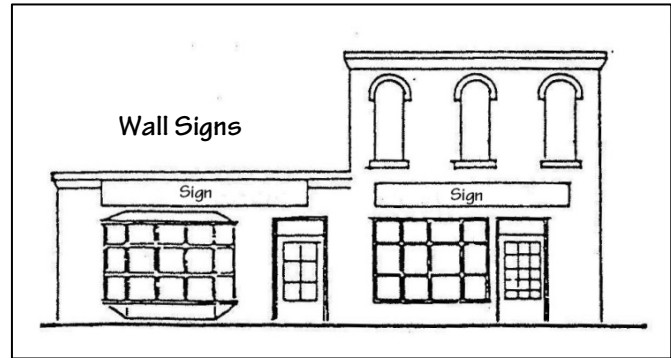


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I. **Temporary Sign.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



J. **Wall Sign.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.



Sign, Off-Site. A sign relating to matter which is off the premises in question.

Sign, On-Site. A sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodations on the immediate site.

Site Condominium Unit. See [Condominium: Site Condominium Unit](#).

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

Soil Disturbance. The physical movement of surface soil particles by digging, hand-grubbing, and/or the operation of trucks and other construction equipment used for excavation, filling, scraping, hauling, and staging of equipment and materials.

Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy collection facility consists of an array 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.

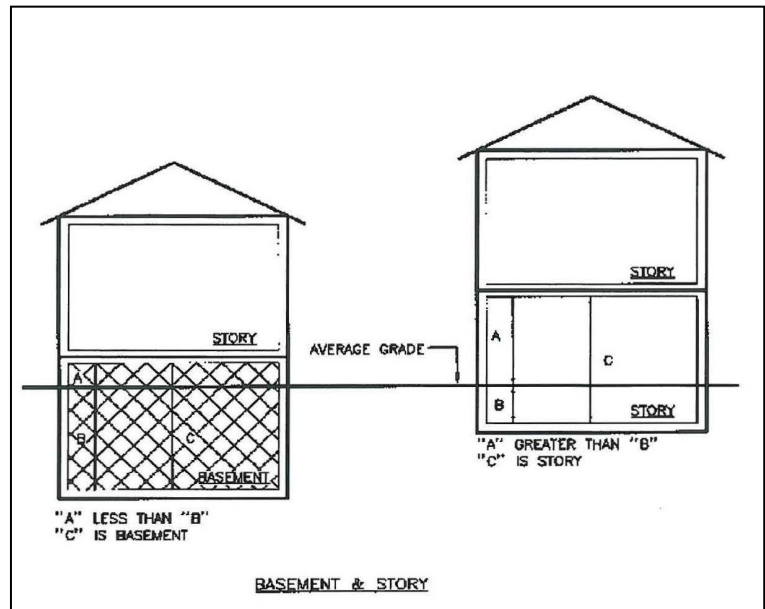
Solar Energy Panels (Accessory). Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power for use on-site. A solar collection device is the actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and

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convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are an accessory use on the property.

Special Use. A use permitted within certain Zoning Districts that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Township.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured. A "mezzanine" floor shall be deemed a full story only when it covers more than thirty (30%) percent of the area of the story underneath said mezzanine.



Story: Half. An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half (½) of the full story, contains at least one hundred sixty (160) square feet, and has a minimum floor to ceiling clearance of seven (7') feet, six (6") inches.

Street. A right-of-way which affords general traffic circulation and access to abutting property, but does not include alleys. Also called a public street, private street, public road, or private road.

Stable. A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, Public. Building in which any horses are kept for compensation, hire, or sale.

Structure. Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, radio and TV towers, manufactured homes, sheds, and

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permanent signs, and exclude vehicles, sidewalks, and paving.

T

Temporary Building and Use. A structure or use permitted by the Zoning Administrator, to exist during periods of construction of the principal building or for special events, but not to exceed six (6) months duration.

Tourist Home. See [Bed and Breakfast/Tourist Home](#).

Travel Trailer. See [Recreational Vehicle \(RV\)](#).

Tower. See [Wireless Communications Support Structure](#).

Townhouse. See [Dwelling, Multiple-Family: Townhouses](#).

Turnout. An improved structure of concrete, asphalt, or gravel that is connected to a driveway or parking apron and is used to allow vehicles to turn around in order to prevent backing out onto a roadway, street, or highway.

U

Untreated Lumber. Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

Use. The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

Use, Principal. See [Principal Use](#).

Use, Accessory. See [Accessory Use](#).

V

Variance. Action taken by the Zoning Board of Appeals granting a property owner relief from certain provisions of this Ordinance when compliance would result in practical difficulty upon the owner, as distinguished from a mere inconvenience or desire for an increased economic return.

W

Warehouse. A property where goods are stored by contract and/or for a valuable consideration, which goods are not intended for sale on those premises.

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Wind Energy. The following definitions are related to wind energy:

A. **Wind Energy Conversion Systems.** "WECS" Shall be the approved form of abbreviation of "wind energy conversion system". WECS shall mean a combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power; and
2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system such as substations, Meteorological Evaluation Towers (MET), cables and wires, and other buildings accessory to such facility.

- B. **Ambient.** The sound pressure level exceeded ninety (90%) percent of the time.
- C. **ANSI.** The American National Standards Institute.
- D. **dB(A).** The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
- E. **Decibel.** The unit of measure used to express the magnitude of sound pressure and sound intensity.
- F. **Horizontal Axis Wind Turbine.** A wind turbine generator in which the rotor(s) rotate around a horizontal shaft.
- G. **Commercial Wind Energy Conversion System (cWECS).** A classification and land use for generating power by use of wind at multiple tower locations in a community which includes accessory uses such as, but not limited to, a SCADA TOWER or an electrical substation. A Commercial Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.
- H. **FAA.** The **Federal Aviation Administration**.
- I. **Fall Zone.** A radius whose length is designated as one and a half (1 ½) times the total height of the WECS, measured outwards from the tower base that describes a three hundred sixty (360) degree horizontal plane around the tower base.

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- J. **Interconnected WECS.** A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
- K. **IEC.** The [International Electrotechnical Commission](#).
- L. **ISO.** The [International Organization for Standardization](#).
- M. **Lease Unit Boundary.** The boundary around a property leased for purposes of a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways used by the general public.
- N. **Meteorological Evaluation Tower (MET).** A freestanding tower containing instrumentation, such as anemometers, that is designed to provide present moment wind data such as for use by a Supervisory Control and Data Acquisition (SCADA) system.
- O. **Private Wind Energy Conversion System (pWECS).** A classification and land use for generating electric power from wind and is the use that is intended to primarily serve the needs of the owner at that site. The occasional generation of electrical energy which is sold back to an Electrical Utility does not define this type of WECS as a Commercial WECS.
- P. **Shadow Flicker.** Alternating changes in light intensity caused by the moving blade of a WECS casting shadows on the ground and stationary objects, such as but not limited to the side of a dwelling.
- Q. **Sound Pressure Level.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- R. **Survival Wind Speed.** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- S. **Tower Height.**
 - 1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and blades.
 - 2. **Vertical Axis Wind Turbine.** The distance between the ground and the highest point of the WECS.
- T. **Vertical Axis Wind Turbine.** A wind turbine generator in which the rotor rotates around a vertical shaft.
- U. **Wind Farm.** Clusters of two (2) or more Commercial Wind Energy Conversion Systems, placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises

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upon which the Commercial Wind Energy Conversion Systems are located. Said Commercial Wind Energy Conversion Systems may or may not be owned by the owner of the property upon which they are placed.

Wireless Communications. The following definitions are related to wireless communications:

- A. **Antenna Array.** One (1) or more rods, panels, discs, or similar devices used for the transmission or reception of wireless communications signals, which may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
- B. **Co-Location.** The location by two (2) or more wireless communication antennas 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.
- C. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- D. **Setback.** The required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure.
- E. **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.
- F. **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.
- G. **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.

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- H. **Wireless Communication Facility.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, Wireless Communications Equipment, connection cables, and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure.
- I. **Wireless Communications Facility- Ground-Mounted (also called "Earth Station or Ground Station").** A wireless communication facility in which the antenna array is mounted to the ground or any other surface and does not use a **Wireless Communications Support Structure**.
- J. **Wireless Communications Support Structure (also called a "Tower").** 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

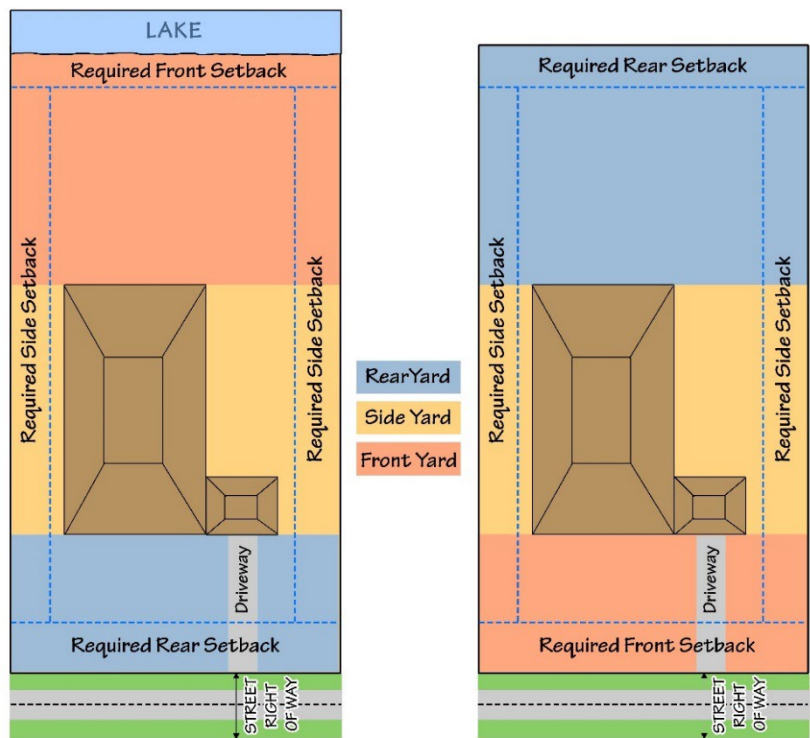
Y

Yard. An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections, such as porches and open space under the provisions of this Ordinance.

Yard, Corner Side. A side yard which faces a public street.

Yard, Front.

- A. **Front Yard (Lakefront Property).** A yard extending the full width of the lot on which a building is located and situated between the ordinary high water mark of the body of water and a line parallel thereto and passing through the nearest point of the building.
- B. **Front Yard (Non-Lakefront Property).** A yard extending the full width of the lot on which a building is located and situated between the front lot line abutting a public street or road right-of-way and a line parallel thereto and passing through the nearest point of the building.



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Yard, Interior Side. A side yard located immediately adjacent to another lot or to an alley or easement separating such side yard from another lot.

Yard, Rear. A yard extending the full width of the lot on which a building is situated and located between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

Yard, Side. A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of the building and extending from the front yard to the rear yard.

Yard, Transitional. A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature, in accordance with the provisions of this Ordinance. Such transitional yard shall be in lieu of the requirements for front, side, and rear yards as stipulated in this Ordinance.

Z

Zoning Administrator. The person retained by Presque Isle Township to administer and enforce this Zoning Ordinance.

Zoning Board of Appeals. As used in this Ordinance, this term means the Presque Isle Township Zoning Board of Appeals.

Zoning District. See *District*.

Zoning Lot. When multiple lots are used together to meet the minimum requirements for width, area, setback, and other ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.

Zoning Permit. See [Land Use Permit](#).

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Article 3 General Provisions

| Sec | Name | Pg | Sec | Name | Pg |
|------|---|------|------|--|------|
| 3.1 | The Effect of Zoning | 3-1 | 3.23 | Undeveloped Lakefront Lots | 3-18 |
| 3.2 | Required Area or Space | 3-2 | 3.24 | Docks | 3-19 |
| 3.3 | Principal Use/ Principal Building Per Lot | 3-3 | 3.25 | Nonconformities | 3-19 |
| 3.4 | Basis of Determining Yard & Setback Requirements | 3-3 | 3.26 | Essential Public Services | 3-23 |
| 3.5 | Street Access | 3-3 | 3.27 | Voting Place | 3-24 |
| 3.6 | Subdivision of Land | 3-3 | 3.28 | Historic Sites | 3-24 |
| 3.7 | Division of Lots in a Recorded Plat | 3-3 | 3.29 | Construction Debris | 3-24 |
| 3.8 | Moving of Buildings | 3-4 | 3.30 | Temporary Buildings or Trailers Used During Construction | 3-25 |
| 3.9 | Demolition Permits | 3-4 | 3.31 | Temporary Storage of Materials | 3-25 |
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| 3.14 | Accessory Buildings & Accessory Structures | 3-6 | 3.36 | Hazardous Substances | 3-28 |
| 3.15 | Storage of Recreational Vehicles In Residential Districts | 3-10 | 3.37 | Performance Standards | 3-28 |
| 3.16 | Yard, Garage & Rummage Sales | 3-10 | 3.38 | Noise Control | 3-30 |
| 3.17 | Fences | 3-11 | 3.39 | Transition Zoning | 3-31 |
| 3.18 | Corner Clearance | 3-14 | 3.40 | Outdoor Furnaces | 3-31 |
| 3.19 | Landscape Requirements | 3-14 | 3.41 | Condominiums | 3-33 |
| 3.20 | Required Screening/Buffer Strips | 3-15 | 3.42 | Animals | 3-33 |
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| 3.22 | Common Lake Access Lots | 3-18 | 3.44 | Signs | 3-41 |

Section 3.1 The Effect of Zoning

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, hereinafter no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance and a land use permit has been obtained.

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- 2. Zoning affects every structure and use and extends vertically from the ground up.
- 3. 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 cease operations by any legal means necessary and such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

B. Uses, Activities, and Construction in Progress.

In the event of use, activity, building, or structure is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconformity and be allowed to remain as such for construction to be completed, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building, or structure shall be determined by the Township Planning Commission. Existing nonconformities are regulated under [Section 3.25](#).

C. Zoning Lots.

When multiple lots are used together to meet the minimum requirements for width, area, setback, and other Ordinance requirements, the lots together are considered one (1) zoning lot for zoning purposes.

Section 3.2 Required Area or Space

A. Minimum Lots and Yards.

No lot or lots in common ownership, nor yard, court, parking space, or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in 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 such areas are already less than the minimum allowable dimensions set forth herein, they shall not be divided, altered, or reduced further.

B. Maintenance of Required Elements.

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 property or use is located.

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Section 3.3 Principal Use/Principal Building Per Lot

No lot may contain more than one (1) principal building or use, excepting groups of multiple-family dwellings, offices, retail business buildings, or other similar groups of buildings the Planning Commission considers to be principal buildings or uses, unless otherwise allowed by this Ordinance.

Section 3.4 Basis of Determining Yard & Setback Requirements

The required yard setback is determined by measuring the distance from the lot line to that part of the building or structure nearest the lot line (including the eave).

Section 3.5 Street Access

Any lot of record created after the effective date of this Ordinance shall have access to a public street right-of-way except as may be provided for otherwise in a Planned Unit Development designed in accordance with the applicable provisions of this Ordinance. Such access may be provided through an easement to a public street or through a private road.

Section 3.6 Subdivision of Land

All land hereafter divided into two (2) or more lots for the purpose of sale or lease for residential, commercial, industrial, or other use shall be in conformity with the provisions of this Ordinance. Such lots shall be subject to all provisions of the zoning district in which the parcel is located governing area, width, frontage, and other requirements concerning applicable land uses. No survey stakes or monuments shall be set with intent of permanent location until the lot proposal has been submitted to the Zoning Administrator for approval.

Section 3.7 Division of Lots in a Recorded Plat

The division of a lot in a recorded plat is prohibited unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. The Township Board may request review and comment by the County Planning Commission. The division, to be approved by the Township Board, shall have suitability of the land for building purposes approved by the **District Health Department**. No building permit shall be issued or any building construction commenced prior to the Township Board's approval. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall not be less in area than permitted by the Township Zoning Ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

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Section 3.8 Moving of Buildings

- A. The moving of a building to a different location shall be considered the same as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.
- B. If a building which currently exists in the Township is being moved to another location within the same zoning district in the Township and it does not meet the minimum dwelling unit size or width for that district, that building shall not be required to meet the district regulation for minimum dwelling unit size or width.
- C. If a building which currently exists in the Township is being moved to a different district in the Township, the Planning Commission may waive the minimum dwelling unit size and width after site plan review.

Section 3.9 Demolition Permits

No building shall be razed except by permit from the Zoning Administrator, who is authorized to require a performance bond the amount of which is to be one hundred (100%) percent of the cost of demolition and removal of materials determined by the Zoning Administrator. Such bond shall be conditioned upon a time limit of ninety (90) days for the demolition and shall meet the health and safety requirements as stipulated in the permit.

Section 3.10 Dwelling Units - Qualifying Provisions

(R-1, R-2, R-M, EC, and FR Zones only)

- A. The Schedule of Regulations, [Section 4.17](#) (as well as the individual development standards tables in [Article 4](#)), will apply to all dwellings constructed on or effected on any building site in Presque Isle Township.
- B. Dwellings must be firmly attached to a permanent foundation not less in area than the perimeter area of the dwelling being erected or constructed. Foundations must be frost-resistant and be in accordance with the [State of Michigan Building Codes](#) and other applicable Township Codes.
- C. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements. Wheels, towing mechanisms, undercarriages, etc., required solely to transport the dwelling to the building site shall be removed prior to attachment to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- D. A minimum exterior width of any side elevation of twenty-four (24') feet and a minimum floor to ceiling height of seven and a half (7.5') feet shall be maintained for all types of dwellings. An exception to this standard is made for Accessory Dwelling Units (see [Section 7.2](#)).

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- E. Connections to private or public water and sanitary facilities as approved by the **District Health Department** and this Ordinance must be provided.
- F. All additions (attached steps, porches, rooms, etc.) must be constructed of similar material and be of similar workmanship as that of the principle structure. Additions must be attached to a permanent foundation similar to the permanent structure.
- G. Manufactured homes shall be installed according to manufacturer's set up requirements and the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards," and the construction of the unit shall comply with the **National Mobile Home Construction and Safety Standards Act of 1974**, as amended.

NOTE: These provisions do not apply to manufactured homes erected in manufactured housing communities (see **Section 7.26**).

Section 3.11 Illegal Dwelling

The use of any portion of a basement, not considered a story, of a non-completed or partially completed structure for dwelling purposes shall not be allowed. Garages or accessory buildings shall not be occupied for dwelling purposes unless otherwise allowed by this Ordinance as Accessory Dwelling Units.

Section 3.12 Restoration of Unsafe Buildings

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

Section 3.13 Damaged & Dilapidated Buildings/Structures

Any building, whether it is a conforming structure/use or a nonconforming structure/use, that has been partially destroyed by fire, natural disaster, disuse, or neglect or is in such a state of disrepair as to be uninhabitable, unsafe, and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months following declaration of the structure as "damaged and dilapidated" by the Building Official, Zoning Administrator, or Township Supervisor.

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Section 3.14 Accessory Buildings & Accessory Structures

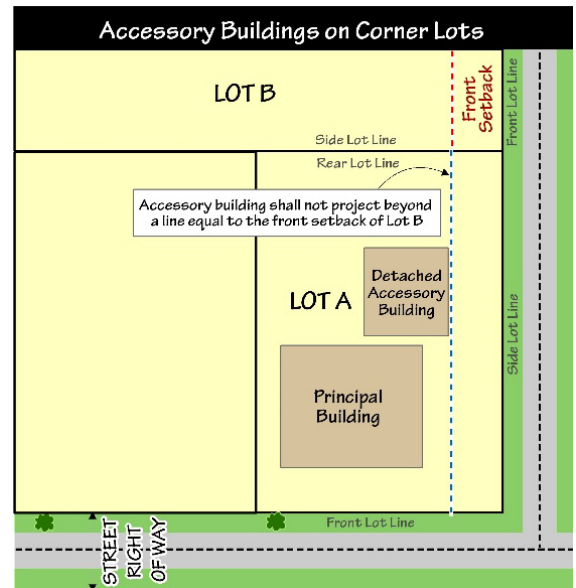
A. Attached Accessory Buildings and Accessory Structures – ALL DISTRICTS.

1. Attached accessory buildings and structures including garages, enclosed porches, open unenclosed porches, decks, breezeways, and carports shall be considered part of the principal building for purposes of determining or complying with yard areas and setbacks.
2. Where an accessory building is attached to a principal building it shall be considered part of the principal building and subject to all codes and ordinances applicable to the principal building, except that it shall not be included in the calculation of the required floor area for the principal building.

B. Detached Accessory Buildings and Accessory Structures – R-1, R-2, R-M, FR, and EC Districts.

1. Location in Yard/Setbacks.

- a. Detached accessory buildings and accessory structures shall not be permitted or erected in any front yard.
- b. Detached accessory buildings and accessory structures shall comply with all applicable setback requirements for the principal building.
- c. When an accessory building or accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said accessory building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot. The accessory building/structure on **lot A** shall not exceed the minimum front setback requirement for **lot B** (see Diagram).
- d. Structures designed and used only for school bus pickup sheds or pump houses shall be exempt from this subsection B.1.



2. Floor Area and Number of Accessory Buildings.

- a. **General.** (Amended 2/12/24; Effective 2/22/24)
 - (1) No accessory building or accessory structure shall occupy more than twenty (20%) percent of the unoccupied space of the total lot area.

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- (2) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) of the lot area.
- (3) The approval of an accessory building or accessory structure in excess of twenty-four hundred (2,400) square feet in an R-1 District or of an accessory building or accessory structure in excess of twelve hundred (1,200) square feet in an R-2 District shall be subject to the following conditions:
 - (a) The structure may not obscure the view of a dwelling on an adjoining lot.
 - (b) The structure may not change the character of the neighborhood.
 - (c) The structure may not be of a height which casts a shadow onto adjoining property.
 - (d) If the grade of the property, slope of the roof, total impervious surface created by the proposed structure or any other factor raises an issue of stormwater runoff, the applicant shall obtain a report from a civil or environmental engineer showing the proposed structure will not cause stormwater runoff onto adjoining properties.
 - (e) Before construction of the accessory structure the applicant must establish a greenbelt which blocks the view of the accessory structure, to the greatest extent possible, from the road or from any principal dwelling on adjoining property within one hundred (100) feet of the proposed structure. The greenbelt must be completed to the satisfaction of the Zoning Administrator before construction of the accessory structure commences.
 - (f) For a lot which has no principal dwelling on which an accessory structure is permitted (Article 3.14.B.6 and B.7.), the accessory structure may not exceed fifteen (15%) percent of the lot size, subject to the conditions set forth above.
- b. **Without a Site Plan Review – R-1 (lots less than 5 acres), R-2, and R-M Districts.**
 - (1) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) percent of the lot area.
 - (2) Except for farm buildings, no accessory building shall have a total floor area in excess of the ground floor area of the principal building.
 - (3) The total floor area of all detached residential accessory buildings combined shall not exceed one thousand two hundred (1,200) square feet.
 - (4) No more than two (2) accessory buildings shall be allowed on one (1) parcel.
- c. **Without a Site Plan Review – R-1 (lots 5 acres or larger) EC, and FR Districts.**
 - (1) The total floor area of the principal building and all accessory buildings shall not occupy more than thirty (30%) percent of the lot area.
 - (2) The total floor area of all detached residential accessory buildings combined shall not exceed two thousand four hundred (2,400) square feet.

- (3) No more than two (2) accessory buildings shall be allowed on one (1) parcel.
- d. **With a Site Plan Review – R-1 (lots less than 5 acres), R-2, and R-M Districts.** The following may be approved by the Planning Commission by means of a Site Plan Review provided the property meets all the minimum requirements of the zoning district, and the property owners within three hundred (300') feet of the subject property receive notice of such request a minimum of seven (7) days prior to the meeting in which the request is to be considered:
- (1) Detached accessory buildings larger than the floor area of one thousand two hundred (1,200) square feet.
 - (2) Detached accessory buildings larger than the floor area of the principal building.
3. **Height – All Districts.** Detached accessory buildings may be of a height no greater than the maximum height allowable in the district.
4. **Gazebos.** A detached gazebo shall be allowed as a Permitted Use in any district with site plan review by the Planning Commission. The gazebo shall not exceed fifteen (15') feet in height and one hundred fifty (150) square feet in area. The gazebo shall not be erected in the required greenbelt and shall meet all required setbacks of the principal building. A gazebo may be located in any yard.
5. **Boat Houses.** Boat houses shall not be allowed on any waterfront lot in the Township.
6. **Accessory Building without a Principal Dwelling.**
- a. **R-2 and R-M Districts.** In the R-2 and R-M Districts, an accessory building may be constructed only when there is an existing principal dwelling except as noted in [Section 3.23.F \(Undeveloped Lakefront Lots\)](#).
 - b. **R-1, FR, and EC Districts.** In the R-1, FR, and EC Districts, an accessory building may be constructed without a principal dwelling. Zoning Administrator approval is required. The standards in subsections (1) and (2) below shall apply. A standard site plan meeting the requirements of [Section 5.3.C](#) shall be submitted to the Zoning Administrator for consideration. The Zoning Administrator may request Planning Commission review and approval on any application for an accessory building without a principal dwelling. If a deviation from the accessory building square footage requirement below is needed, the Planning Commission has the authority to approve such deviation. In the case of a request for deviation, the Township shall transmit notice of the request to property owners within three hundred (300) feet of the subject property a minimum of seven (7) days prior to the meeting in which the deviation request is to be considered.
- (1) **FR District and EC District.**

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- (a) The lot or parcel shall be a minimum of five (5) acres in size in the FR District and ten (10) acres in size in the EC District.
- (b) The accessory building shall not exceed two thousand four hundred (2,400) square feet in size.
- (c) The accessory building shall not contain living quarters (i.e.: bathroom, bedroom(s), or kitchen).
- (d) The accessory building shall have a permanent greenbelt that protects the accessory building from view from adjacent property owners and the road.
- (e) The accessory building shall never be used for commercial purposes.
- (f) The accessory building shall meet required principal building setbacks.

(2) **R-1 District.**

- (a) The lot or parcel shall be a minimum of (1) acre in size and shall meet the width requirements of the R-1 District.
- (b) The accessory building shall not exceed two thousand four hundred (2,400) square feet in size.
- (c) The accessory building shall have a maximum of fourteen (14') foot side walls.
- (d) The accessory building shall not contain living quarters (ie: bathroom, bedroom(s), or kitchen).
- (e) The accessory building shall not be used for commercial purposes.
- (f) Minimum side and rear setbacks shall be twenty (20') feet.
- (g) A front setback shall be maintained so as to permit a dwelling which meets the minimum dwelling unit size and setbacks.
- (h) The accessory building shall have a permanent greenbelt that protects the accessory building from view from adjacent property owners and the road.
- (i) An accessory building is not allowed on lakefront property without a dwelling.

7. **Lakefront Lots.** Where lakefront lots are shallow in depth or of substandard area, or where other special circumstances warrant, an accessory building may be permitted on a lot across the road from the principal building. Planning Commission review and approval is required. A standard site plan meeting the requirements [Section 5.3.C](#) shall be submitted to the Planning Commission for consideration. In this case, accessory buildings shall not be regulated by subsection 6 (above).

8. **Design of Accessory Buildings.** Accessory buildings shall be located in an area so as to blend in with the surroundings. The design of the building shall use materials, colors, textures, screening,

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and landscaping that will blend them into the natural setting and surrounding buildings. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

C. **Detached Accessory Buildings – C-1, C-2, C-M, C-F, I-1, and I-2 Districts.**

Accessory Buildings in the C-1, C-2, C-M, C-F, I-1, and I-2 Districts shall be approved using the same site plan review procedure and standards as the principal building(s) as specified in [Article 5](#).

D. **Non-Traditional Storage Facilities/Shipping Containers.**

1. 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 and shipping containers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear or side yard only for no more than ninety (90) consecutive days.
2. **Shipping Containers on Residential Lots.** Shipping containers shall be allowed to be used as accessory buildings for storage purposes only in the FR District. Shipping containers shall not be utilized for any accessory dwelling purposes. The shipping container shall not be visible from a public right-of-way or neighboring property at all times of the year.

Section 3.15 Storage of Recreational Vehicles In Residential Districts

Recreational vehicles and equipment, including campers, trailers, motor homes, boats, motorcycles, and the like, shall not be permitted in a residential district except under the following conditions:

- A. Recreational vehicles and equipment shall be parked or stored in the rear yard or side yard of the residence or principal building but no closer than two (2') feet of the rear and side lot lines.
- B. **R-1 and R-2 Districts.**
 1. The parking of recreational vehicles is limited to driveways and developed turnouts.
 2. No recreational vehicles shall be parking in the front yard of lakefront properties nor shall parking be permitted in any portion of a driveway extending into the front yard of any lakefront property.
- C. For lakefront lots, no more than three (3) water-oriented recreational vehicles may be stored in the front yard.
- D. Storage or parking of such vehicles and equipment shall be on property which contains a residential dwelling or adjacent or abutting property of the same ownership. The owner of said vehicles shall be the occupant of the dwelling or a member of the immediate family residing in the dwelling.
- E. **Occupancy.** Recreational vehicles, other similar vehicles designed with sleeping accommodations, and tents shall not be occupied or connected to electrical or sanitary facilities except when used as a recreational vehicle for transient purposes and then not to exceed a continuous period of fourteen (14) days per any consecutive ninety (90) day period. Recreational vehicles and other similar vehicles,

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when occupied for transient purposes, shall be parked on a driveway, apron, or other developed facility for parking vehicles. Such use of a recreational vehicle or tent for transient purposes shall occur only on a lot with an existing dwelling unit or during the construction of a permanent residence where the length of stay shall not exceed one (1) year.

- F. **Vacant Parcels.** A permit for occupancy of a recreational vehicle on a vacant lot or parcel in the EC and FR Districts only shall be obtained from the Zoning Administrator for a period not to exceed twenty-one (21) days, then only when suitable sanitary facilities are provided by the occupant.

Section 3.16 Yard, Garage & Rummage Sales

- A. Notwithstanding any other provisions of this Ordinance, yard, garage, and rummage sales shall be permitted in any district which allows single-family residential use. A land use permit shall not be required for yard, garage, and rummage sales; however, allowable sales shall be limited to one (1) per year with a maximum three (3) day duration.
- B. Sale items shall be limited to general household goods and clothing. Not more than one (1) on-premise and two (2) off-site temporary signs, each not to exceed four (4) square feet in size, may be installed for a maximum duration of four (4) days and shall be removed immediately upon the end of the sale.

Section 3.17 Fences

This Section applies to all zoning districts. For the purposes of this Ordinance, the term “fence” also includes a wall which is used in the same manner as a fence.

A. **General Regulations.**

1. **Location of Property Lines.** In the installation of any fence, the property owner is responsible for the location of property lines and should obtain a professional survey, if necessary, to determine accurate property lines. Presque Isle Township shall not be held responsible for any property line or fence disputes between adjacent property owners.
2. **Finished Side of Fence.** Where there is a structural difference in the sides of the fencing, the side with the better appearance (finished side) is to face the adjacent property. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
3. **Barbed Wire and Electric Fences.** Fences equipped with barbed wire, spikes, or any similar hazardous device and/or equipped with any electrical charge shall be allowed only in the C-1, C-2, I-1, and I-2 Districts and on farms in the F-R District. Such fence shall be posted with permanent notices not more than fifty (50’) feet apart clearly indicating the hazardous nature of such fence.
4. **Materials.** Fence materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block (shall be decorative in residential districts), molded vinyl, chain link, or other materials commercially designed for fence construction. Scrap lumber, plywood, woven wire (except for agricultural purposes), sheet metal, plastic or fiberglass sheets, pallets, old signage, old doors, or other materials not commercially designed for fence construction are specifically prohibited.

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- 5. **Intersection Visibility.** Fences installed or constructed in accordance with the provisions of this Ordinance shall not obstruct corner clearance areas as regulated in [Section 3.18](#).
- 6. **Agricultural Fences.** Fences for agricultural purposes on commercial farms are exempt from this Section.

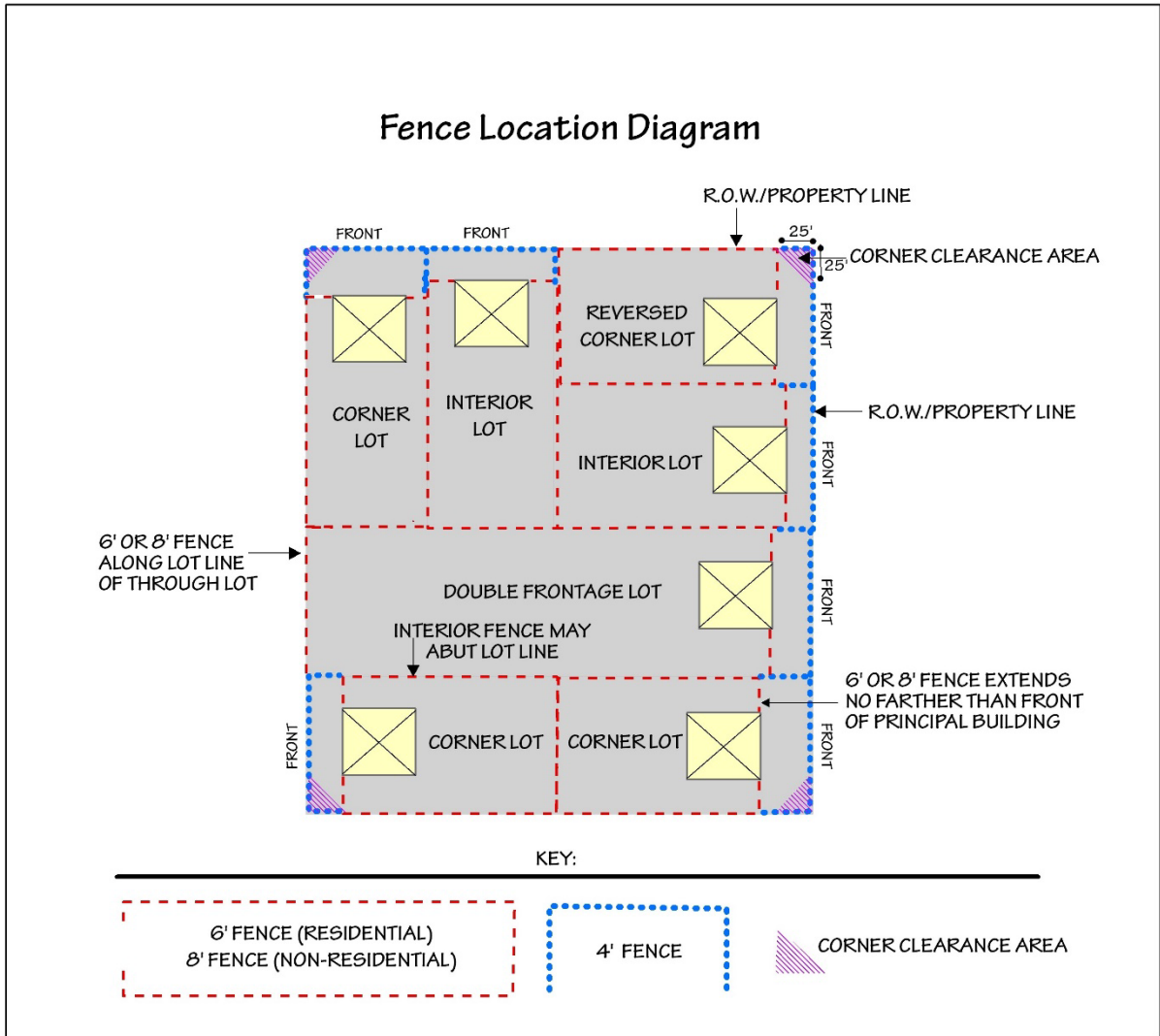
B. Fence Location & Height.

| Table 3.17 Fence Location & Height ³ | | |
|---|---|--|
| | Height ¹ | Setback |
| Front Yard | Fences may be up to 4 feet high. | <ul style="list-style-type: none"> ▪ Fences shall maintain a 5-foot setback from the front lot line. |
| Rear Yard & Side Yard | <ul style="list-style-type: none"> ▪ Fences may be up to 6 feet high on residential lots. ▪ Fences may be up to 8 feet high on non-residential lots. ▪ Fences over 4 feet high may not extend toward the front of the lot nearer than the front of the principal building. | <ul style="list-style-type: none"> ▪ Fences may be set on the street side property line. ▪ Fences may be set on the interior side or rear property line (shared with neighboring property) only with a written agreement with neighboring property owners which is on-file with the Township. If no written agreement exists, fences shall be set back a minimum of 2 feet. ▪ A fence may not be built on neighboring property not belonging to the fence owner. If a property owner believes the neighbor's fence encroaches onto his/her property, they may initiate private legal action. The Township does not arbitrate these disputes. |
| Waterfront Yard | <ul style="list-style-type: none"> ▪ Fences shall not exceed 4 feet high.² | <ul style="list-style-type: none"> ▪ Fences shall not be located in the front yard (waterfront yard) setback or in the Line of Sight where they obstruct the views of the water from neighboring properties. |

¹Fence height is measured from the abutting established ground level of the lot. However, a fence erected on a berm may be allowed by the Planning Commission to comply with screening requirements in [Section 3.20](#).

²Unless a site plan has been approved by the Planning Commission. The Planning Commission shall by site plan review, consider whether or not the proposed fence unreasonably restricts or may, in the future, unreasonably restrict the waterfront view of neighboring residents.

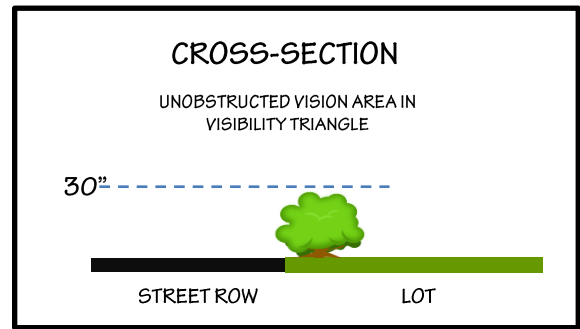
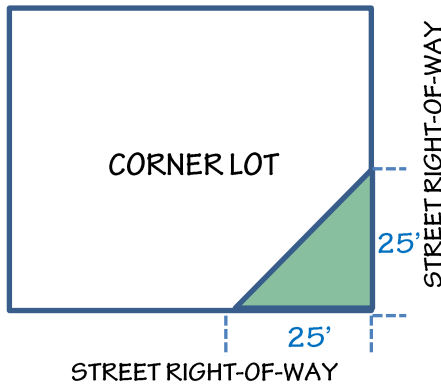
³Planted shrubbery shall be no higher than the maximum fence height and shall be no closer to the waterline than a fence.



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Section 3.18 Corner Clearance

On corner lots, no plantings or structures shall be established or maintained which obstructs the view of vehicular traffic in any direction. Such unobstructed corner shall mean a triangular area formed by the street property lines of two (2) intersecting street and a line connecting them twenty-five (25') feet from the point of intersection. In the case of a rounded street corner, such measurement shall be from the street lines extended to form an intersection. Plantings within this area may attain a height of up to thirty (30") inches.



Section 3.19 Landscape Requirements

A. Required Landscaping for Permitted Uses and Special Uses in the C-M, C-1, C-2, and I-1 Districts.

1. A minimum of fifteen (15%) percent of the site shall be in landscaped open space, with one (1) evergreen tree at least five (5') feet in height or one (1) shrub at least four (4') feet in height for every one thousand (1,000) square feet of landscaped area, plus one (1) deciduous tree at least two and one-half (2 ½") inch caliper for every two thousand (2,000) square feet of landscaped area.
2. Plant material existing on the site prior to development may be included as part of this requirement if it meets the minimum size.
3. Thirty (30%) percent of the required landscaped open space shall be between the road and the building.
4. Buildings on corner lots shall have sixty (60%) percent of the required landscaped open space between the building and the road.
5. Grass and other living plants shall be primary ground cover in required landscaped areas.

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- 6. All plantings within landscaped areas shall be maintained in an orderly and healthy condition, neat in appearance.
- 7. The use of vegetation native to the Presque Isle area is encouraged.

B. Landscape Plans.

The plans for required landscaped area shall be submitted to the Zoning Administrator for approval and recommendations as to suitability and arrangement of planting material. In instances where a site plan is required, the placement of plant material shall be shown on the site plan and shall be subject to review and approval by the Planning Commission.

Section 3.20 Required Screening/Buffer Strips

Where a non-residential use or multi-family use abuts a residential use, screening shall be required as outlined below. Said screening shall consist of a solid fence, wall, or greenbelt or a combination of these elements which achieve the desired screening effect (see below). The Planning Commission may waive or modify the screening requirements in this Section if the waiver or modification will not be detrimental to the health, safety, and welfare of neighboring property owners. Such screening for shielding off-street parking or storage areas shall not be required when such areas are located more than two hundred (200') feet from such abutting residential use or district.

A. Buffer Strip.

The Planning Commission MAY require the owner of the nonresidential property to provide a landscaped buffer strip at least ten (10') feet wide. Such buffer strip shall include evergreen shrubbery or trees of which height shall be determined by the Planning Commission, but in no instance shall the height of such plantings be less than five (5') feet in the case of evergreen trees or four (4') feet in the case of shrubs. Grass and other living plants shall be primary ground cover in the required buffer strip. Any limbs, shrubs, or bushes which extend into the property of the adjoining residential property owner may be trimmed back by the residential property owner, except for trees whose branches begin eight (8') feet or more above ground level.

B. Required Walls or Solid Fences.

- 1. The Planning Commission MAY require a fence or wall alone or in addition to or in lieu of a buffer strip. When required, fences or walls must be solid in construction and constructed of wood, concrete, vinyl, masonry, or brick. 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 nonresidential 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.

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2. Required walls or solid fences shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small-dispersed openings which do not collectively exceed twenty (20%) percent of the wall surface in area. The arrangements of such openings in masonry walls shall be subject to approval by the Zoning Administrator.

C. Earth Berms.

The Planning Commission MAY approve an earth berm to achieve a portion or all of the buffering requirement. When such earth berm is provided, the berm shall be landscaped and maintained in a clean and orderly growing condition and shall meet the following design standards:

1. The berm shall be natural in appearance. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. The side slopes shall be protected from erosion by sodding or seeding. Final slope, width, and height shall be reviewed and approved by the Planning Commission.
2. 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.
3. 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.
4. 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.
5. Trees shall be allowed to be placed on berms.
6. No buildings or any structures shall be permitted upon or within any berm.

D. Screening of Garbage/Trash/Dumpsters.

For multiple-family uses and non-residential uses, outside storage of trash and/or garbage shall be screened from view and shall be located in the rear or side yards, and vehicular access to such storage area shall be maintained. Fences and walls used for screening shall be a minimum of six (6') feet in height and shall have the effect of totally obscuring the outside trash storage area.

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Section 3.21 Greenbelts along Waterfront Property

To preserve natural resources, water quality, and community scenic and recreational values, a waterfront greenbelt shall be established and maintained on all property that abuts a natural river, stream, pond, or lake which is identifiable on [U.S. Geological Survey](#) maps of the 7' or 15' quadrangle series. This Section shall not apply to intermittent streams. An intermittent stream is one which holds water at some time during each year but for not more than eight (8) months. The waterfront greenbelt shall be thirty (30') deep. Within the greenbelt area, the following development or use restrictions shall apply:

- A. No structures are allowed except for boat launching and docking facilities and a ground-level pathway structure built perpendicular to the water's edge with no railings. See [Article 4](#) for front yard setback requirements on waterfront lots.
- B. No dredging or filling is allowed except for reasonable sanding of beaches where permitted by state or federal law.
- C. The use of asphalt, concrete, and other impervious surfaces shall be limited to walkways or steps necessary for water access or boat launch ramps.
- D. The use of pesticides, herbicides, and fertilizers is strongly discouraged.
- E. Leaves, grass clippings, and similar yard and garden wastes may not be burned or stored.
- F. Neither septic tanks nor septic system filtration fields may be located within the greenbelt.
- G. Natural vegetation cover, including trees, shrubs, or herbaceous plants shall be maintained on a least sixty (60%) percent of the lake or stream frontage within the greenbelt. Beach sand, gravel, cobblestone, or rock may be substituted for vegetated areas where these materials exist in the greenbelt portion of the site.
- H. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.



Section 3.22 Common Lake Access Lots

The following restrictions are intended to apply to lots which provide access to multiple property owners and to limit the number of dwelling units having access to lake frontage in order to preserve the quality of water, to avoid congestion, to promote safety, and to preserve the quality of recreational use for all users:

- A. In all districts, there shall be a minimum of fifty (50') feet of frontage and a minimum lot area of five thousand (5,000) square feet, as measured along the ordinary high water mark of the lake, for each dwelling unit utilizing or accessing the lake frontage.
- B. The lot shall not contain any building, dwelling unit, or accessory building, except as may be otherwise permitted by this Ordinance for docks or boat launching facilities.
- C. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake in all districts, regardless of whether access to the lake waters shall be by easement, common-fee ownership, single fee ownership, condominium arrangement, license, or lease. This limitation, however, shall not apply to a public access site or lakefront lot under the possession and control of a governmental agency, including but not limited to Presque Isle Township, Presque Isle County, Presque Isle County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the water.

Section 3.23 Undeveloped Lakefront Lots

For lakefront lots on which no dwelling has been constructed, the following regulations apply:

- A. One (1) dock shall be allowed. A permit for the dock shall be required, but the cost for the permit shall be waived.
- B. The dock and boat hoist(s) may be stored on-site during the off-season. Storage of boats is not allowed off-season.
- C. Picnic table(s) shall be allowed.
- D. Fire pit(s) shall be allowed.
- E. Sanitary needs shall be met off-site.
- F. **Island Property.** For island property with a dwelling and mainland undeveloped lot(s), provided the island dwelling and the mainland property are held in the same fee or easement ownership, the following shall apply in addition to the above requirements:
 - 1. One (1) accessory building not to exceed two hundred (200) square feet may be erected on the mainland undeveloped lot, provided the requirements for the district are met and a site plan is

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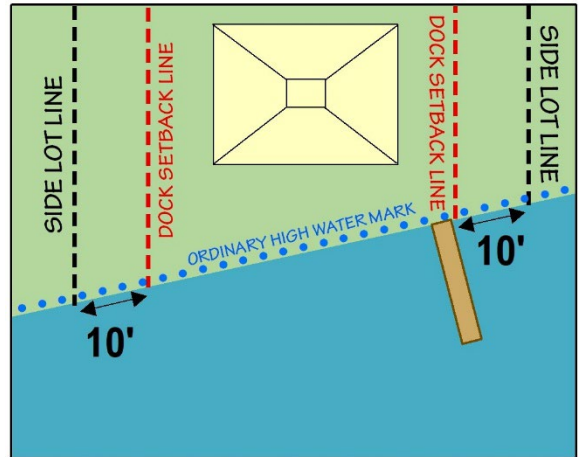
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approved by the Planning Commission OR, one (1) accessory building greater than two hundred (200) square feet but not greater than seven hundred seventy five (775) square feet may be erected on the mainland undeveloped lot, provided the requirements for the district are met and a Special Use Permit has been obtained from the Planning Commission.

- 2. Where a mainland lot serves more than one (1) island dwelling, one (1) boat per dwelling may be stored on the mainland lot.

Section 3.24 Docks

A. For lots with greater than twenty-four (24) feet of water frontage, docks shall be set back at least ten (10) feet from the point of intersection of the side lot line and the ordinary high water mark. The Township only regulates dock placement at the ordinary high water mark and does not regulate the placement of docks on submerged bottomlands. *(Amended 2/12/24; effective 2/22/24)*



B. Docks which do not conform to the ten (10) foot setback in subsection A and which are removed at the end of the summer season shall be set back ten (10) feet, as stated in subsection A, when they are reinstalled the next season. *(Amended 2/12/24; effective 2/22/24)*

C. Lots which have twenty-four (24) feet or less in water frontage shall not be required to comply with the requirements of subsections A and B, however the dock shall be placed in the center of the lot *(Amended 2/12/24; effective 2/22/24)*

D. Owners of developed lakefront property are automatically allowed one (1) dock. Additional docks shall be permitted only after the property owner acquires a permit, at no cost, from the Zoning Administrator.

E. The [Michigan Department of Natural Resources \(DNR\)](#) determines what is a navigational hazard and the DNR requires a permit for anything placed in the lake that is not a dock or swimming platform.

Section 3.25 Nonconformities

A. **Intent.**

- 1. It is the intent of this Section to permit the continuation of any lawful use of a structure or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Township and ought to be discontinued as circumstances permit.

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2. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved. Said construction shall not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building, or structure shall be determined by the Township Planning Commission.

B. Historic Properties.

1. Any structure, use, or lot in Presque Isle Township that is listed on the State or National Register of Historic Places is not considered a nonconforming structure or use and shall be regulated under [Section 3.28](#).
2. The Planning Commission may grant exceptions to this Section for historic buildings and structures built or located in 1930 or prior which are not listed on the State or National Register of Historic Places.

C. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses or structures which does not change their nonconforming status provided there is no change in the nature or character of such nonconforming uses or structures.

D. Nonconforming Lots.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any nonconforming lot which was a lot of record at the time of adoption of this Ordinance. Said lot may be used for a single-family residence, provided the owner presents to the Zoning Administrator their plans and specifications, and said plans and specifications meet the following requirements:

1. They conform and are compatible with abutting or surrounding properties, approval is granted by the [District Health Department](#), side yard setbacks are five (5') feet or more, and the lot is five thousand (5,000) square feet or more, with a minimum average width of fifty (50') feet or more. Upon meeting the aforementioned requirements, such nonconforming lots may be approved by the Zoning Administrator for single-family residence purposes.
2. The purpose of this provision is to permit utilization of single recorded lots which lack the required width or depth as long as reasonable living standards can be assured to be maintained on said lot.

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Such lots must be in separate ownership and not of continuous frontage with other such nonconforming lots under the same ownership.

3. If any nonconforming lot or lots not meeting the relaxed requirement of this subsection are of continuous frontage with other such nonconforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet the minimum requirements defined in subsection D.1.

E. Nonconforming Structures.

Where a lawful structure exists at the time of adoption or amendment of this Ordinance and does not conform, after Ordinance adoption or amendment, to the minimum requirements of area, lot coverage, height, setbacks, location on the lot, or other requirements, such structure shall be allowed to exist, provided it is otherwise lawful and shall be subject to the following provisions:

1. **Alterations.** Such nonconforming structure shall not be altered or remodeled in a way which increases its nonconformity; it may be altered in a manner which brings it into greater conformance with this Ordinance or which does not make it more nonconforming.
2. **Relocation of Nonconforming Structures.** Should such structure, which is nonconforming due to setbacks, be moved to another lot or to another location on the same lot, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

F. Nonconforming Uses.

Where, at the time of adoption or amendment of this Ordinance, a lawful use exists which does not conform to the provisions of this Ordinance after adoption or amendment, the use may be continued as long as the following provisions are adhered to:

1. **Expansion of Nonconforming Use.**
 - a. **Expansion throughout Lot.** No such nonconforming use shall be enlarged or expanded to occupy a greater proportion of the lot area than that which was occupied at the effective date of this Ordinance, nor such nonconforming use shall, in whole or in part, be moved from one (1) portion of the property to another portion of the property after the effective date of this Ordinance unless the Planning Commission grants a Special Use permit provided the following:
 - (1) Any permitted expansion shall not be for the accommodation of any type of nonconforming use or activity which is not currently engaged.
 - (2) No expansion shall reduce or eliminate any Ordinance requirements regarding setback, open space, off-street parking, screening, density, area, traffic safety, noise, lighting, height, pollution, or other safeguards or protection requirements.
 - (3) Any expansion permitted hereunder shall not affect or alter any other restrictions, limitations, or conditions pertaining to the existing nonconforming use which shall remain

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in full force and effect.

(4) Any expansion shall comply with the Special Use standards in [Section 6.3](#).

- b. **Expansion throughout Structure.** Any nonconforming use may be extended throughout any portion of the structure or building where such use was planned or provided for at the time of adoption of this Ordinance. In no case shall the use be extended to occupy land outside such building or structure unless a Special Use permit pursuant to [subsection F.1.a](#) is granted.
2. **Change to Another Nonconforming Use.** If no structural alterations are made, any nonconforming use may be changed to another nonconforming use, providing that the new nonconforming use of the structure is as equally appropriate or more appropriate to the district in which such structure or building is located as determined by the Zoning Board of Appeals.
 3. **Change to a Conforming Use.** Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.
 4. **Abandonment.** When a nonconforming use is discontinued through abandonment, lack of operation, or other similar situations, for a continuous period of six (6) months or longer (for seasonal uses, the period shall be one (1) year), thereafter, no right shall exist to continue as a nonconforming use, unless an extension of such use is granted by the Zoning Board of Appeals. No nonconforming use, after it becomes a permitted use in the district in which it is located, shall be allowed to return to a nonconforming status. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities such as water, gas, and electricity to the property have been disconnected or turned off.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

G. Repairs and Maintenance.

Nothing in this Ordinance shall be deemed to prevent the maintenance, repair, strengthening, or restoring to a safe condition of any nonconforming structure, any structure used for a nonconforming use, or part thereof. See [subsection H](#) below.

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H. **Damage or Destruction.**

1. **Nonconforming Structures.** If a nonconforming structure is damaged or destroyed by any means, it shall be allowed to be rebuilt in the footprint of the nonconforming structure which existed immediately prior to the damage or destruction.
2. **Nonconforming Uses.** If a lawful nonconforming use is damaged or destroyed by any means, it shall be allowed to be restored, rebuilt, or repaired to its original use and configuration.
3. **Timeframe.** Restoration or reconstruction of a nonconforming structure or a nonconforming use shall begin within six (6) months of the date of the damage or destruction. A land use permit shall be required. All work shall be completed within one (1) year of the date of issuance of the land use permit. When a delay in reconstruction or repair is caused by factors out of the permit holder’s control, the Zoning Administrator may extend the land use permit beyond the expiration date.
4. **Reconstruction of Previously Existing Nonconforming Rental Lodging Units.** Nothing in this Ordinance shall prohibit the reconstruction, repair, or restoration of nonconforming rental lodging units damaged by fire, explosion, collapse, or acts of public enemy if these rental lodging units meet the following provisions:
 - a. Two (2) or more Rental Lodging Units including the nonconforming rental lodging unit being reconstructed are used as income rental business, and
 - b. The owner provides proof of the nonconforming rental lodging unit being used as a rental business in the form of income tax forms and/or personal property tax records.

Any construction on affected property where the nonconforming rental unit is to be restored or reconstructed shall be done by Special Use Permit in accordance with [Article 6](#). The reconstruction, repair, or rebuilding of the nonconforming rental lodging unit shall have the same square footage of living space with the same character of design as the original if the rental lodging unit was one thousand (1,000) square feet or more. Rental lodging units less than one thousand (1,000) square feet may be increased up to one thousand (1,000) square feet if the property can accommodate the increase.

5. **Required Barriers.** Until such time as debris from the damaged building or structure is completely removed or repaired, the owner shall be required to provide a barrier which will adequately prevent access by children attracted to the premises.

Section 3.26 Essential Public Services

- A. The erection, construction, alteration, and maintenance of services considered to be essential to serve the general public shall be exempt from the regulations set forth in the Ordinance and shall be

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permitted in any District. Essential service buildings or facilities (including transformer stations and similar) are Special Uses in all districts.

- B. The following are considered by the Planning Commission to be a danger to health, safety, and welfare of the general public and shall not be permitted within the Township:
 - 1. Nuclear power reactors.
 - 2. High-voltage power lines exceeding 765 kilovolts.
 - 3. Liquefied natural gas storage facilities.

- C. The following standards (in addition to the Special Use standards in [Section 6.3](#)) shall be adhered to by the Planning Commission in approving the placement of essential service buildings or facilities by Special Use Permit:
 - 1. Electric high-voltage transmission lines shall be placed in utility rights-of-way. Assurance shall be made that no residential, commercial, or recreational structure shall be located within three hundred (300') feet of any such transmission line. No electric high-voltage transmission line shall be constructed to carry more than 765 kilovolts.
 - 2. All non-nuclear electrical generating plants shall be made to conform to all federal and state pollution control standards.

Section 3.27 Voting Place

Nothing in this Ordinance shall be so construed as to interfere with the temporary use of any dwelling or property as a voting place in an authorized public election.

Section 3.28 Historic Sites

Development, re-development, reconstruction, expansion, or demolition of any property on or eligible for the National Register of Historic Places or listed on the State of Michigan Register of Historic Sites shall be considered a Special Use, subject to site plan review requirements of [Article 5](#) and [Article 6](#). During site plan review, a development alternative which preserves the historic and cultural values of such properties shall be presented by the petitioner and considered by the Planning Commission prior to final action.

Section 3.29 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 construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

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Section 3.30 Temporary Buildings or Trailers Used During Construction

- A. A land use permit is required from the Zoning Administrator. See [Section 9.2](#) for expiration of a land use permit.
- B. Adequate sanitary facilities and ventilation must be provided and a permit indicating such must be secured from [District Health Department #4](#).
- C. Such temporary buildings or trailers shall be placed no closer than five (5') feet from the side and rear property line nor closer than ten (10') feet from the front property line.
- D. Explosive and/or flammable materials stored in said structures shall be indicated as such by clearly visible signs placed on or near the structure or structures.
- E. The owner, lessee, or contractor shall guarantee, in writing, removal of such building or trailer from the premises upon completion of construction.
- F. Temporary buildings or trailers used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.
- G. No annexes or additions shall be added to temporary dwellings.

Section 3.31 Temporary Storage of Materials

- A. The temporary storage, collection, or placing of used or discarded materials such as lumber, scrap iron, slag, ashes, or other such matter shall be allowed only after a permit is issued by the Planning Commission stating the conditions under which such activity shall be performed. The Planning Commission shall require the removal of such materials from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying that person of the violation and stating the date on which such materials must be removed from the premises, and/or the date, time and place the individual may appear before the Planning Commission to request a permit for such storage.
- B. Said permit shall be issued only if:
 - 1. Such used or discarded materials are placed or stored in such a manner as to not be visible from any road or thoroughfare or from any residential structure surrounding the premises upon which said materials are stored, nor shall such materials be stored within two (2') feet from the property line.
 - 2. Said materials are not easily accessible to the general public and, in the judgment of the Zoning Administrator, do not present a danger to the health, safety, and welfare of the general public including potential contamination of groundwater supplies as determined by the [District Health Department](#).
 - 3. Such permit shall be issued for a period not to exceed one (1) year.

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Section 3.32 Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or create olfactory or visual pollution.

A. Dumping or Stockpiling of Waste Materials or Junk.

The collection, accumulation, storage, or disposal of waste material, used construction material, junk, or refuse is prohibited, except under the following circumstances:

1. Such practices are a necessary accessory use to a permitted agricultural use.
2. Such practices occur in a junkyard authorized under this Ordinance and are included in the approved site plan.
3. 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.

B. Dumping of Soil, Sand, and Clay Materials.

The extensive dumping of soil, sand, clay, or similar materials shall not be allowed on any lot or parcel without the issuance of a Special Use permit of the Planning Commission and subject to the following requirements:

1. The owner, builder, or contractor obtain a letter from the District Conservationist, Soil Conservation Service, U.S. Department of Agriculture, or other qualified soil scientist, setting forth approval and/or recommendations as to the suitability of the site for dumping of such materials.
2. The 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.
3. No dumping of soil, sand, clay, or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to an appropriate point of discharge.

Extensive dumping of materials shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in the character of the natural terrain of such lot or property.

C. Dumping of toxic materials and/or nuclear wastes shall not be allowed within Presque Isle Township.

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Section 3.33 Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township except in a legally authorized junkyard. No unlicensed or inoperable motor vehicle shall be stored for more than thirty (30) days unless stored within a totally enclosed structure. Outdoor restoration of antique vehicles may continue beyond the thirty (30) day limit but may not exceed six (6) months, provided progress is shown in the restoration.

Section 3.34 Excavations or Holes

- A. The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavation which cause, or are likely to cause, a danger to life, health, and safety to the general public shall be prohibited. This Section shall not, however, prevent any excavation which is required for the construction, remodeling, or expansion of structures or for industrial or farming operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this Section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Presque Isle County, Presque Isle Township, or other units of government.
- B. After any extractive activity ceases, any excavation resulting from the extraction of sand, gravel, or other minerals for commercial purposes shall be required to be refilled or graded and returned, as near as possible, to its natural state, including planting and vegetation indigenous to the area, by the person, firm, or corporation engaging in such excavation unless alternate plans approved by the Planning Commission and the State of Michigan are submitted by the owner or occupant. Standards for Planning Commission review and approval of the reclamation plan shall be those set forth by the State of Michigan as required by [Part 632 of 1994 PA 451, Natural Resources and Environmental Protection Act](#), as amended and implementing regulations adopted thereunder.

Section 3.35 Grades

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- B. If existing grades are problematic (i.e. too low and prone to flooding), then the property owner may request permission for a grade change from previously developed properties to alleviate the problem. The Planning Commission has the authority to grant such permission.
- C. If fill material is proposed to be placed on a property which would result in the property being more than two (2') feet above the grade of neighboring property, then Planning Commission approval is required. Even though changes in grade are not a Special Use, Planning Commission shall notify adjacent property owners of the request and shall use the standards in [Section 6.3](#) when reviewing the request.

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Section 3.36 Hazardous Substances

The following provisions apply to persons, businesses, or entities that use, generate, or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current **USEPA** and/or **State of Michigan** standards and applicable sections of the **Michigan Building Code**, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Township as part of the site plan review process.

- A. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water, and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a State groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.37 Performance Standards

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 Township. 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.

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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 commercial or industrial facilities (), 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. 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.

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Section 3.38 Noise Control

A. General Regulation.

No person, firm, or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance that is injurious to the health, peace, or quiet of the residents and property owners of the Township.

B. Specific Violations.

Specific violations of the following noise and disturbances are hereby declared to be a violation of this Ordinance. This list of noises and disturbances is not intended to permit other noises and disturbances which, while not listed below, constitute violations as defined in **subsection A** above:

1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a matter or with such volume as to unreasonably upset or disturb the quiet, comfort, or repose of other persons.
2. Yelling, shouting, hooting, singing, or the making of any loud noise between the hours of 11:00 p.m. and 7:00 a.m. or at any time so as to unreasonably upset or disturb the quiet, comfort, or repose of other persons.
3. The keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort, or repose of any person is prohibited. Enforcement of excessive animal noise is at the discretion of the enforcing agency.
4. The erection, excavation, demolition, alteration, or repair of any building or premises in any part of the Township, and including the streets and highways, in such a matter as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 9:00 a.m. and 9:00 p.m. on Sundays and between the hours of 7:00 a.m. and 9:00 p.m. on other days is prohibited.

C. Exceptions.

None of the prohibitions shall apply or be enforced against:

1. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in necessary emergency activity.
2. Excavation or repair of public infrastructure or utility or other property by or on behalf of the State of Michigan, Presque Isle Township, between the hours of 9:00 p.m. and 7:00 a.m. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.

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- 3. Any individual may make emergency repairs between the hours of 9:00 p.m. and 7:00 a.m. to stabilize their situation.
- 4. Warning devices emitting sound for warning purposes as authorized by law.

D. **Enforcement.**

The Presque Isle Township Supervisor, the Presque Isle Township Zoning Administrator, deputies of the Presque Isle County Sheriff’s Department, and troopers of the Michigan State Police are hereby designated as authorized local officials who shall administer and enforce this Section.

Section 3.39 Transition Zoning

- A. A residential lot with its side yard adjacent to a parcel in a commercial or industrial district, not separated from such district by a street and not extending more than one hundred (100’) feet from said commercial or industrial district, may be utilized according to the regulations of the next less restrictive residential district for new residential structures. This transitional lot may be used for professional offices of doctors, lawyers, architects, dentists, or any licensed professional.
- B. Approval for a non-residential use on a transitional lot shall require a standard site plan and an architectural rendering of all structures to be located on the parcel to be submitted to the Zoning Administrator. In addition, approval must meet the following conditions:
 - 1. The yard setbacks shall conform to the requirements of the abutting non-residential district.
 - 2. Adequate parking and access shall be provided.
 - 3. Landscaping and screening shall be planned according to [Section 3.19](#) and [Section 3.20](#).
 - 4. The proposed structure shall have a residential appearance in keeping with the character of the adjacent residential district.

Section 3.40 Outdoor Furnaces

A. **Intent.**

Although outdoor furnaces may provide an alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Section is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety, and general welfare of the residents of the Township.

B. **Permit Required.**

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No person shall cause, allow, or maintain the use of an outdoor furnace within Presque Isle Township without first having obtained (1) a land use permit from the Township Zoning Administrator, (2) a mechanical permit from the State Mechanical Inspector, and (3) an electrical permit from the County Electrical Inspector.

C. Existing Outdoor Furnaces.

Any outdoor furnace in existence on April 28, 2006, shall be permitted to remain provided that the owner applies for and receives (1) a land use permit, (2) a mechanical permit, and (3) an electrical permit within one (1) year of such effective date; provided, however, that upon the above date, all the provisions hereof except subsections D.3, D.4 and D.5 shall immediately apply to existing outdoor furnaces. All of the provisions of this Section shall continue to apply to existing outdoor furnaces which receive permits except subsections D.3, D.4 and D.5. If the owner of an existing outdoor furnace does not receive a permit within one (1) year of the effective date of this Section, the outdoor furnace shall be removed.

"Existing" or "in existence" means that the outdoor furnace is in place on the site.

D. Specific Requirements.

1. **Manufacturer’s Specifications.** Outdoor furnaces shall be constructed, established, installed, operated, and maintained in conformance with the manufacturer’s instructions and the requirements of this Ordinance. In the event of a conflict, the requirements of this Ordinance shall apply unless the manufacturer’s instructions are stricter, in which case the manufacturer’s instructions shall apply.
2. **Permitted Fuel.** Only firewood, wood pellets, untreated lumber, and other wood products approved by the manufacturer for use are permitted to be burned in any outdoor furnace. Burning of all other materials in an outdoor furnace is prohibited.
3. **Permitted Zones.** Outdoor furnaces shall be permitted only in the EC, FR, C-2, I-1, and I-2 zoning districts.
4. **Minimum Lot Size.** Outdoor furnaces shall be permitted only on lots of five (5) acres or more.
5. **Setbacks.** Outdoor furnaces shall be set back not less than fifty (50’) feet from the side lot line, not less than fifty (50’) feet from the rear lot line, and not less than two hundred (200’) feet from the nearest existing dwelling on abutting property.
6. **Spark Arrestors.** All outdoor furnaces shall be equipped with properly functioning spark arrestors.
7. **Stack Height.** The outdoor wood-fired boiler, stove, or furnace shall have a chimney that extends at least fifteen (15’) feet above the ground surface. If there are any residences within five hundred (500’) feet, the chimney shall also extend at least as high above the ground surface as the peak of

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the roofs of all such residences. The Zoning Administrator may approve or require a lesser or greater height on a case-by-case basis if necessary:

- A. To comply with manufacturer's recommendations; or
- B. To obtain a sufficient height to effectively disperse smoke; or
- C. If the smoke from the lower chimney height does not create a nuisance for neighbors.

E. Effect of Other Regulations.

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules, or regulations promulgated by the **United States Environmental Protection Agency, Michigan Department of Environment, Great Lakes, and Energy, Michigan Department of Natural Resources** or any other federal, state, regional or local agency. Outdoor furnaces, and any electrical, plumbing, or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations, and all local, state, and federal codes, laws, rules, and regulations.

Section 3.41 Condominiums

- A. All condominium projects that are being developed as site condominiums shall comply with the requirements provided in **Section 7.38**.
- B. All condominium projects that are not being developed as site condominiums shall comply with the design, use, density, and development standards appropriate to the district in which the project is located and shall be required to obtain site plan approval per **Article 5**. Depending on the proposed use, Special Use approval may also be required per **Article 6**.
- C. In addition, condominium documents shall be submitted to the Planning Commission for review and approval prior to construction of any condominium project.
- D. All conversion condominium projects shall be subject to the requirements of the Zoning Ordinance and require site plan review and approval by the Planning Commission per **Article 5** and **Article 6** prior to the occupancy of any unit converted to a condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The proposed condominium documents must also be submitted for review and approval by the Planning Commission.

Section 3.42 Animals

- A. Domestic household pets, including, but not limited to, dogs, cats, and birds but not including poisonous/venomous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory use on any premises, provided that not more than four (4) adult animals of any one (1)

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species are kept, and reasonable control is maintained to prevent nuisances to adjoining properties. An exception to the number of pets or domestic animals shall be made for properties of ten (10) acres or more in the FR District where the number shall not be restricted. Exotic pets are prohibited in Presque Isle Township.

B. It shall be unlawful for any person who owns a dog to allow any dog to stray beyond the premises of the owners unless held properly on a leash. The only exception to this leash requirement is working dogs such as leader dogs, farm dogs, hunting dogs, and other such dogs when accompanied by the owner or his/her authorized agent and while actively engaged in activities for which such dogs are trained. The Township Zoning Administrator shall have the authority to enforce this dog leash requirement and may issue a citation, summons, or appearance ticket for a violation of this Ordinance.

C. **Chickens, Ducks, and Geese – Special Use on Category 4 Sites.**

Chickens, ducks, or geese may be kept on lots which are classified as Category 4 sites by the [Michigan Department of Agriculture and Rural Development’s “GAAMP for Site Selection and Odor Control for New and Expanding Livestock Facilities,”](#) upon issuance of a Special Use Permit and according to the following conditions:

1. Up to eight (8) chickens, ducks, or geese are permitted in total.
2. Roosters are prohibited.
3. Chickens, ducks, or geese must be kept in and confined in a properly designed and constructed coop or a fenced and covered enclosure, which may be located only in the rear yard of the property.
4. Each fenced and covered enclosure shall be designed with adequate yard space for each bird, and the coop and the fenced and covered enclosure combined shall not cover more than fifty (50%) percent of the rear yard. Enclosures must be clean and resistant to predators and rodents.
5. Enclosures shall be located at least twenty-five (25’) feet from any dwelling on a neighboring parcel.
6. No chickens, ducks, or geese shall be kept on parcels with more than one (1) dwelling.

Section 3.43 Off-Street Parking, Loading & Unloading Requirements

A. Purpose.

In all zoning districts, off-street parking facilities for the storage and parking of motorized vehicles for the use of occupants, employees, or patrons of the buildings hereafter erected, moved to, or set on a site shall be provided in accordance with the provisions herein prescribed. Such space shall be maintained and not be encroached upon by a new or existing building unless an equivalent number of appropriate parking spaces are provided elsewhere in conformance with this Ordinance.

B. Compliance Required.

Off-street parking and loading provisions of this Section shall apply to the following:

1. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Ordinance.
2. **Enlargement.** Whenever a building is expanded to increase its usable floor area.
3. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
4. **Parking Area Construction and Expansion.** Normal maintenance, such as re-grading of 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 Section, be considered a new parking area.
5. Regulations pertaining to off-street parking shall not apply to buildings in existence at the time of adoption of this Ordinance unless 1 - 4 (above) apply.

C. Location of Parking Spaces.

1. **Residential Dwellings.** The off-street parking facilities required for residential dwellings shall be located on the same lot or on adjacent or abutting property on which the dwelling units they are intended to serve are located. Such parking shall be situated behind the front setback line and shall consist of a parking strip and parking apron or garage and shall have adequate drainage. There shall be a minimum distance of five (5') feet between said parking facility and/or driveway and the side lot line of the property on which said facility is located.

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2. **Non-Residential and Multi-Family Uses.** The off-street parking facilities required for non-residential and multi-family uses may be located on the same lot or in parking lots conveniently situated or in close proximity to such activities. Such parking facilities shall be paved with concrete, asphaltic, or crushed rock materials, and be furnished with adequate drainage.

D. Parking Lot Plans and Standards.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance. Such construction shall be approved by the Zoning Administrator and the Planning Commission before actual use of the site as a parking lot and before a certificate of occupancy is issued. Plans for parking lots shall be drawn at a scale of not less than one (1") inch = fifty (50') feet. Such plans shall contain the overall dimensions of the proposed parking lot; the number of parking spaces; the size of each space (a typical dimension is sufficient); the angle of each parking space; the size of turn-around areas and aisles; points of ingress and egress; landscaping, if any; location of adjacent principal building; type of surface covering; direction and slope of drainage; and critical surrounding natural areas, such as lakes or streams.

1. All illumination (lighting) for off-street parking areas shall be installed in such a manner as not to concentrate light in a disturbing manner upon adjacent structures.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations:

| Parking Patterns | Maneuvering Lane Width | | Parking Space Width | Parking Space Length | Total Width of Two Tiers of Spaces Plus Maneuvering Lane | |
|----------------------------|------------------------|---------|---------------------|----------------------|--|---------|
| | One Way | Two Way | | | One Way | Two Way |
| 0° parallel parking | 11 ft | 18 ft | 8 ft 6 in | 24 ft | 28 ft | 35 ft |
| 30° - 53° | 12 ft | 20 ft | 9 ft | 20 ft | 54 ft | 62 ft |
| 54° - 74° | 13 ft | 24 ft | 9 ft | 20 ft | 55 ft | 66 ft |
| 75° - 90° | 14 ft | 26 ft | 9 ft 6 in | 19 ft | 55 ft | 66 ft |

Minimum parking space dimensions for a plan not provided for shall be nine (9') feet six (6") inches in width, twenty (20') feet in length and one hundred ninety (190) square feet in area.

E. Parking Restrictions.

Off-street and on-street parking of vehicles shall be further restricted by the following requirements:

1. **Parking Duration.** Except when land is used as storage space in connection with the business of a repair or service garage or with the consent of the proprietor, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.

2. **Restrictions for Parking on Private Property.**

a. **Authorized Use.**

- (1) In the R-1 and R-2 zoning districts, parking of motor vehicles or recreational vehicles is limited to driveways and developed turnouts.
- (2) In the R-1 and R-2 zoning districts, no recreational vehicles shall be parking in the front yard of lakefront properties, nor shall parking be permitted in any portion of a driveway extending into the front yard of any lakefront property

b. **Unauthorized Use.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property or use said private property for vehicle storage, or use any portion of any private property as parking space without the expressed consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaints pertaining to violations of this Section shall be made by the owner or trustee of such property.

3. **Commercial Hauling Vehicles and Equipment.** After the effective date of this Ordinance, it shall be unlawful for the owner, tenant, or lessee of any lot parcel or tract of land in a residential district or in the residential area of any other district to permit or allow the open storage or parking, either day or night, of semi-trucks, semi-truck trailers, bulldozers, earth carriers, draglines, cranes, steam shovels and/or commercial hauling vehicles or equipment. It is provided, however, that the owner, tenant, or lessee of a farm may openly store farm machinery and equipment on their farm. Further that machinery and equipment required during construction and/or service vehicles shall be exempted from this restriction.

F. **Determination of Parking Spaces.**

- 1. **Number of Spaces.** When units or measurements determining the number of required parking spaces result in a fractional space measurement, any fraction including one-half (½) or more shall be construed as one (1) full parking space.
- 2. **Uses Not Mentioned.** In the case of a building, structure, or premises, the use of which is not specifically mentioned in [Section G](#), the provision for a use which said use is similar, as determined by the Planning Commission, shall apply.
- 3. **Double Counting of Loading Spaces.** Loading spaces as required in this Ordinance shall not be construed as part of the minimum required parking spaces for any facility.
- 4. **Collective Parking.** Two (2) or more buildings or uses may collectively provide their required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

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- 5. **Shared Parking.** In case of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant a special exception based upon the peak hour demand.

G. Table of Off-Street Parking Requirements.

The amount of required off-street parking space for new uses or buildings, additions, thereto, and additions to existing buildings previously specified, shall be determined in accordance with the following parking standards:

| Off-Street Parking Requirements | |
|---|---|
| Residential | |
| Bed and breakfasts/rooming houses/tourist home/boarding house | One (1) for each guest room plus one (1) for the owner/resident manager and one (1) for each non-resident employee. |
| Group day care homes | One (1) in addition to the one (1) required for the residence |
| Manufactured homes located in a manufactured housing community | One (1) for each manufactured home site and one (1) for each employee. |
| Multiple family | Two (2) for each dwelling unit |
| Single-family and two-family | One (1) for each dwelling unit |
| Commercial | |
| Athletic clubs | One (1) per each three (3) persons allowed within the maximum occupancy load plus one (1) per each employee |
| Auto wash (automatic) | One (1) for each one (1) employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20) |
| Auto wash (self-service or coin-operated) | Five (5) for each washing stall in addition to the stall itself |
| Beauty parlor or barber shop | One (1) for each beauty or barber shop chair |
| Boat launch ramps; marinas | One (1) per boat slip plus twenty (20) for launch ramps |
| Bowling alley | Five (5) for each one (1) bowling lane, plus spaces for accessory uses |
| Campground/RV park | One (1) for every campsite plus one (1) for each employee per shift |
| Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without fixed seats | One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes |
| Furniture and appliance shops, showroom of a plumber, household equipment repair, electrician, or similar trade, shoe repair, and other similar uses | One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in decorator, electrician, or similar processing, one (1) additional space shall be provided for each two (2) persons employed therein) |
| Gas stations | Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump |
| Laundromats and coin operated dry cleaners | One (1) for each three (3) washing machines and/or dry-cleaning machines |
| Mini golf courses | Two (2) spaces per hole plus one (1) for each employee |

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| Mini-warehouses, self-storage establishments | One (1) per ten (10) storage units, equally distributed throughout the storage area |
| Mortuary; funeral home | One (1) for each one hundred (100) square feet of assembly room usable floor space |
| Motel, hotel, or other commercial lodging establishments | One (1) for each one (1) occupancy unit plus one (1) for each employee |
| Motor vehicle sales and service establishments | One (1) for each four hundred (400) square feet of usable floor space of sales room and one (1) for each auto service stall in the service room |
| Offices - banks, business offices, professional offices, such as doctors, dentists, lawyers, or similar professions | One (1) for each two hundred (200) square feet of usable floor space |
| Planned commercial or shopping center | One (1) for each one hundred fifty (150) square feet of usable floor area |
| Private golf clubs, golf clubs, swimming and pool clubs, tennis clubs | Six (6) for each one (1) golf hole plus one (1) for each employee, plus other similar uses spaces required for each accessory use, such as a restaurant or bar |
| Research, medical or optical laboratory | One (1) space per four hundred (400) square feet |
| Restaurants for sale and consumption of food, refreshments, and/or beverages | One (1) for each seventy-five (75) square feet of usable floor space or one (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes |
| Retail stores (unless otherwise specified herein) | One (1) for each one hundred and fifty (150) square feet of usable floor area |
| Theaters and auditoriums, arenas, stadiums, outdoor assembly | One (1) for each three (3) seats, plus one (1) for each two (2) employees. |
| Veterinary clinics; animal hospitals | One (1) for each employee plus one per examination room |
| <i>Institutional</i> | |
| Assisted living facility, nursing homes, convalescent homes, homes for the aged | One (1) for each four (4) beds |
| Clinics (medical) | One (1) for each employee plus one per examination room |
| Churches, temples, or similar places of worship | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship |
| Elementary, middle, and junior high schools | One (1) for each of two (2) teachers, employees or administrators |
| Government offices; libraries; museums | One (1) for every four hundred (400) square feet |
| High schools and college/university | One (1) for each two (2) teachers, employees, or administrators, and one (1) for each ten (10) students |
| Hospitals | One (1) for each four (4) beds and one (1) for each two (2) employees and/or members of the staff |
| Nursery schools or child day care centers (non-residential) | One (1) for each three hundred fifty (350) square feet of usable floor space |
| Private clubs or lodge hall | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes |
| <i>Industrial</i> | |
| Industrial or Research Establishments and related accessory offices | One (1) for each two (2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction |
| Warehouses and wholesale establishments and related accessory offices | One (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater |

H. Flexibility in Application.

The Township recognizes that, due to the specific requirements of any given development, flexible

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application of the parking standards set forth in this Section may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and stormwater runoff, and misuse of space which could otherwise be left as open space.

1. The Planning Commission, based on a recommendation from the Zoning Administrator, may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
2. The Planning Commission may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

I. Off-Street Loading and Unloading Requirements.

1. On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, or commercial uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained, on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access aisles for off-street parking areas.
2. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10') feet by fifty (50') feet, with a minimum fourteen (14') foot vertical clearance and shall be provided according to the following schedule:

| Required Loading/Unloading Space | |
|---|--|
| Gross Floor Area in Square Feet | Loading and Unloading Spaces Required in Terms of Gross Floor Area |
| 0 - 1,999 | None |
| 2,000 - 19,999 | One (1) space |
| 20,000- 99,999 | One (1) space plus (1) space for each twenty thousand (20,000) square feet in excess of the original twenty thousand (20,000) square feet |
| 100,000- 500,000 | Five (5) spaces, plus one (1) space for each forty thousand (40,000) square feet in excess of one hundred thousand (100,000) square feet |
| Over 500,000 | Fifteen (15) spaces plus one (1) space for each eighty thousand (80,000) square feet in excess of the original five hundred thousand (500,000) square feet |

Section 3.44 Signs

A. Purpose.

The purpose of this Section is to regulate the size and placement of all privately-owned signs in order to promote the public health, safety, and general welfare, to enhance the aesthetic desirability of the environment to reduce hazards to life and property in Presque Isle Township and to ensure that the constitutionally guaranteed right of free speech is protected. It is not the intent of this Ordinance to regulate the content of signs.

B. General Provisions.

Signs may be permitted, subject to the provisions of this Section.

1. **Determination of Sign Size.** Maximum surface display area per side of any sign shall be computed as follows:
 - a. If a sign has only one (1) exterior face, the surface display area of that face shall not exceed the specified maximum.
 - b. If a sign has two (2) exterior faces, the surface display area of a single face shall not exceed the specified maximum.
 - c. If a sign has more than two (2) exterior faces, the sum of the surface area of all the faces shall not exceed twice the specified maximum.
 - d. In the case of a canopy sign, the copy area of the canopy shall be measured to determine the total surface display area.
2. **Illumination and Moving/Flashing Signs.** Signs may be illuminated in the C-1, C-2, I-1, I-2, C-F & C-M Districts only. Moving, flashing, or revolving signs are permitted in C-1, C-2, C-F, and C-M districts only, except as otherwise expressly permitted under this Ordinance. No sign shall constitute a nuisance as that term is defined under Michigan law.
3. Any sign not expressly permitted is prohibited.
4. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
5. **Signs not to Constitute Traffic Hazard.** No sign shall be erected where the position, size, movement, shape, or color may interfere with the view of, or be confused with, any authorized official traffic sign or device.

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- 6. **Obscene Material.** 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, or be offensive, rude, lewd, or disgusting according to accepted moral standards.
- 7. **Unsafe Signs.** Any sign declared, by the Zoning Administrator, to be unsafe to the public health, safety, and welfare shall be corrected or removed immediately. The required timing of such correction and removal shall be at the discretion of the Zoning Administrator.
- 8. **Obstructions to Doors, Windows, and Fire Escapes.** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- 9. **Setbacks.** Signs shall not be located in the right-of-way unless erected by or with the permission of the road agency that has control of the road.

C. **Signs Permitted in all Districts.**

There are certain signs that are placed by or regulated by governmental agencies and utilities for the health, safety, protection, and welfare of our citizens. These signs shall not be regulated by this Ordinance. They are as follows:

- 1. Directional signs conforming to the Michigan Manual of Uniform Traffic Control Devices.
- 2. Highway signs erected by the [Michigan Department of Transportation](#) and/or the [Presque Isle County Road Commission](#).
- 3. Signs erected by governmental agencies including Presque Isle Township.
- 4. Historic signs designating sites recognized by the [State Historical Commission](#).
- 5. Signs prohibiting hunting or trespassing, so long as they meet the requirements of the [Michigan Department of Natural Resource](#) standards.
- 6. Signs denoting utility lines, railroad lines, hazards, and precautions.
- 7. Memorial signs which are either cut in masonry or stone or constructed of bronze or other metal.
- 8. Green address signs.
- 9. Legal postings and signs required by governmental agencies.
- 10. Flags.
- 11. Window signs.
- 12. Signs not visible by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.

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D. **Signs Permitted.** Signs shall be permitted for a lot, subject to the following limitations:

| Sign Standards for the FR & EC Districts | | FR | EC |
|---|--|---|----|
| Sign Type | Single-Family & Two-Family Residential Uses | All Other Uses | |
| Freestanding Sign <i>(Primary sign - permanent)</i> | Size (max.): 16 sq ft Number Allowed: 1 Height (max.): 4 ft above grade Sign shall not be illuminated. | Size (max.): 32 sq ft Number Allowed: 1 per road frontage Height (max.): 6 ft above grade Sign shall not be illuminated. | |
| | <ul style="list-style-type: none"> • Sign may be a monument-style sign or set on posts with landscaping at the base. • The sign shall be placed behind the road right-of-way line. | | |
| Wall Signs <i>(Primary sign - permanent)</i> | <ul style="list-style-type: none"> • Surface display area shall not exceed 20% of the building façade per wall. • Sign shall not project above the roofline or parapet. | | |
| Temporary Signs <i>(no permit needed)</i> | Maximum Allowed: 32 sq ft (maximum for all temporary signs in sum) <ul style="list-style-type: none"> • The Planning Commission is authorized to allow temporary signs larger than 32 sq ft. Requests may be made individually or as part of site plan review. • There is no setback requirement and the signs may be located in the road right-of-way provided permission is obtained from the Presque Isle County Road Commission or MDOT. | | |
| Accessory Signs <i>(permanent)</i> | There shall be no limit to the number of accessory signs which are permitted on a property. The total square footage of all accessory signs in sum shall not exceed the allowed square footage of the primary sign. No individual accessory sign shall exceed 4 square feet. | | |
| Message Centers | Not allowed | Number Allowed: 1 Maximum Height: 6 ft Message Centers shall count in the overall square footage of the primary sign. | |
| Projecting Signs | Not allowed | Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign). | |
| Multiple Establishments on One Lot | Not allowed | Freestanding Signs: 1 for each establishment (16 sq ft maximum) and 1 for the complex as a whole (32 sq ft maximum size) Wall Signs: Each establishment is allowed wall signs not to exceed 20% of building façade per wall. | |

| Sign Standards for the R-1, R-2, & R-M Districts | | R-1 | R-2 | R-M |
|---|---|--|-----|-----|
| Sign Type | Single-Family & Two-Family Residential Uses | All Other Uses | | |
| Freestanding Sign <i>(Primary sign - permanent)</i> | Size (max.): 4 sq ft (signs along US 23 may be up to 16 sq ft) Number Allowed: 1 Height (max.): 4 ft above grade (signs along US 23 may be up to 6 ft above grade) Sign shall not be illuminated. | Size (max.): 32 sq ft Number Allowed: 1 per road frontage Height (max.): 6 ft above grade Sign shall not be illuminated. Larger signs may be approved (during site plan review) to be located at the entrances to Planned Unit Developments, Site Condominiums, and Subdivisions. | | |
| | <ul style="list-style-type: none"> • Sign may be a monument-style sign or set on posts with landscaping at the base. • The sign shall be placed behind the road right-of-way line. | | | |
| Wall Signs <i>(Primary sign - permanent)</i> | Not allowed | <ul style="list-style-type: none"> • Surface display area shall not exceed 20% of the building façade per wall. • Sign shall not project above the roofline or parapet. | | |
| Temporary Signs <i>(no permit needed)</i> | Maximum Allowed: 32 sq ft (maximum for all temporary signs in sum) <ul style="list-style-type: none"> • The Planning Commission is authorized to allow temporary signs larger than 32 sq ft. Requests may be made individually or as part of site plan review. • There is no setback requirement and the signs may be located in the road right-of-way provided permission is obtained from the Presque Isle County Road Commission or MDOT. | | | |
| Accessory Signs <i>(permanent)</i> | There shall be no limit to the number of accessory signs which are permitted on a property. The total square footage of all accessory signs in sum shall not exceed the allowed square footage of the primary sign. No individual accessory sign shall exceed 4 square feet. | | | |
| Message Centers | Not allowed | Number Allowed: 1 Maximum Height: 6 ft Message Centers shall count in the overall square footage of the primary sign. | | |
| Projecting Signs | Not allowed | Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign). | | |
| Multiple Establishments on One Lot | Not allowed | Freestanding Signs: 1 for each establishment (16 sq ft maximum) and 1 for the complex as a whole (32 sq ft maximum size) Wall Signs: Each establishment is allowed wall signs not to exceed 20% of building façade with per wall. | | |

| Sign Standards for the C-1, C-F & C-M Districts | | C-1 | C-F | C-M |
|---|---|-----|-----|-----|
| Sign Type | All Uses | | | |
| Freestanding Sign <i>(Primary sign - permanent)</i> | <p>Size (max.): Allowed size is based on the lot frontage on the road toward which the sign is primarily oriented:</p> <ul style="list-style-type: none"> • Lots with less than 200 ft of road frontage: 16 sq ft • Lots with 200 ft to 399 ft of road frontage: 24 sq ft • Lots with 400 ft or more of road frontage: 32 sq ft <p>Number Allowed: 1 per road frontage</p> <p>Height (max.): 4 ft above grade level</p> <ul style="list-style-type: none"> • Sign shall be a monument sign. Sign shall be erected on a base and be landscaped about the base. • Sign shall be located behind the road right-of-way line. • A monument sign shall not be located within 20 ft of the intersection of the access drive and the road right-of-way line. • Any sign shall provide a clear view for drivers and pedestrians and shall not obstruct the view of oncoming traffic. | | | |
| Wall Signs <i>(Primary sign - permanent)</i> | <p>Surface display area shall not exceed 20% of the building façade per wall.</p> <p>Sign shall not project above the roofline or parapet.</p> | | | |
| Temporary Signs <i>(no permit needed)</i> | <p>Maximum Allowed: 32 sq ft (maximum for all temporary signs in sum)</p> <p>The Planning Commission is authorized to allow temporary signs larger than 32 sq ft. Requests may be made individually or as part of site plan review.</p> <p>There is no setback requirement and the signs may be located in the road right-of-way provided permission is obtained from the Presque Isle County Road Commission or MDOT.</p> | | | |
| Accessory Signs <i>(permanent)</i> | <p>There shall be no limit to the number of accessory signs which are permitted on a property.</p> <p>The total square footage of all accessory signs in sum shall not exceed the allowed square footage of the primary sign.</p> <p>No individual accessory sign shall exceed 4 square feet.</p> | | | |
| Message Centers | <p>Number Allowed: 1</p> <p>Maximum Height: 4 ft</p> <p>Message Centers shall count in the overall square footage of the primary sign.</p> | | | |
| Projecting Signs | <p>Size (maximum): 12 sq ft</p> <p>Number Allowed: 1 per establishment on the lot</p> <p>Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign).</p> | | | |
| Multiple Establishments on One Lot | <p>Freestanding Signs: 1 for the complex as a whole (maximum size not to exceed freestanding sign size above). 1 for each establishment (16 sq ft maximum).</p> <p>Wall Signs: Each establishment is allowed wall signs not to exceed 20% of building façade per wall.</p> | | | |

Sign Standards for the C-2 District

C-2

| Sign Type | All Uses |
|---|--|
| <p>Freestanding Sign <i>(Primary sign - permanent)</i></p> | <p>Size (max.): Sign size is based on the lot frontage on the road toward which the sign is primarily oriented:</p> <ul style="list-style-type: none"> • Lots with less than 500 ft of road frontage: 32 sq ft • Lots with 500 ft to 999 ft of road frontage: 48 sq ft • Lots with 1,000 ft or more of road frontage: 60 sq ft <p>Number Allowed: 1 per road frontage Height (max.): 10 ft above grade level</p> <ul style="list-style-type: none"> • Sign shall be a monument sign. Sign shall be erected on a base and be landscaped about the base. • Sign shall be located 20 ft behind the road right-of-way line. • A monument sign shall not be located within 30 ft of the intersection of the access drive and the road right-of-way line. • Any sign shall provide a clear view for drivers and pedestrians and shall not obstruct the view of oncoming traffic. |
| <p>Wall <i>(Primary sign - permanent)</i></p> | <p>Surface display area shall not exceed 20% of the building façade per wall. Sign shall not project above the roofline or parapet.</p> |
| <p>Temporary Signs <i>(no permit needed)</i></p> | <p>Maximum Allowed: 32 sq ft (maximum for all temporary signs in sum)</p> <p>The Planning Commission is authorized to allow temporary signs larger than 32 sq ft. Requests may be made individually or as part of site plan review.</p> <p>There is no setback requirement and the signs may be located in the road right-of-way provided permission is obtained from the Presque Isle County Road Commission or MDOT.</p> |
| <p>Accessory Signs <i>(permanent)</i></p> | <p>There shall be no limit to the number of accessory signs which are permitted on a property. The total square footage of all accessory signs in sum shall not exceed the allowed square footage of the primary sign. No individual accessory sign shall exceed 4 square feet.</p> |
| <p>Message Centers</p> | <p>Number Allowed: 1 Allowed Height: 6 ft</p> <p>Message Centers shall count in the overall square footage of the primary sign.</p> |
| <p>Projecting Signs</p> | <p>Size (maximum): 12 sq ft Number Allowed: 1 per establishment on the lot Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign).</p> |
| <p>Multiple Establishments on One Lot</p> | <p>Freestanding Signs: 1 for the complex as a whole (maximum size not to exceed freestanding sign size above). 1 for each establishment (16 sq ft maximum). Wall Signs: Each establishment is allowed wall signs not to exceed 20% of building façade per wall.</p> |

| Sign Standards for the I-2 and I-2 Districts | | I-1 | I-2 |
|---|--|-----|-----|
| Sign Type | All Uses | | |
| Freestanding Sign <i>(Primary sign - permanent)</i> | <p>Size (max.): 75 sq ft</p> <p>Number Allowed: 1 per road frontage</p> <p>Height (max.): 10 ft above grade level</p> <ul style="list-style-type: none"> • Sign shall be a monument sign. Sign shall be erected on a base and be landscaped about the base. • Sign shall be located 30 ft behind the road right-of-way line. • A monument sign shall not be located within 50 ft of the intersection of the access drive and the road right-of-way line. • Any sign shall provide a clear view for drivers and pedestrians and shall not obstruct the view of oncoming traffic. | | |
| Wall Signs <i>(Primary sign - permanent)</i> | <p>Surface display area shall not exceed 20% of the building façade per wall.</p> <p>Sign shall not project above the roofline or parapet.</p> | | |
| Temporary Signs <i>(no permit needed)</i> | <p>Maximum Allowed: 32 sq ft (maximum for all temporary signs in sum)</p> <p>The Planning Commission is authorized to allow temporary signs larger than 32 sq ft. Requests may be made individually or as part of site plan review.</p> <p>There is no setback requirement and the signs may be located in the road right-of-way provided permission is obtained from the Presque Isle County Road Commission or MDOT.</p> | | |
| Accessory Signs <i>(permanent)</i> | <p>There shall be no limit to the number of accessory signs which are permitted on a property.</p> <p>The total square footage of all accessory signs in sum shall not exceed the allowed square footage of the primary sign.</p> <p>No individual accessory sign shall exceed 4 square feet.</p> | | |
| Message Centers | <p>Number Allowed: 1</p> <p>Allowed Height: 6 ft</p> <p>Message Centers shall count in the overall square footage of the primary sign.</p> | | |
| Projecting Signs | <p>Size (maximum): 12 sq ft</p> <p>Number Allowed: 1 per establishment on the lot</p> <p>Minimum Height: 10 ft clearance from ground level (6 ft when it is located above an area that doesn't permit pedestrian traffic beneath the sign).</p> | | |
| Multiple Establishments on One Lot | <p>Freestanding Signs: 1 for the complex as a whole (maximum size not to exceed freestanding sign size above). 1 for each establishment (16 sq ft maximum).</p> <p>Wall Signs: Each establishment is allowed wall signs not to exceed 20% of building façade per wall.</p> | | |

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E. Existing Nonconforming Signs.

1. It is the intent of this Section to permit the continuance of a lawful use of any sign existing at the effective date of this Ordinance, although such sign may not conform to the provisions of this Ordinance. It is the intent of this Section that nonconforming signs shall not be enlarged upon, expanded, or extended. Further, it is the intent of this Section that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all nonconforming signs within Presque Isle Township shall be subject to the conditions and requirements set forth in this Section.
2. The faces, supports, or other parts of any nonconforming sign or shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign conforms to the provision of this Article for the district in which it is located, except as otherwise provided for in this Section. If the face, supports, or other parts of a nonconforming sign is structurally changed, altered, or substituted in a manner that reduces the nonconformity, the Zoning Administrator may approve the change.
3. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernization of a lawful nonconforming sign, provided that such repair, reinforcement, alteration, improvement, and modernizing do not exceed an aggregate cost of thirty (30%) percent of the appraised replacement cost of the sign, as determined by the Zoning Administrator, unless the subject sign is changed by such repair, reinforcement, alteration, improvement, or modernization to a conforming structure. Nothing in this shall prohibit the periodic change of message on any off-site sign.
4. Any lawful nonconforming sign damaged by fire, explosion, or an act of God, or by other accidental causes, may be restored, rebuilt, or repaired, provided that the estimated expense of reconstruction does not exceed thirty (30%) percent of the appraised replacement cost thereof, as determined by the Zoning Administrator.
5. Whenever the activity, business, or usage of a primary premises to which a sign is attached or related, has been discontinued for a period of ninety (90) days or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the nonconforming sign attached to the premises. At the end of this period of abandonment, the Zoning Administrator shall give notice to the person responsible for the nonconforming sign, that said sign shall either be removed, or altered, to conform to the provisions of this Section within thirty (30) days.
6. The Township Board may acquire any nonconforming sign, with or without acquiring the property on which such sign or structure is located, by condemnation, or other means, and may remove such sign or structure.

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F. Message Centers, Digital.

1. A digital message center shall be allowed to have changing messages, scrolling message, and animation but shall not be allowed to contain flashing elements.
2. The digital elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
3. A digital message center shall contain a default mechanism that freezes the message if a malfunction occurs.
4. A digital message center shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
5. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message center and shall be subject to this subsection.

G. Required Information and Fees for Sign Permits.

All permanent signs shall require a Land Use Permit. Application for a sign permit shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits, and information by the owner of the property on which the sign is to be located, his agent, or lessee.

1. The application shall contain the following information:
 - a. The property owner's, sign owners, and applicant's name and address.
 - b. Address of the property on which the sign is to be situated.
 - c. Drawing of the sign that includes a description of sign type, sign height, total surface display area in square feet, and proposed graphics.
 - d. Site drawing that depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way line.
2. The Zoning Administrator shall not approve plans or issue a Land Use Permit for any sign that does not conform to the provisions of this Ordinance.

H. Off-Site Signs.

Off-site signs shall be allowed on private property provided there exists a written agreement between the property owner and the sign owner. Said agreement shall be on file with the Township.

| | | | | |
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1. A sign permit is required.
2. Signs shall not be located in the road right-of-way.
3. Off-site signs may be located on vacant or occupied parcels. Small off-site signs on occupied lots shall NOT count toward that parcel’s sign size limitations.
4. Off-site signs shall be no greater than sixteen (16) square feet.
5. The height of an off-site sign shall be not exceed six (6’) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.
6. Up to two (2) small off-site signs shall be allowed on lots which are located at intersections.
7. One (1) small off-site sign shall be allowed on lots which are NOT located at intersections.
8. Illuminated or digital small off-site signs shall not be permitted.

I. **Attention-Getting Devices.**

Attention-getting devices such as but not limited to sail-type signs, flag signs, feather signs banners, and air dancers shall be allowed on non-residential lots. They are limited to one (1) per road frontage and a maximum size of thirty-two (32) square feet.

J. **Abandoned Signs.**

1. An abandoned sign is any sign to which any of the following applies:
 - a. Has remained blank over a period of one (1) year. “Blank” means that the primary message has been removed.
 - b. The sign’s message becomes illegible in whole or substantial part.
 - c. A sign which has fallen into disrepair.
2. In the event that a sign is determined, by the Zoning Administrator, 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 Township shall have a lien on the property and

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such cost shall be added to the tax bill for the property. The Zoning Administrator may delay the designation of a sign as abandoned at their discretion.

- K. **Deviations from the Sign Section.** The Planning Commission shall have the ability to approve deviations from the standards contained within this Section. Such deviations shall not be detrimental to the public health, safety, and welfare and shall serve the intent and purpose of this Section. No public hearing shall be required.

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Article 4

District Regulations

| Sec | Name | Pg | Sec | Name | Pg |
|-----|--|------|------|---|------|
| 4.1 | Establishment of Zoning Districts | 4-1 | 4.10 | C-1: Neighborhood Commercial District | 4-21 |
| 4.2 | Zoning District Boundaries | 4-2 | 4.11 | C-2: Commercial District | 4-25 |
| 4.3 | Application of District Regulations | 4-3 | 4.12 | C-M: Commercial Marina District | 4-30 |
| 4.4 | Unlisted Uses | 4-4 | 4.13 | C-F: Community Facilities District | 4-33 |
| 4.5 | R-1: Rural Residential District | 4-5 | 4.14 | I-1: Industrial District | 4-36 |
| 4.6 | R-2: Single-Family Residential District | 4-8 | 4.15 | I-2: Extractive/Heavy Industry District | 4-39 |
| 4.7 | R-M: Low Rise Multiple-Family Residential District | 4-11 | 4.16 | Full Table of Permitted & Special Uses | 4-42 |
| 4.8 | FR: Forest/Recreation District | 4-14 | 4.17 | Schedule of Regulations | 4-55 |
| 4.9 | EC: Environmental Conservation District | 4-18 | | | |

Section 4.1 Establishment of Zoning Districts

For the purposes of this Ordinance, the following Zoning Districts shall be established in Presque Isle Township:

| Presque Isle Township Zoning Districts | |
|--|---|
| R-1 | Rural Residential District |
| R-2 | Single-Family Residential District |
| R-M | Low Rise Multiple-Family Residential District |
| FR | Forest/Recreation District |
| EC | Environmental Conservation District |
| C-1 | Neighborhood Commercial District |
| C-2 | Commercial District |
| C-M | Commercial Marina District |
| C-F | Community Facilities District |
| I-1 | Industrial District |
| I-2 | Extractive/Heavy Industry District |

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Section 4.2 Zoning District Boundaries

A. Zoning District Boundaries.

The location and boundaries of these zoning districts are established on a map entitled the "Presque Isle Township Zoning Map" which is hereby adopted as a part of this Ordinance. The official zoning map shall be located in the office of the Zoning Administrator and shall be updated as necessary.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk. Where uncertainty exists as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways, the center lines of said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following section lines shall be considered to follow the section line.
4. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.
5. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals upon recommendation by the Zoning Administrator.

B. Zoning of Vacated Areas.

Whenever any street, alley, highway, or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

C. Zoning of Fill Areas.

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as

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to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the township unless appropriate permits are obtained from the [State of Michigan](#) and/or [U.S. Army Corps of Engineers](#), or other appropriate agencies.

D. **Zoning District Changes.**

When district boundaries change, any nonconforming use may be continued subject to all other applicable provisions of this Ordinance ([Section 3.25](#))

Section 4.3 Application of District Regulations

A. **Uses in Districts.**

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses as determined by the Planning Commission.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses as determined by the Planning Commission.

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 Article and shall have frontage on and/or access to a public road.
3. Lot width is the horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

C. **Application of Yard Regulations.**

1. All front yard setbacks shall be measured from the right-of-way line/front lot line to the nearest point of the building (including the eave).
2. All side and rear yard setbacks shall be measured perpendicular to the side and rear lot lines to the nearest point of the building (including the eave).
3. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way.

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- 4. **Corner Lots or Double Frontage Lots.** In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

In the case of a row of double frontage lots, one (1) street will be designated as the front street of all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

- 5. **Lakefront Lots.** In the case of a lakefront lot, the front lot line shall be the line adjoining the ordinary high water mark of said lake.

D. **Building Height Limitations.**

- 1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as otherwise provided in this Ordinance.
- 2. **Exceptions to Height Limitations.** The height limitations of this Ordinance shall not apply to rooftop equipment, chimneys, church spires, flag poles, light poles, public monuments, wireless facilities, farm silos, wind energy conversion systems, or similar structures, provided, however, that the Planning Commission may specify a height limit for wireless facilities and wind turbine generators. See [Article 7](#) for height regulations for specified uses.

Section 4.4 Unlisted Uses

The Planning Commission shall have the power, on written request, to classify a use which is not listed in [Table 4.16](#) or the individual tables in each zoning district section as an allowable use within this Ordinance with a comparable and similar permitted or Special Use which is listed in the Ordinance, giving due consideration to the purpose of this Ordinance. Petition for such classification shall be made through the office of the Zoning Administrator. If no comparable use is able to be determined by the Planning Commission, then the unlisted use shall be added only by the zoning amendment procedure as required in [Article 10](#), except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance.

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Section 4.5 R-1: Rural Residential District

R-1

A. Purpose.

The R-1 district is intended to provide a residential living environment devoted primarily to single-family dwellings and includes supporting uses.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | R-1 |
| Accommodation & Food/Event Services | |
| Bed & Breakfasts & Tourist Homes §7.3 | S* |
| Rooming Houses/Boarding Houses | P |
| Short Term Rental Homes §7.45 | P* |
| Arts, Entertainment & Recreation | |
| Parks & Playgrounds | P |
| Educational Services & Religion | |
| Places of Worship & Customary Accessory Uses §7.12 | S* |
| Human Care & Social Assistance | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | P |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | S |
| Adult Foster Care Family Homes (6 or less adults) | P |
| Adult Foster Care Small Group Home (7-12 adults) §7.14 | S* |
| Child Care Home, Family (6 or less) | P |
| Child Care Home, Group (7 -12) §7.21 | S* |
| Child Care Center/Nursery School (not in home) §7.11 | S* |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | P |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | R-1 |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Site Condominium Development §7.38 | S* |
| Residential Uses | |
| Accessory Dwelling Units/Guest Houses §7.2 | S* |
| Home Occupations (no land use permit necessary) §7.1 | P* |
| Cottage Industries (requires special use permit) §7.1 | S* |
| Single-Family Detached Dwelling | P |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Wind Energy Systems (Private) §7.42 | S* |

| | | | | |
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R-1

C. Development Standards for R-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.) | 1 acre |
| b. Lot Width (min.) | 100 ft |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | 1,000 sq ft The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, attached garages, or decks/patios. |
| e. Dwelling Unit Width (min.) | 24 ft |

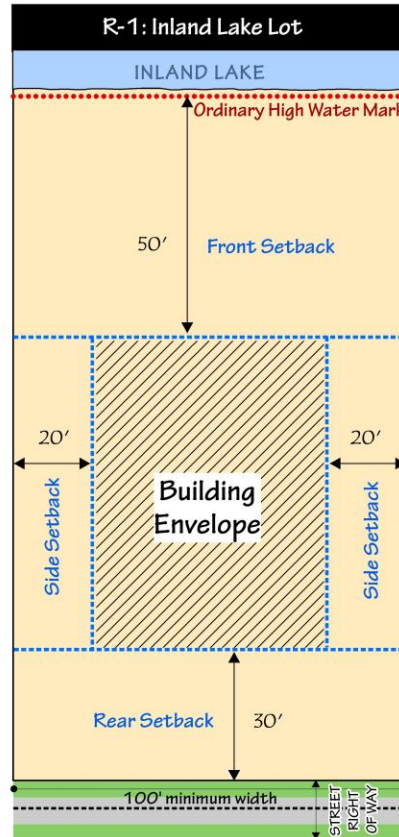
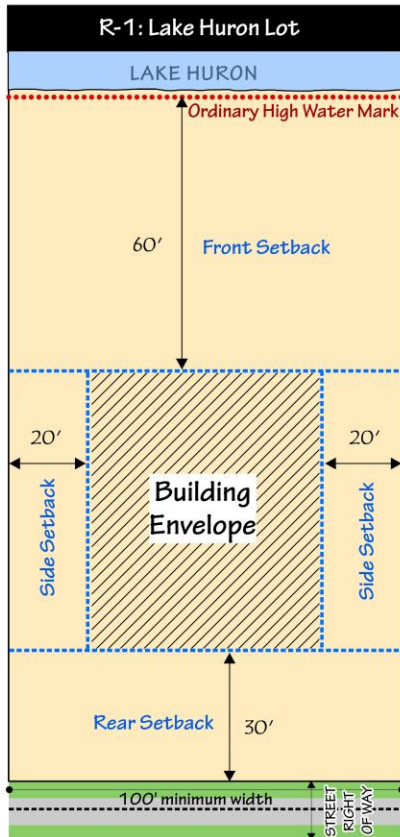
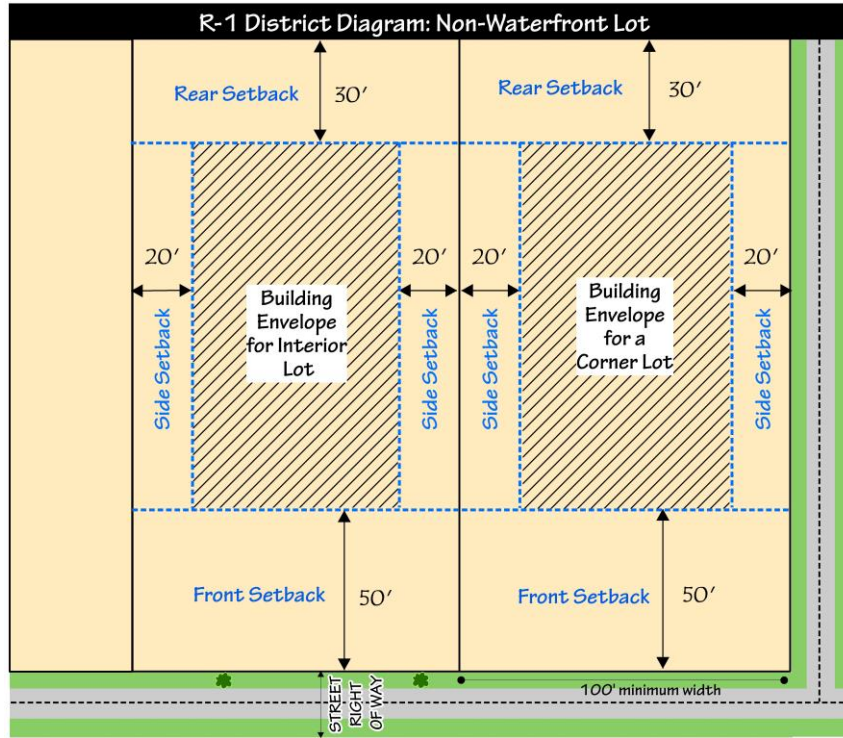
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|--------------------|-------------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 30 ft | 30 ft | 30 ft |

3. Additional Development Standards

| | |
|-----------------------------|--|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Dwelling Regulations | Regulated by §3.10 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water) |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |

R-1



| | | | | |
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Section 4.6 R-2: Single-Family Residential District

R-2

A. Purpose.

The R-2 district is designed to provide a location within the township primarily for single-family dwelling units containing a higher density than the R-1 District and includes supporting uses.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | | R-2 |
|---|--|-----|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i> | | |
| Accommodation & Food/Event Services | | |
| Bed & Breakfasts & Tourist Homes §7.3 | | S* |
| Rooming Houses/Boarding Houses | | P |
| Short Term Rental Homes §7.45 | | P* |
| Arts, Entertainment & Recreation | | |
| Country Clubs §7.20 | | S* |
| Fitness & Recreational Sports Facilities (ex: health clubs, gym, swimming) | | S |
| Golf Courses §7.20 | | S* |
| Golf Driving Ranges | | S |
| Parks & Playgrounds | | P |
| Private Clubs; Lodges; Fraternal Organizations §7.34 | | S* |
| Educational Services & Religion | | |
| Places of Worship & Customary Accessory Uses §7.12 | | S* |
| Human Care & Social Assistance | | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | | P |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | | S |
| Adult Foster Care Family Homes (6 or less adults) | | P |
| Adult Foster Care Small Group Home (7-12 adults §7.14) | | S* |
| Child Care Home, Family (6 or less) | | P |
| Child Care Home, Group (7 -12) §7.21 | | S* |
| Child Care Center/Nursery School (not in home) §7.11 | | P* |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | | P |

| TABLE OF PERMITTED USES & SPECIAL USES | | R-2 |
|--|--|-----|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i> | | |
| Manufacturing, Industrial & Waste Management | | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | | S* |
| Miscellaneous | | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | | P* |
| Accessory Building (greater than 200 sq ft but not greater than 775 sq ft on a mainland undeveloped lakefront lot to serve an island dwelling) §3.23.F | | S* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | | P* |
| Planned Unit Developments §7.32 | | S* |
| Site Condominium Development §7.38 | | S* |
| Residential Uses | | |
| Accessory Dwelling Units/Guest Houses §7.2 | | S* |
| Dwelling Units in conjunction with a Non-Residential Establishment | | P |
| Home Occupations (no land use permit necessary) §7.1 | | P* |
| Cottage Industries (requires special use permit) §7.1 | | S* |
| Single-Family Detached Dwelling | | P |
| Utilities, Energy & Communications | | |
| Essential Services | | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | | S* |
| Wind Energy Systems (Private) §7.42 | | S* |

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

Presque Isle Township Zoning Ordinance

C. Development Standards for R-2.

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.) | 12,000 sq ft |
| b. Lot Width (min.) | 80 ft (100 ft for lakefront lots on inland lake and Lake Huron) |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | 1,000 sq ft The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, attached garages, or decks/patios. |
| e. Dwelling Unit Width (min.) | 24 ft |

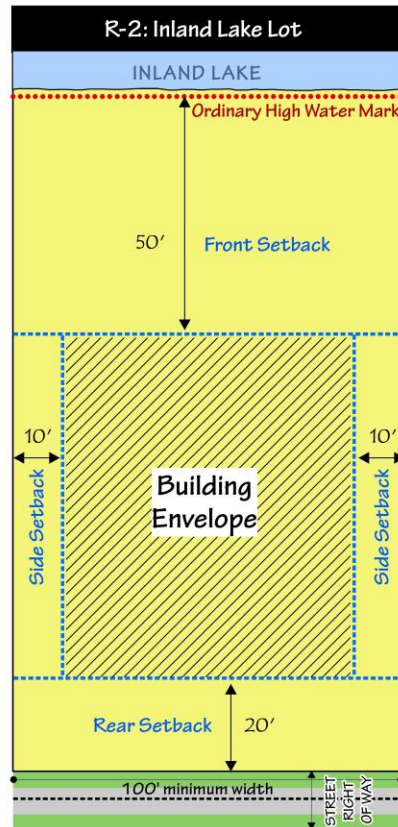
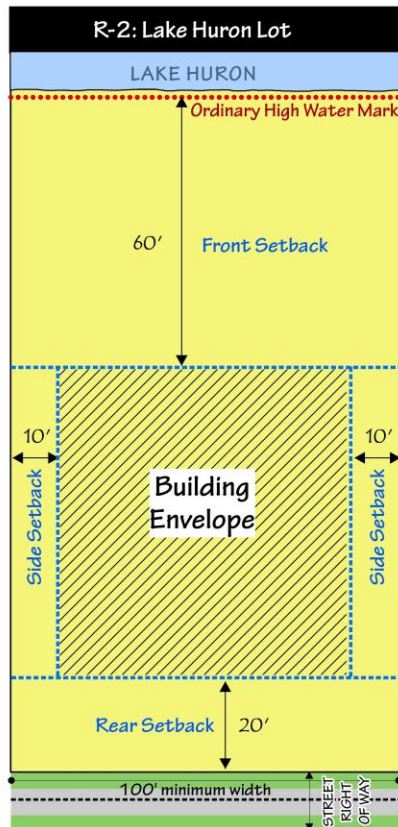
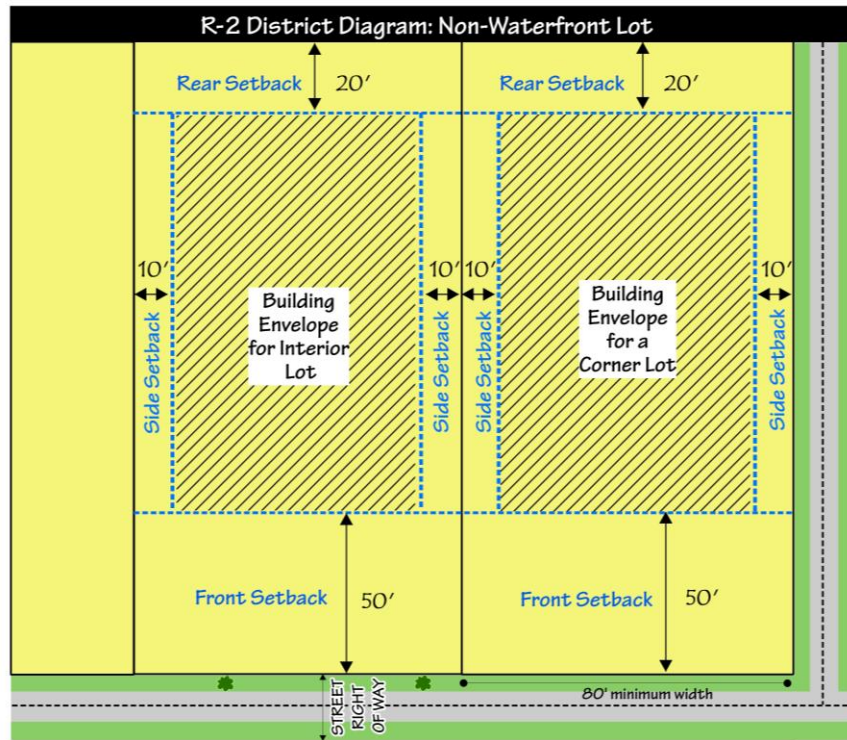
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|--------------------|-------------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 10 ft | 10 ft | 10 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|--|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Dwelling Regulations | Regulated by §3.10 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water) |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |

R-2



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

Presque Isle Township Zoning Ordinance

Section 4.7 R-M: Low Rise Multiple-Family Residential District

R-M

A. Purpose.

The R-M Low Rise Multiple-Family Residential District is designed to provide sites for the widest range of housing types in a single district and to serve the housing needs of the Township for apartments, townhouses, and group housing of similar character and density. R-M also includes supporting uses.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | R-M |
| Accommodation & Food/Event Services | |
| Bed & Breakfasts & Tourist Homes §7.3 | S* |
| Rooming Houses/Boarding Houses | P |
| Short Term Rental Homes §7.45 | P* |
| Arts, Entertainment & Recreation | |
| Country Clubs §7.20 | S* |
| Parks & Playgrounds | P |
| Human Care & Social Assistance | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | P |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | S |
| Adult Foster Care Family Homes (6 or less adults) | P |
| Adult Foster Care Small Group Home (7-12 adults) §7.14 | P* |
| Child Care Home, Family (6 or less) | P |
| Child Care Home, Group (7 -12) §7.21 | S* |
| Child Care Center/Nursery School (not in home) §7.11 | P* |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | P |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | R-M |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Site Condominium Development §7.38 | S* |
| Residential Uses | |
| Accessory Dwelling Units/Guest Houses §7.2 | S* |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Home Occupations (no land use permit necessary) §7.1 | P* |
| Cottage Industries (requires special use permit) §7.1 | S* |
| Multiple-Family Dwelling Units §7.7 | S* |
| Single-Family Detached Dwelling | P |
| Two-Family Dwelling (duplex) | P |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |

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

Presque Isle Township Zoning Ordinance

C. Development Standards for R-M.

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

R-M

1. Lot & Structure Standards

| | Required Lot Area per Dwelling Unit: | |
|---|---|---|
| a. Lot Area (min.) | Single-Family: 12,000 sq ft Two-Family: 10,000 sq ft Three-Family: 8,000 sq ft Four-Family: 6,000 sq ft | <u>Over Four Families:</u> Efficiency Apartment: 6,000 sq ft 1 Bedroom Apartment: 4,000 sq ft 2 Bedroom Apartment: 5,000 sq ft 3 Bedroom Apartment: 5,500 sq ft |
| b. Lot Width (min.) | 80 ft (100 ft for lakefront lots on inland lake and Lake Huron) | |
| c. Building Height (max.) | 2 stories or 30 ft | |
| d. Dwelling Unit Size (min.) | Single-Family: 1,000 sq ft Two-Family: 1,000 sq ft Three-Family: 800 sq ft Four-Family: 800 sq ft Efficiency Apartment: 350 sq ft 1 Bedroom Apartment: 500 sq ft 2 Bedroom Apartment: 700 sq ft 3 Bedroom Apartment: 800 sq ft | The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, or attached garages. |
| e. Dwelling Unit Width (min.) | Single-Family and Two-Family: 24 ft (no minimum for all other dwelling unit types) | |
| f. Separation Between Dwelling Structures on the Same Lot | 40 ft | |

2. Setbacks

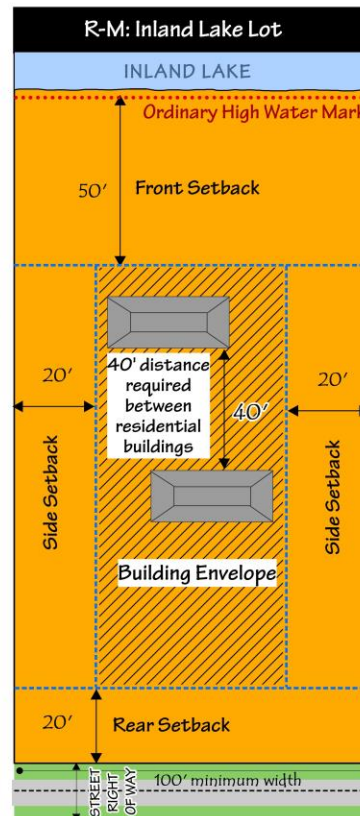
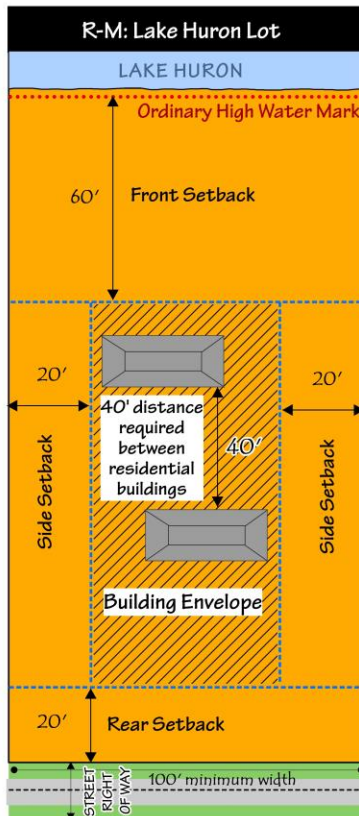
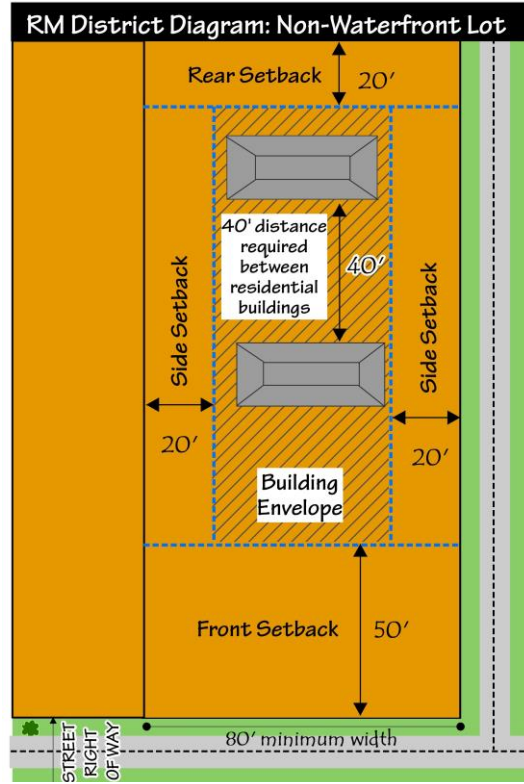
| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|---------------|-------------|------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|--|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Dwelling Regulations | Regulated by §3.10 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water) |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |

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

Presque Isle Township Zoning Ordinance



| | | | | |
|-----------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------|
| 1 Title & Purpose | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Site Plan Review |
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Presque Isle Township Zoning Ordinance

Section 4.8 FR: Forest/Recreation District

FR

A. Purpose.

The establishment of a Forest/Recreation District allows those residents who desire to engage in forestry or farming operations and recreational pursuits which complement forestry use the opportunity to do so. The Forest/Recreation District is in conformity with the rural nature of the Township.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> | FR |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Accommodation & Food/Event Services | |
| Bed & Breakfasts & Tourist Homes §7.3 | S* |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.13 | S* |
| Rooming Houses/Boarding Houses | P |
| Short Term Rental Homes §7.45 | P* |
| Wineries & Cider Mills (including accessory uses such as tasting rooms) | P |
| Agriculture, Forest Products & Animal Services | |
| Agricultural Products Processing and Storage (excluding concentrated animal feeding operations) | P |
| Animal Sales Yards/Auctions for Livestock | P |
| Animal Shelter/Animal Rescue Facility | P |
| Agricultural Tourism Businesses (on Farms) | S |
| Biofuel Production Facilities on Farms §7.44 | PS* |
| Boarding Stables (Commercial) | P |
| Boarding Stables for Horses (Domestic Farms) §7.40 | P* |
| Farming, Commercial | P |
| Farming, Domestic (Hobby Farm) | P |
| Farm Market/Roadside stand - limited to 1 per 100 feet of roadway §7.36 | P* |
| Fruit/Vegetable Market – not affiliated with a specific farm | S |
| Game Farms §7.19 | P* |
| Kennels, Dog §7.6 | S* |
| Veterinary Clinic/Animal Hospital §7.6 | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|-----------|
| <i>P = Permitted by right</i> | FR |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Arts, Entertainment & Recreation (continued) | |
| Archery Ranges (& as accessory use), Indoor or Outdoor | P |
| Camps (Summer Camps)/Private Outdoor Recreation Camps | P |
| Country Clubs §7.20 | S* |
| Fitness & Recreational Sports Facilities (ex: health clubs, gym, swimming) | P |
| Golf Courses §7.20 | S* |
| Golf Driving Ranges | S |
| Hunting Camps §7.23 | P* |
| Hunting Clubs §7.24 | S* |
| Parks & Playgrounds | P |
| Private Clubs; Lodges; Fraternal Organizations §7.34 | S* |
| Shooting (Firearms) Ranges/Sportsmen's Assoc. | P |
| Wildlife Preserves | P |
| Zoos (including Petting Zoos) & Animal Tours/Attractions | S |
| Commercial, Services & Retail | |
| Greenhouse; Nursery; Landscaping Establishments §7.33 | S* |
| Human Care & Social Assistance | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | P |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | S |

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|-----------|
| <i>P = Permitted by right</i> | FR |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Human Care & Social Assistance (continued) | |
| Adult Foster Care Family Homes (6 or less adults) | P |
| Child Care Home, Family (6 or less) | P |
| Child Care Home, Group (7 -12) §7.21 | S* |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | P |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Site Condominium Development §7.38 | S* |
| Residential Uses | |
| Accessory Dwelling Units/Guest Houses §7.2 | S* |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Home Occupations (no land use permit necessary) §7.1 | P* |
| Cottage Industries (requires special use permit) §7.1 | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|-----------|
| <i>P = Permitted by right</i> | FR |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Residential Uses (continued) | |
| Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.26 | S* |
| Single-Family Detached Dwelling | P |
| Two-Family Dwelling (duplex) | P |
| Transportation, Wholesale & Storage | |
| Airports, Aviation Support Services, & Aircraft Landing Fields §7.4 | S* |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Wind Energy Systems (Private) §7.42 | S* |
| Wireless Communications Facilities - Ground-Mounted, Support Structures, or any Other Type of Facility §7.43 | S* |
| Small Cell Wireless Facilities §7.43 | S* |

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

Presque Isle Township Zoning Ordinance

C. Development Standards for FR.

FR

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.) | 5 acres |
| b. Lot Width (min.) | 150 ft |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | 720 sq ft (non-waterfront); 1,000 sq ft (waterfront lots) The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, attached garages, or decks/patios. |
| e. Dwelling Unit Width (min.) | No minimum dwelling width on non-waterfront lots; 24 ft (waterfront lots) |

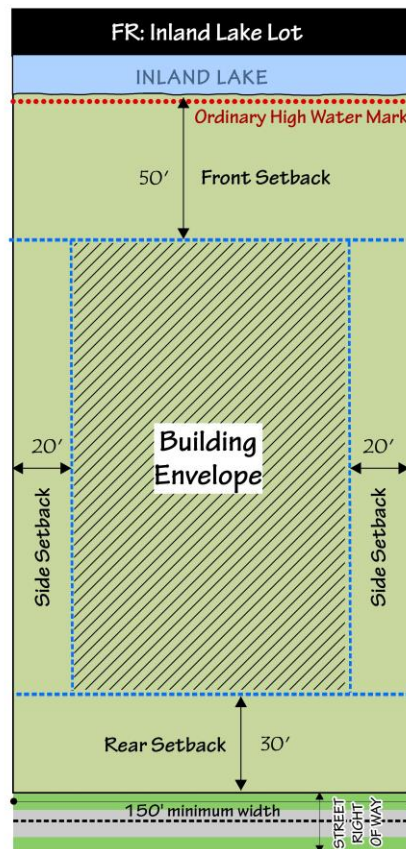
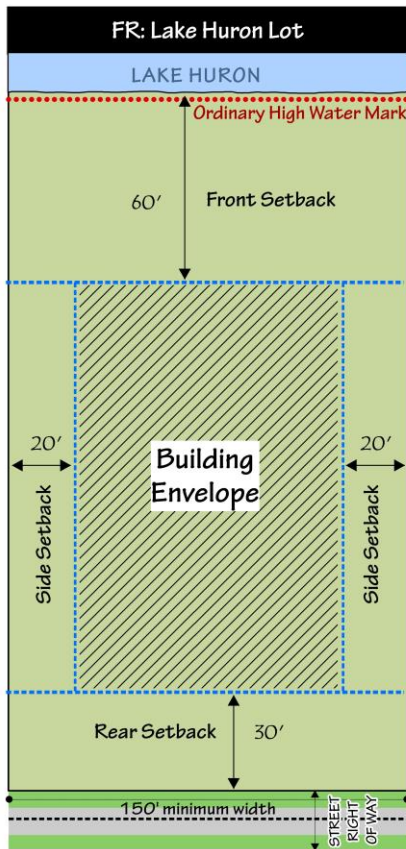
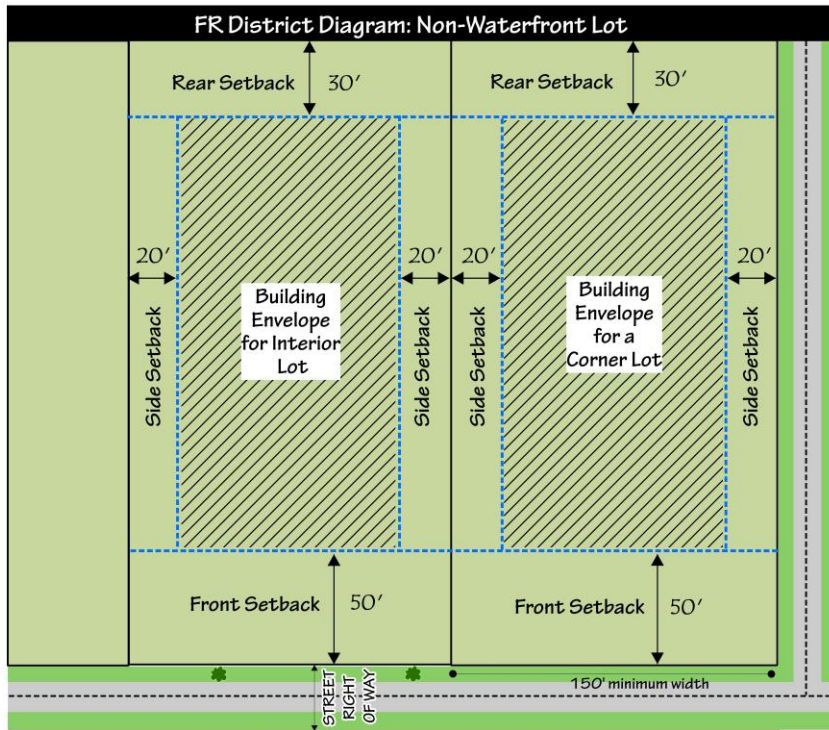
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|--------------------|-------------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 30 ft | 30 ft | 30 ft |

3. Additional Development Standards

| | |
|-----------------------------|--|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Dwelling Regulations | Regulated by §3.10 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water) |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |

FR



| | | | | |
|-----------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------|
| 1 Title & Purpose | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Site Plan Review |
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Presque Isle Township Zoning Ordinance

Section 4.9 EC: Environmental Conservation District

EC

A. Purpose.

Within Presque Isle Township there are areas where natural conditions of soil, slopes, topography, susceptibility to flooding or erosion, geology, vegetation, high water table, wetlands, scenic or other aesthetic values make them environmentally sensitive and, therefore, should be protected from development. The needs of the township's residents, as well as the general welfare of the community, would better be served through preservation of the natural resources, flora/fauna, and/or water quality in these areas. This district will protect areas that, if substantially altered, would cause health or pollution problems and/or environmental deterioration.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | EC |
| Accommodation & Food/Event Services | |
| Bed & Breakfasts & Tourist Homes §7.3 | S* |
| Agriculture, Forest Products & Animal Services | |
| Game Farms §7.19 | P* |
| Arts, Entertainment & Recreation | |
| Archery Ranges (& as accessory use), Indoor or Outdoor | S |
| Campgrounds & RV Parks (only in non-waterfront areas) §7.10 | P* |
| Camps (Summer Camps)/Private Outdoor Recreation Camps | P |
| Hunting Camps §7.23 | P* |
| Hunting Clubs §7.24 | S* |
| Nature Study Areas & Sinkholes (with non-motorized access for observation) | P |
| Parks & Playgrounds | P |
| Shooting (Firearms) Ranges/Sportsmen's Association | S |
| Wildlife Preserves | P |
| Zoos (including Petting Zoos) & Animal Tours | S |
| Human Care & Social Assistance | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | P |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | S |
| Adult Foster Care Family Homes (6 or less adults) | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | EC |
| Human Care & Social Assistance (cont.) | |
| Child Care Home, Family (6 or less) | P |
| Child Care Home, Group (7 -12) §7.21 | S* |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | P |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Cemeteries including Columbaria & Mausoleums (human or pet) on non-waterfront lots only) | P |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Site Condominium Development §7.38 | S* |
| Residential Uses | |
| Accessory Dwelling Units/Guest Houses §7.2 | S* |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Home Occupations (no land use permit necessary) §7.1 | P* |
| Cottage Industries (requires special use permit) §7.1 | S* |

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

Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|-----------|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i> | EC |
| Residential Uses (cont.) | |
| Single-Family Detached Dwelling | S |
| Two-Family Dwelling (duplex) | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|-----------|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit <i>*supplemental development regulations</i> | EC |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Wind Energy Systems (Private) §7.42 | S* |

C. Development Standards for EC. 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.) | 10 acres |
| b. Lot Width (min.) | 180 ft |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | 1,000 sq ft The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, attached garages, or decks/patios. |
| e. Dwelling Unit Width (min.) | 24 ft |

2. Setbacks

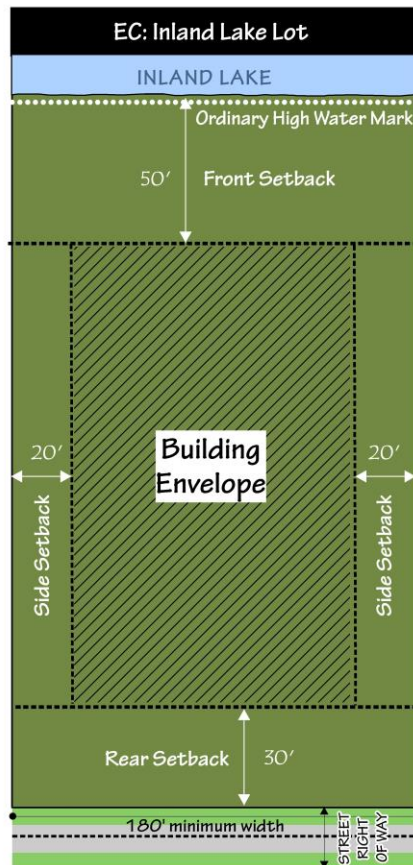
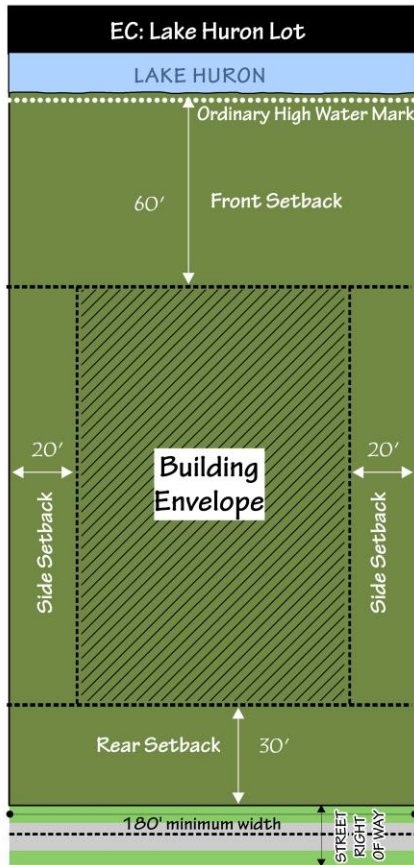
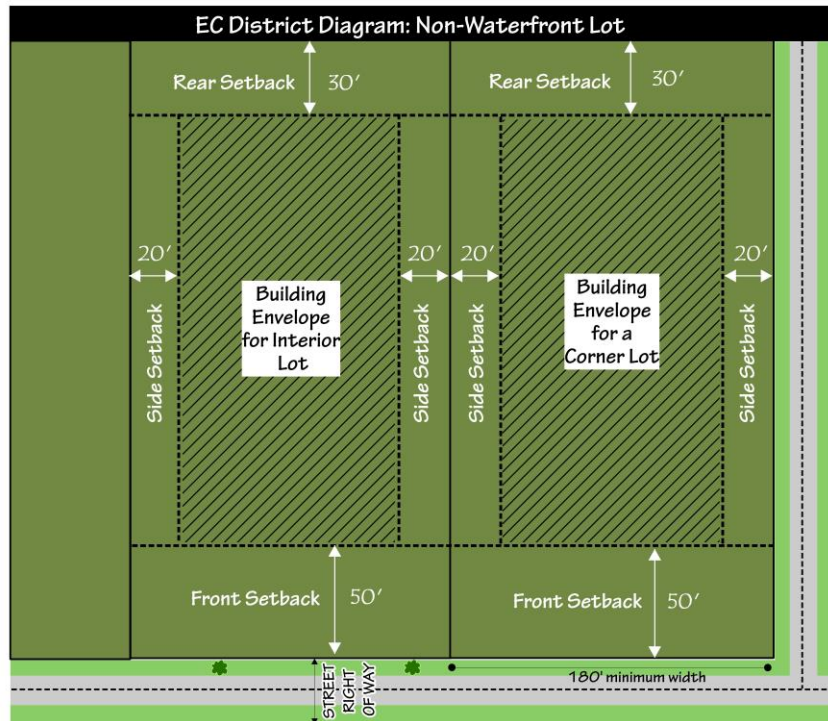
| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|--------------------|-------------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 30 ft | 30 ft | 30 ft |

3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Dwelling Regulations | Regulated by §3.10 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water) |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |
| k. Single-Family Dwellings | (1) All principal and allowed accessory structures must be located on the parcel so as to minimize any negative environmental impacts. (2) Clearing of land, beyond normal cutting of dead wood, shall be restricted to construction area of the principal building and accessory structure. |

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Presque Isle Township Zoning Ordinance

Section 4.10 C-1: Neighborhood Commercial District

C-1

A. Purpose.

This district is intended to serve the needs of residents on a smaller scale than that in the C-2 district. Businesses within the neighborhood commercial zone are designed to offer convenience items and service to customers.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-1 |
| Accommodation & Food/Event Services | |
| Bakeries, Coffee Shops, Confectioneries, Delicatessens, & Ice Cream Shops | P |
| Bars/Taverns | S |
| Cabin Courts (or Cabin Complex) | S |
| Caterers/Food Service Contractors | P |
| Food Trucks/Food Trailers/Food Stands §7.18 | P* |
| Hotels & Motels (attached or detached units) (not to exceed 20 units in the C-1) §7.22 | S* |
| Inns (Lodging Units within Restaurant serving meals to the public) | P |
| Resorts §7.35 | S* |
| Restaurants (without drive-through/drive-in) §7.15 | S |
| Short Term Rental Homes §7.45 | P* |
| Agriculture, Forest Products & Animal Services | |
| Dog Grooming Establishments | P |
| Farm Market/Roadside stand | P |
| Firewood Sales (Large Scale) (does not include small bundles of firewood) | S |
| Fruit/Vegetable Market) – not affiliated with a specific farm | P |
| Veterinary Clinic/Animal Hospital §7.6 | S* |
| Arts, Entertainment & Recreation | |
| Amusement Arcades & Similar Indoor Recreation | P |
| Art Galleries & Art Studios | P |
| Equipment Rental, Motorized (ORV, Snowmobile) | P |
| Firearms Store | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-1 |
| Arts, Entertainment & Recreation (continued) | |
| Fitness & Recreational Sports Facilities (ex: health clubs, gym, swimming) | P |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | S* |
| Theaters/Performing Arts Facilities | P |
| Tours (Commercial Operations) | P |
| Commercial, Services & Retail | |
| Beauty/Barber Shop | P |
| Business Services & Computer Repair | P |
| Building & Garden Equipment & Supplies Dealers | P |
| Data Processing & Computer Centers | P |
| Electronic & Precision Equipment Repair & Maintenance | P |
| Fix-It Shops | P |
| Furniture Refinishing (Upholsterers)/Furniture Repair | P |
| Greenhouse; Nursery; Landscaping Establishments §7.33 | S* |
| Health Spa | S |
| Laundromat/Dry Cleaning Establishment | S |
| Massage Therapy Establishment | P |
| Offices, Professional | P |
| Retail Sales | P |
| Art/Photography Sales | P |

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Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | C-1 |
| Commercial, Services & Retail | |
| Automotive Accessory Sales | P |
| Antique Stores | P |
| Bait & Tackle Shops | P |
| Bicycle Shops | P |
| Clothing, Clothing Accessory & Shoe Stores (including shoe repair) | P |
| Convenience Stores | P |
| Electronics & Appliance Stores | P |
| Farm & Feed Supply Stores | P |
| Farm Market | P |
| Florists | P |
| Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover) | P |
| General Merchandise Stores/General Retail | P |
| Gift Shops | P |
| Grocery Stores/Meat Market/Fruit & Vegetable Market | P |
| Hardware Stores | P |
| Health & Personal Care Stores | P |
| Hobby, Book & Music Stores | P |
| Liquor Stores (where liquor is the primary item for sale) | P |
| Office Supply Stores | P |
| Pet Stores & Pet Supply Stores | P |
| Pharmacies/Medical & Optical Supplies | P |
| Resale Shops/Thrift Shops | P |
| Sporting Goods Sales | P |
| Tailoring | P |
| Small Engine Repair | P |
| Small-Scale Craft Making | P |
| Studios for Dance, Music, Voice & Martial Arts | P |
| Taxidermy Shops | P |
| Tattoo & Body Piercing Studios | P |
| Educational Services & Religion | |
| Places of Worship & Customary Accessory Uses §7.12 | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | C-1 |
| Human Care & Social Assistance | |
| Adult Day Care Facility NOT IN PRIVATE HOME | P |
| Adult Foster Care Large Group Home (13-20 adults) §7.14 | S* |
| Adult Foster Care Congregate Facilities (over 20 adults) §7.14 | S* |
| Assisted Living Home/Nursing Home/Convalescent Home §7.14 | S* |
| Charitable Institution (ex: soup kitchen); Non-Profit Organizations | P |
| Child Care Center/Nursery School (not in home) §7.11 | P* |
| Medical/Dental/Optical Clinics §7.28 | P* |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Residential Uses | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Multiple-Family Dwelling Units §7.7 | S* |
| Transportation, Wholesale & Storage | |
| Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments | P |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | S* |
| Self-Storage Facilities/Mini-Storage §7.46 Amended 5/13/24; Effective 5/23/24 | S* |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Wind Energy Systems (Private) §7.42 | S* |

| | | | | |
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Presque Isle Township Zoning Ordinance

C. Development Standards for C-1.

C-1

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

1. Lot & Structure Standards

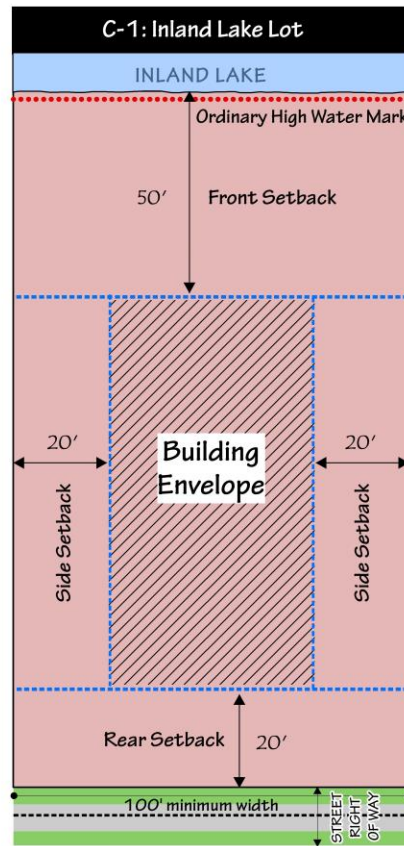
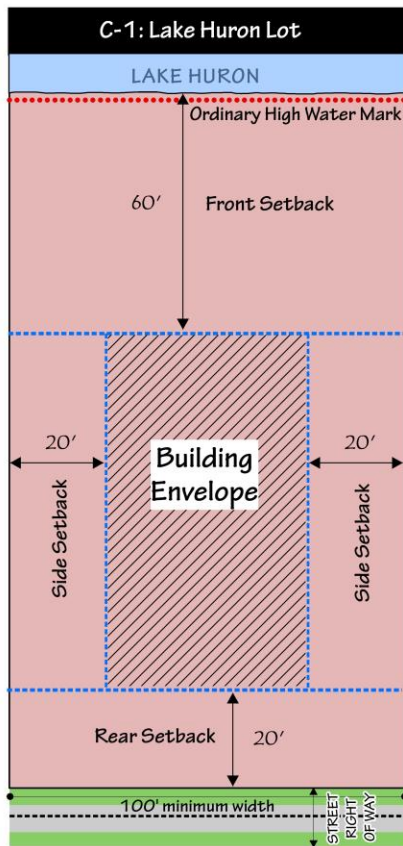
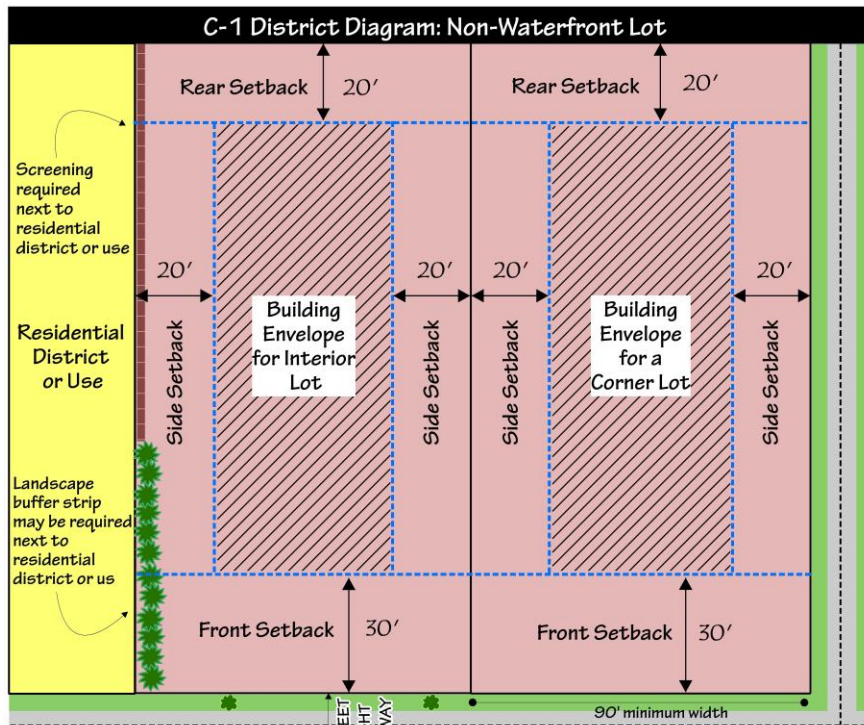
| | |
|-------------------------------|---|
| a. Lot Area (min.) | 0.25 acres |
| b. Lot Width (min.) | 90 ft (Lake Huron and inland lake property: 100 ft) |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|---------------|-------------|------------|
| a. Front (min.) | 30 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| c. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| d. Docks | Regulated by §3.24 |
| e. Fences | Regulated by §3.17 |
| f. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| g. Parking & Loading | Regulated by §3.43 |
| h. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| i. Signs | Regulated by §3.44 |



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Presque Isle Township Zoning Ordinance

Section 4.11 C-2: Commercial District

C-2

A. Purpose.

This zone is intended to establish an area for those businesses which are highly dependent upon, and associated with, vehicular traffic. As such, these commercial activities are located alongside the township's major thoroughfare and designed for easy access by the traveling public.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-2 |
| Accommodation & Food/Event Services | |
| Bakeries, Coffee Shops, Confectioneries, Delicatessens, & Ice Cream Shops | P |
| Bars/Taverns | P |
| Cabin Courts (or Cabin Complex) | S |
| Caterers/Food Service Contractors | P |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.13 | S* |
| Food Trucks/Food Trailers/Food Stands §7.18 | P* |
| Hotels & Motels §7.22 | P* |
| Inns (Lodging Units within Restaurant serving meals to the public) | P |
| Microbreweries & Distilleries (serving directly to public) | P |
| Night Clubs | S |
| Resorts §7.35 | S* |
| Restaurants (without drive-through/drive-in) | P |
| Restaurants (with drive-through/drive-in) §7.15 | P* |
| Short Term Rental Homes §7.45 | P* |
| Wineries & Cider Mills (including accessory uses such as tasting rooms) | P |
| Agriculture, Forest Products & Animal Services | |
| Agricultural Products Processing and Storage (excludes concentrated animal feeding operations) | P |
| Animal Sales Yards/Auctions for Livestock | P |
| Animal Shelter/Animal Rescue Facility | P |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale) | P |
| Dog Grooming Establishments | P |
| Farm Market/Roadside stand | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-2 |
| Firewood Sales (Large Scale) (does not include small bundles of firewood) | S |
| Fruit/Vegetable Market – not affiliated with a specific farm | P |
| Veterinary Clinic/Animal Hospital §7.6 | S* |
| Arts, Entertainment & Recreation | |
| Amusement Arcades & Similar Indoor Recreation | P |
| Archery Ranges (& as accessory use), Indoor or Outdoor | S |
| Art Galleries & Art Studios | P |
| Billiards Halls | P |
| Bowling Centers | P |
| Equipment Rental, Motorized (ORV, Snowmobile) | P |
| Equipment Rental, Non-Motorized (Outfitter) | P |
| Firearms Store | P |
| Fitness & Recreational Sports Facilities (ex: health clubs, gym, swimming) | P |
| Outdoor Performance Facilities §7.13 | S* |
| Outdoor Commercial Recreational Facility (ex – amusement parks, go-karts; miniature golf; disc golf; drive-in theaters) §7.5 | S* |
| Shooting (Firearms) Ranges/Sportsmen's Association | S |
| Theaters/Performing Arts Facilities | P |
| Theaters, Drive-In §7.16 | P* |
| Tours (Commercial Operations) | P |
| Commercial, Services & Retail | |
| Automobile Repair; Auto Body/Paint/Interior & Glass §7.8 | P* |
| Automotive Oil Change §7.8 | P* |
| Automotive Rental or Storage | P |

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Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | C-2 |
| Commercial, Services & Retail (continued) | |
| Automotive Tire Sales & Installation (including retreading) §7.8 | P* |
| Automobile Towing Businesses | P |
| Banks/Financial Institutions | P |
| Beauty/Barber Shop | P |
| Boat Repair & Storage | P |
| Building & Garden Equipment Supplies & Dealers | P |
| Business Services & Computer Repair | P |
| Car (Vehicle) Washes §7.41 | P* |
| Cash Advance Stores | P |
| Cleaning Services | P |
| Commercial Equipment Repair & Maintenance | P |
| Special Trade Contractors Offices & Showrooms – with or without outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc) | P |
| Data Processing & Computer Centers | P |
| Electronic & Precision Equipment Repair & Maintenance | P |
| Equipment Rental & Sales Yards | P |
| Extermination & Pest Control Services | P |
| Film Production Facilities including sound stages & other related activities | P |
| Fix-It Shops | P |
| Flea Market | P |
| Funeral Homes & Mortuaries §7.30 | P* |
| Furniture Refinishing (Upholsterers)/Furniture Repair | P |
| Gas Stations §7.8 | S* |
| General Rental Centers | P |
| Greenhouse; Nursery; Landscaping Establishments §7.33 | S* |
| Health Spa | P |
| Interior Designers/Showrooms | P |
| Laboratories, Medical/Dental | P |
| Laundromat/Dry Cleaning Establishment | S |
| Locksmiths | P |
| Lumber Yards (pre-planed, finished lumber)/Building Material Sales | P |
| Manufactured Home Dealers | S |
| Massage Therapy Establishment | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | C-2 |
| Commercial, Services & Retail (continued) | |
| Movie Rental Stores | P |
| Offices, Professional | P |
| Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment, Trailers | S |
| Pawn Shops | P |
| Photofinishing/Photographers | P |
| Printing/Binding/Publishing of Print Material | P |
| Recording Studios | P |
| Retail Sales | P |
| Art/Photography Sales | P |
| Automotive Accessory Sales | P |
| Antique Stores | P |
| Bait & Tackle Shops | P |
| Bicycle Shops | P |
| Clothing, Clothing Accessory & Shoe Stores (including shoe repair) | P |
| Convenience Stores | P |
| Electronics & Appliance Stores | P |
| Farm & Feed Supply Stores | P |
| Farm Market | P |
| Florists | P |
| Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover) | P |
| General Merchandise Stores/General Retail | P |
| Gift Shops | P |
| Grocery Stores/Meat Market/Fruit & Vegetable Market | P |
| Hardware Stores | P |
| Health & Personal Care Stores | P |
| Hobby, Book & Music Stores | P |
| Liquor Stores (where liquor is the primary item for sale) | P |
| Office Supply Stores | P |
| Pet Stores & Pet Supply Stores | P |
| Pharmacies/Medical & Optical Supplies | P |

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Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations | C-2 |
| Commercial, Services & Retail (continued) | |
| Resale Shops/Thrift Shops | P |
| Sporting Goods Sales | P |
| Sexually Oriented Businesses §7.37 | S* |
| Tailoring | P |
| Small Engine Repair | P |
| Small-Scale Craft Making | P |
| Studios for Dance, Music, Voice & Martial Arts | P |
| Taxidermy Shops | P |
| Tattoo & Body Piercing Studios | P |
| Vehicle Sales & Rental – see “Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor’s Equipment, Recreational Equipment” | S |
| Educational Services & Religion | |
| Business Schools & Trade Schools | P |
| Places of Worship & Customary Accessory Uses §7.12 | S* |
| Human Care & Social Assistance | |
| Adult Day Care Facility NOT IN PRIVATE HOME | P |
| Adult Foster Care Large Group Home (13-20 adults) §7.14 | S* |
| Adult Foster Care Congregate Facilities (over 20 adults) §7.14 | S* |
| Assisted Living Home/Nursing Home/Convalescent Home §7.14 | S* |
| Charitable Institution (ex: soup kitchen); Non-Profit Organizations | P |
| Child Care Center/Nursery School (not in home §7.11) | P* |
| Child Caring Institution | S |
| Medical/Dental/Optical Clinics §7.28 | P* |
| Rehabilitation Institutions | S |
| Residential Human Care & Treatment Facility (not in a residence) | S |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Tool & Die Shops | S |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations | C-2 |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Planned Unit Developments §7.32 | S* |
| Residential Uses | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.26 | P* |
| Multiple-Family Dwelling Units §7.7 | S* |
| Transportation, Wholesale & Storage | |
| Bus Garages | P |
| Charter Boat Operations | P |
| Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments | P |
| Scenic & Sightseeing Transportation/Ground Passenger Transportation | P |
| Self-Storage Facilities/Mini-Storage | P |
| Transit Facilities (including bus garages/stations) | P |
| Truck Rental Facilities | P |
| Truck and Tractor Repair | P |
| Truck Washes §7.41 | P* |
| Vehicle Parking & Storage, Seasonal | P |
| Warehousing & Storage | P |
| Wholesale Businesses (used for the storage and sale of non-hazardous materials) | P |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Public Utility Facilities (with or without storage yards) | P |

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Presque Isle Township Zoning Ordinance

C. Development Standards for C-2.

C-2

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

1. Lot & Structure Standards

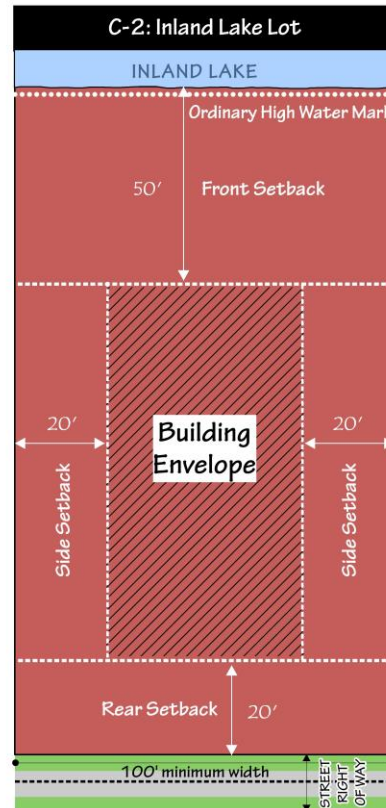
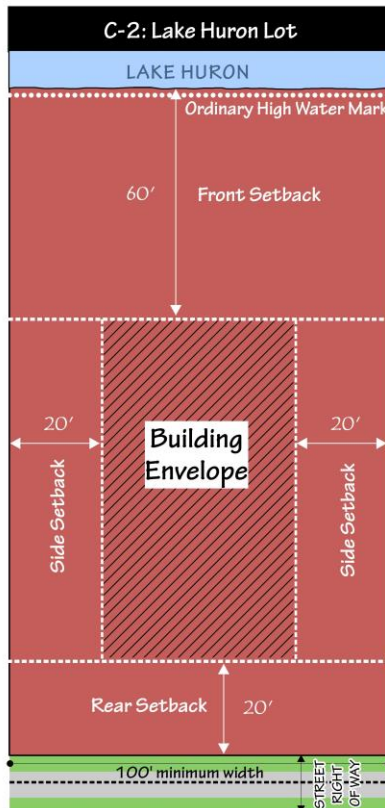
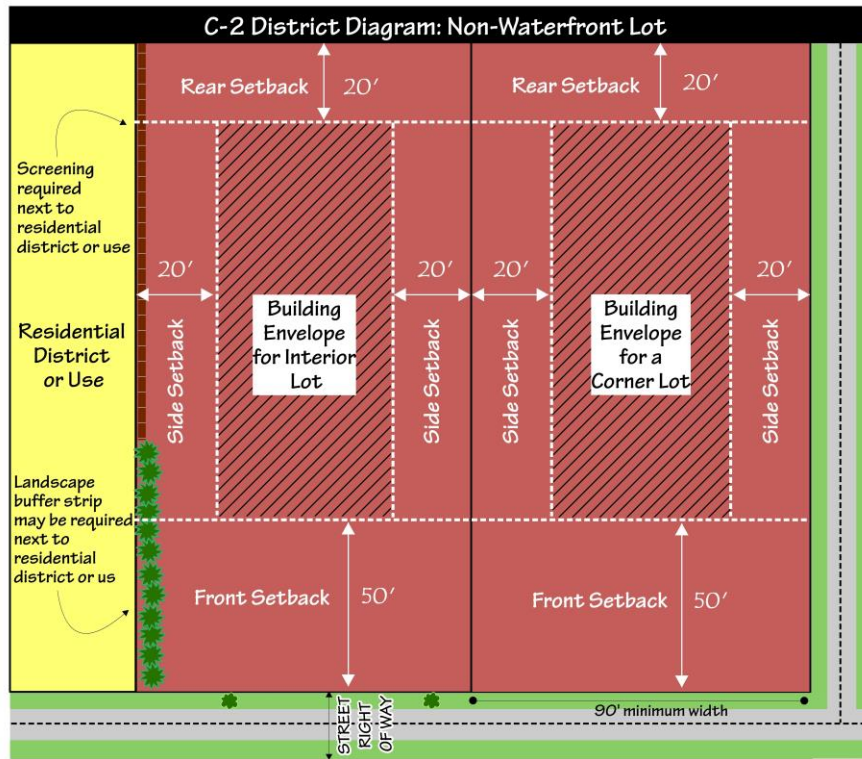
| | |
|-------------------------------|---|
| a. Lot Area (min.) | 0.25 acres |
| b. Lot Width (min.) | 90 ft (Lake Huron and inland lake property: 100 ft) |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|---------------|-------------|------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|--|
| | Areas on the Zoning Map as a C-2 Overlay Zone shall be regulated as follows: (1) Uses which are listed as Permitted or Special Uses within the underlying district only shall adhere to the development standards for the underlying district. (2) Uses which are listed as Permitted or Special Uses within the C-2 District only shall adhere to the development standards of the C-2 District. (3) Uses which are listed as Permitted or Special Uses within both the underlying district and the C-2 District shall adhere to the least restrictive district development standards. |
| a. Overlay Zone | |
| b. Accessory Buildings | Regulated by §3.14 |
| c. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| d. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| e. Docks | Regulated by §3.24 |
| f. Fences | Regulated by §3.17 |
| g. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| h. Parking & Loading | Regulated by §3.43 |
| i. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| j. Signs | Regulated by §3.44 |



| | | | | |
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Presque Isle Township Zoning Ordinance

Section 4.12 C-M: Commercial Marina District

C-M

A. Purpose.

The purpose of this district is to encourage a compatible mix of land uses related to the waterfront. The district is designated to incorporate public waterfront areas along with limited retail and boat storage facilities.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | | C-M |
|--|----|-----|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations | | |
| Accommodation & Food/Event Services | | |
| Bakeries, Coffee Shops, Confectioneries, Delicatessens, & Ice Cream Shops | P | |
| Bars/Taverns | P | |
| Bed & Breakfasts & Tourist Homes §7.3 | P* | |
| Cabin Courts (or Cabin Complex) | S | |
| Food Trucks/Food Trailers/Food Stands §7.18 | P* | |
| Microbreweries & Distilleries (serving directly to the public) | P | |
| Resorts §7.35 | S* | |
| Restaurants (without drive-through/drive-in) | P | |
| Short Term Rental Homes §7.45 | P* | |
| Agriculture, Forest Products & Animal Services | | |
| Dog Grooming Establishments | P | |
| Arts, Entertainment & Recreation | | |
| Amusement Arcades & Similar Indoor Recreation | P | |
| Canoe/Kayak Liveries | P | |
| Equipment Rental, Motorized (ORV, Snowmobile) | P | |
| Equipment Rental, Non-Motorized (Outfitter) | P | |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | P* | |
| Museums & Historic Sites | P | |
| Outdoor Performance Facilities – comply with §7.13 | S* | |
| Parks & Playgrounds | P | |
| Commercial, Services & Retail | | |
| Boat Repair & Storage | S | |

| TABLE OF PERMITTED USES & SPECIAL USES | | C-M |
|--|----|-----|
| <i>P</i> = Permitted by right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations | | |
| Commercial, Services & Retail (continued) | | |
| Retail Sales: | | |
| Art/Photography Sales | P | |
| Antique Stores | P | |
| Bait & Tackle Shops | P | |
| Convenience Stores | P | |
| Gift Shops | P | |
| Hobby, Book & Music Stores | P | |
| Sporting Goods Sales | P | |
| Manufacturing, Industrial & Waste Management | | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* | |
| Miscellaneous | | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* | |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* | |
| Residential Uses | | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P | |
| Multiple-Family Dwelling Units §7.7 | S* | |
| Transportation, Wholesale & Storage | | |
| Charter Boat Operations | P | |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | P* | |
| Utilities, Energy & Communications | | |
| Essential Services | P | |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* | |

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

Presque Isle Township Zoning Ordinance

C. Development Standards for C-M.

C-M

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.) | 0.5 acre |
| b. Lot Width (min.) | 90 ft (Lake Huron and inland lake property: 100 ft) |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

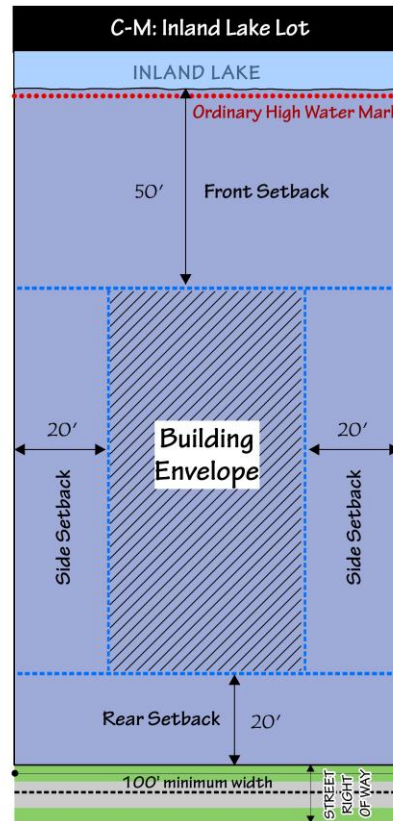
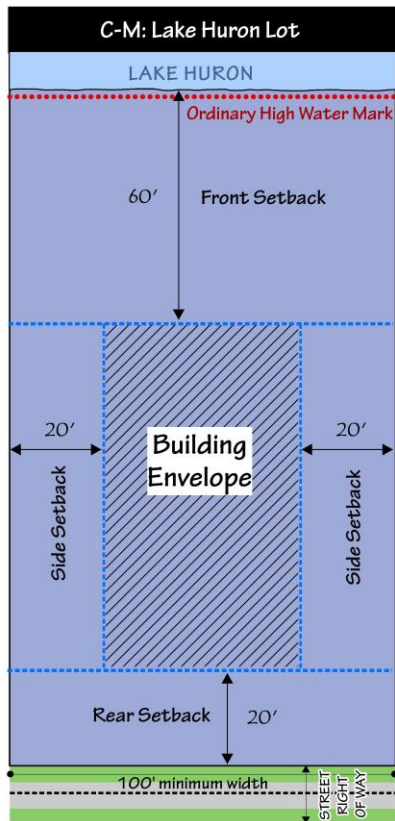
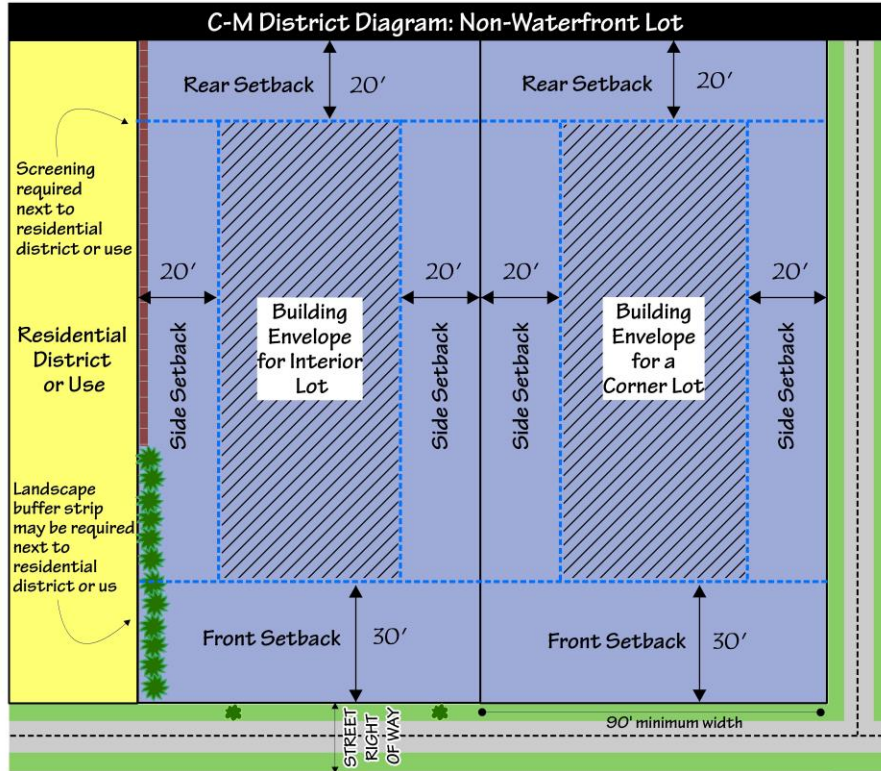
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|---------------|-------------|------------|
| a. Front (min.) | 30 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| c. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| d. Docks | Regulated by §3.24 |
| e. Fences | Regulated by §3.17 |
| f. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| g. Parking & Loading | Regulated by §3.43 |
| h. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| i. Signs | Regulated by §3.44 |

Presque Isle Township Zoning Ordinance



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

Presque Isle Township Zoning Ordinance

Section 4.13 C-F: Community Facilities District

C-F

A. Purpose.

This zone is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-F |
| Accommodation & Food/Event Services | |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.13 | S* |
| Arts, Entertainment & Recreation | |
| Museums & Historic Sites | P |
| Nature Study Areas & Sinkholes (with non-motorized access for observation) | P |
| Outdoor Performance Facilities – comply with §7.13 | S* |
| Parks & Playgrounds | P |
| Educational Services & Religion | |
| Places of Worship & Customary Accessory Uses §7.12 | P* |
| Public, charter or private schools (elementary through high school) | P |
| Manufacturing, Industrial & Waste Management | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | C-F |
| Public Facilities | |
| Community Centers/Auditoriums | P |
| Government Administrative Facilities | P |
| Libraries | P |
| Police/Fire Stations | P |
| Post Office | P |
| Residential Uses | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Wind Energy Systems (Private) §7.42 | S* |

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

Presque Isle Township Zoning Ordinance

C-F

C. Development Standards for C-F.

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.) | 1 acre |
| b. Lot Width (min.) | 150' |
| c. Building Height (max.) | 3 stories or 45 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

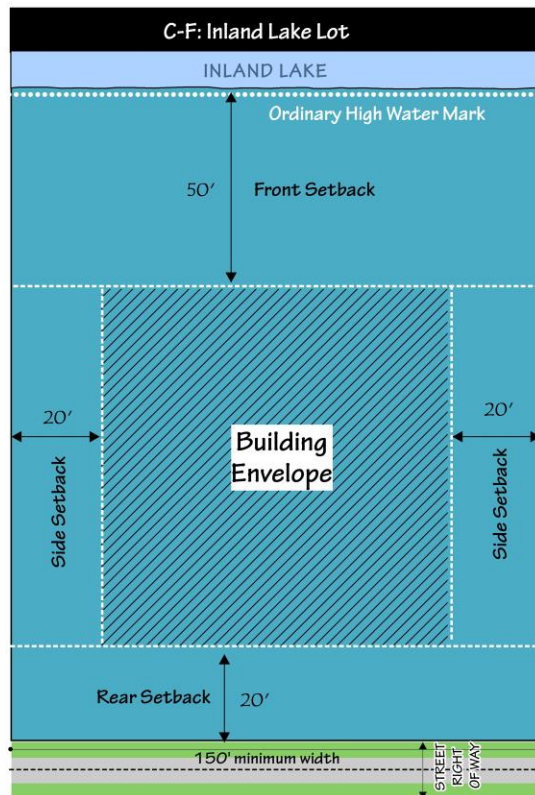
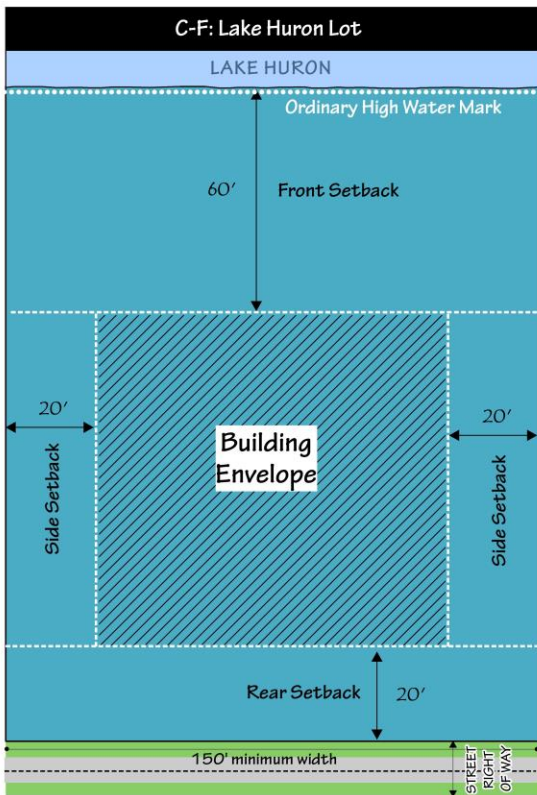
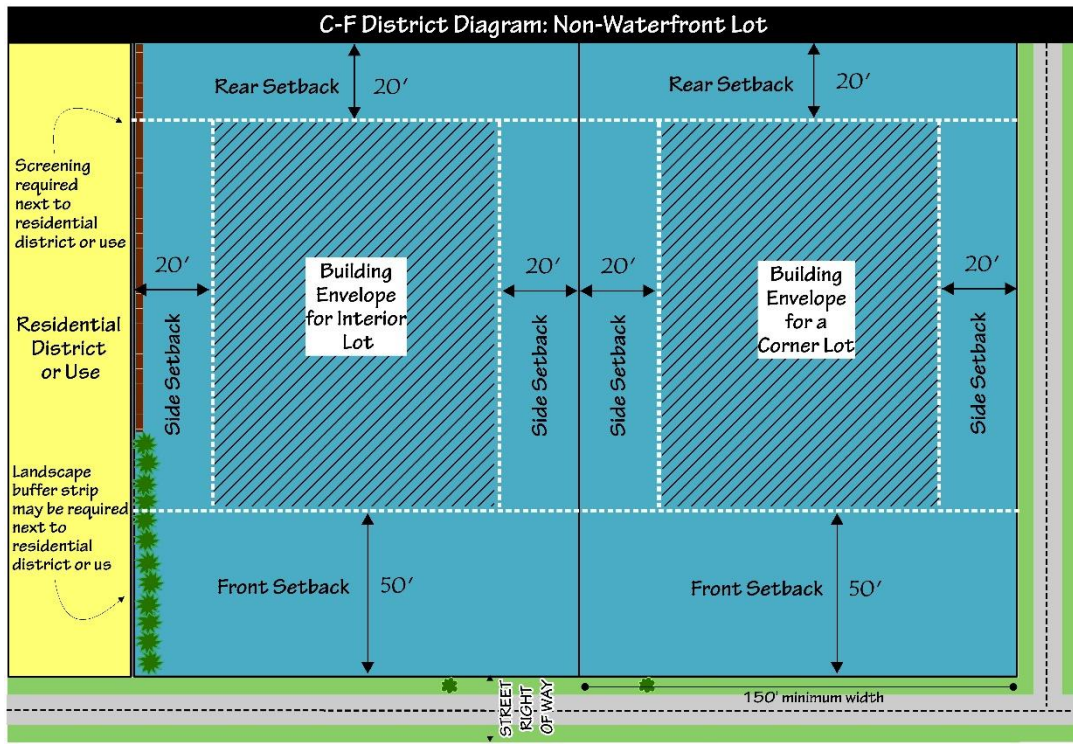
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|--------------------|-------------------|
| a. Front (min.) | 50 ft | 50 ft | 60 ft |
| b. Side (min.) | 20 ft | 20 ft | 20 ft |
| c. Rear (min.) | 20 ft | 20 ft | 20 ft |

3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| c. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| d. Docks | Regulated by §3.24 |
| e. Fences | Regulated by §3.17 |
| f. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| g. Parking & Loading | Regulated by §3.43 |
| h. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| i. Signs | Regulated by §3.44 |

Presque Isle Township Zoning Ordinance



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

Presque Isle Township Zoning Ordinance

Section 4.14 I-1: Industrial District

I-1

A. Purpose.

This district is intended to encompass uses which are industrial or industrially-related but whose intensity of operation is not unduly abrasive to adjacent or nearby activities. Industrial activities within this zone are primarily oriented to manufacturing, assembling or repairs of small components, storage, food processing, and other related businesses whose normal structure and operation can be considered aesthetically and environmentally acceptable.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|-----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | I-1 |
| Agriculture, Forest Products & Animal Services | |
| Forest Products Processing (mills & related operations such as pallet, saw & planer mills) §7.31 | P* |
| Grain Elevators | P |
| Arts, Entertainment & Recreation | |
| Race Tracks | S |
| Commercial, Services & Retail | |
| Automotive Tire Sales & Installation (including retreading) §7.8 | P* |
| Contractors Offices (Special Trade) & Showrooms with or without outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc) | P |
| Crematoriums | P |
| Lumber Yards (pre-planned, finished lumber)/Building Material Sales | P |
| Manufacturing, Industrial & Waste Management | |
| Manufacturing, Light – including the production, processing, assembly, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & 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, & vibration. §7.25 | P* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|-----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | I-1 |
| Manufacturing, Industrial & Waste Management | |
| Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings) | P |
| Cold Storage Plants | P |
| Commercial Cleaning Plant | P |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* |
| Machine Shops §7.25 | P* |
| Monument & Stoneworks §7.25 | P* |
| Printing or Forming of Box, Carton & Cardboard Products §7.25 | P* |
| Printing, Lithographic & Blueprinting §7.25 | P* |
| Research/Design/Experimental Product Development/Laboratories (within a completely enclosed building) §7.25 | P* |
| Sign Painting & Mfg (including billboards) §7.25 | P* |
| Tool & Die Shops §7.25 | P* |
| Waste Collection Facilities; Garbage Haulers; Recycling facilities/Resource Recovery Facilities/Transfer Stations §7.25 | P* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |
| Residential Uses | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |

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

Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> | I-1 |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Transportation, Wholesale & Storage | |
| Drone (Unmanned Aerial) Centers | P |
| Distribution Centers/Freight Terminals/Trucking Facilities | P |
| Truck and Tractor Repair | P |
| Warehousing & Storage | P |
| Wholesale Businesses (used for the storage and sale of non-hazardous materials) | P |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|---|------------|
| <i>P = Permitted by right</i> | I-1 |
| <i>S = Permitted with a Special Use Permit</i> | |
| <i>*supplemental development regulations</i> | |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Heating & Electric Power Generating Plants §7.25 | S* |
| Propane Distributor/Propane Supply Facilities/Fuel Yards | P |
| Public Utility Facilities (with or without storage yards) | P |
| Solar Energy Facility (Utility-Scale) §7.39 | S* |
| Wind Energy Facilities & Anemometer Towers (Commercial) §7.42 | S* |

C. Development Standards for I-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.) | 1 acre |
| b. Lot Width (min.) | 200 ft |
| c. Building Height (max.) | 2 stories or 30 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

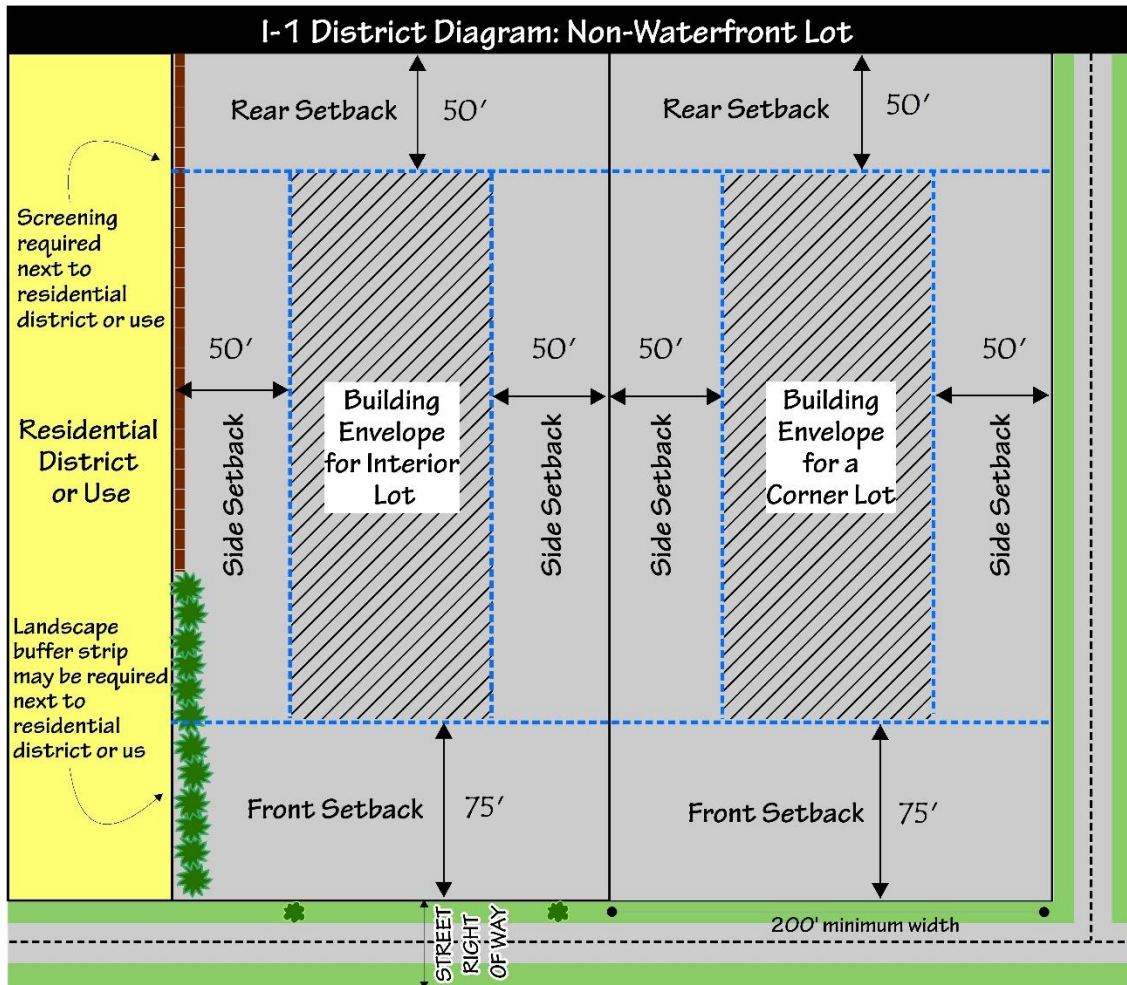
2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|------------------------------------|------------------------------------|
| a. Front (min.) | 75 ft | Determined during site plan review | Determined during site plan review |
| b. Side (min.) | 50 ft | | |
| c. Rear (min.) | 50 ft | | |

3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| c. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |
| d. Docks | Regulated by §3.24 |
| e. Fences | Regulated by §3.17 |
| f. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| g. Parking & Loading | Regulated by §3.43 |
| h. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| i. Signs | Regulated by §3.44 |

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



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

Section 4.15 I-2: Extractive/Heavy Industry District

I-2

A. Purpose.

Activities dependent upon natural resources can often operate more efficiently in close proximity to raw material supply sources. The extracting and processing of these raw materials may produce excessive pollutants and hence, these types of activities are ideally separated from other land uses in the area. Consequently, this district is established to allow extractive/heavy industries to function without hindrance from less intensive uses and at the same time protect surrounding areas from the negative effects of extractive operations.

B. Uses Allowed.

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

| TABLE OF PERMITTED USES & SPECIAL USES | | I-2 |
|---|--|-----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | | |
| Agriculture, Forest Products & Animal Services | | |
| Forest Products Processing (mills & related operations such as pallet, saw & planer mills) §7.31 | | P* |
| Grain Elevators | | P |
| Arts, Entertainment & Recreation | | |
| Race Tracks | | S |
| Commercial, Services & Retail | | |
| Crematoriums | | P |
| Manufacturing, Industrial & Waste Management | | |
| Manufacturing, Light – including the production, processing, assembly, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & 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, & vibration. §7.25 | | P* |
| Manufacturing, Heavy – including the production, processing, assembly, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & 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, & vibration. §7.25 | | S* |

| TABLE OF PERMITTED USES & SPECIAL USES | | I-2 |
|--|--|-----|
| <i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i> | | |
| Manufacturing, Industrial & Waste Management | | |
| Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings) | | P |
| Blast Furnace, Steel Furnace, Blooming or Rolling Mill §7.25 | | S* |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | | S* |
| Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling §7.25 | | S* |
| Gas & Oil Processing Facilities/Refinery §7.25 | | S* |
| Incinerator Plant (non-pyrolysis) §7.25 | | S* |
| Incinerator Plant (pyrolysis type)/Gasification (decomposition through high temperatures) §7.25 | | S* |
| Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Auto Wrecking Yards §7.9 | | S* |
| Machine Shops §7.25 | | P* |
| Mineral Processing Facilities & Operations §7.25 | | P* |
| Monument & Stoneworks §7.25 | | P* |
| Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution §7.25 | | S* |
| Petroleum Refinery (the manufacturing of petroleum products used in construction, such as paving materials, roofing materials and similar adhesives) §7.25 | | S* |
| Printing or Forming of Box, Carton & Cardboard Products §7.25 | | P* |

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

Presque Isle Township Zoning Ordinance

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | I-2 |
| Manufacturing, Industrial & Waste Management | |
| Printing, Lithographic & Blueprinting §7.25 | P* |
| Research/Design/Experimental Product Development/Laboratories (within a completely enclosed building) §7.25 | P* |
| Sign Painting & Mfg (including billboards) §7.25 | P* |
| Slaughter House §7.25 | S* |
| Smelting Industries §7.25 | S* |
| Tool & Die Shops §7.25 | P* |
| Waste Collection Facilities; Garbage Haulers; Recycling facilities/Resource Recovery Facilities/Transfer Stations §7.25 | P* |
| Miscellaneous | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* |

| TABLE OF PERMITTED USES & SPECIAL USES | |
|--|------------|
| P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations | I-2 |
| Residential Uses | |
| Dwelling Units in conjunction with a Non-Residential Establishment | P |
| Transportation, Wholesale & Storage | |
| Drone (Unmanned Aerial) Centers | P |
| Distribution Centers/Freight Terminals/Trucking Facilities | P |
| Utilities, Energy & Communications | |
| Essential Services | P |
| Essential Service Buildings or Facilities (including transformer stations and similar) §3.26 | S* |
| Heating & Electric Power Generating Plants §7.25 | S* |
| Public Utility Facilities (with or without storage yards) | P |
| Solar Energy Facility (Utility-Scale) §7.39 | S* |
| Wind Energy Facilities & Anemometer Towers (Commercial) §7.42 | S* |

C. Development Standards for I-2.

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

I-2

1. Lot & Structure Standards

| | |
|-------------------------------|--------------------|
| a. Lot Area (min.) | 5 acre |
| b. Lot Width (min.) | 250 ft |
| c. Building Height (max.) | 3 stories or 30 ft |
| d. Dwelling Unit Size (min.) | N/A |
| e. Dwelling Unit Width (min.) | N/A |

2. Setbacks

| | Non-Lakefront | Inland Lake | Lake Huron |
|-----------------|----------------------|------------------------------------|------------------------------------|
| a. Front (min.) | 100 ft | Determined during site plan review | Determined during site plan review |
| b. Side (min.) | 75 ft | | |
| c. Rear (min.) | 75 ft | | |

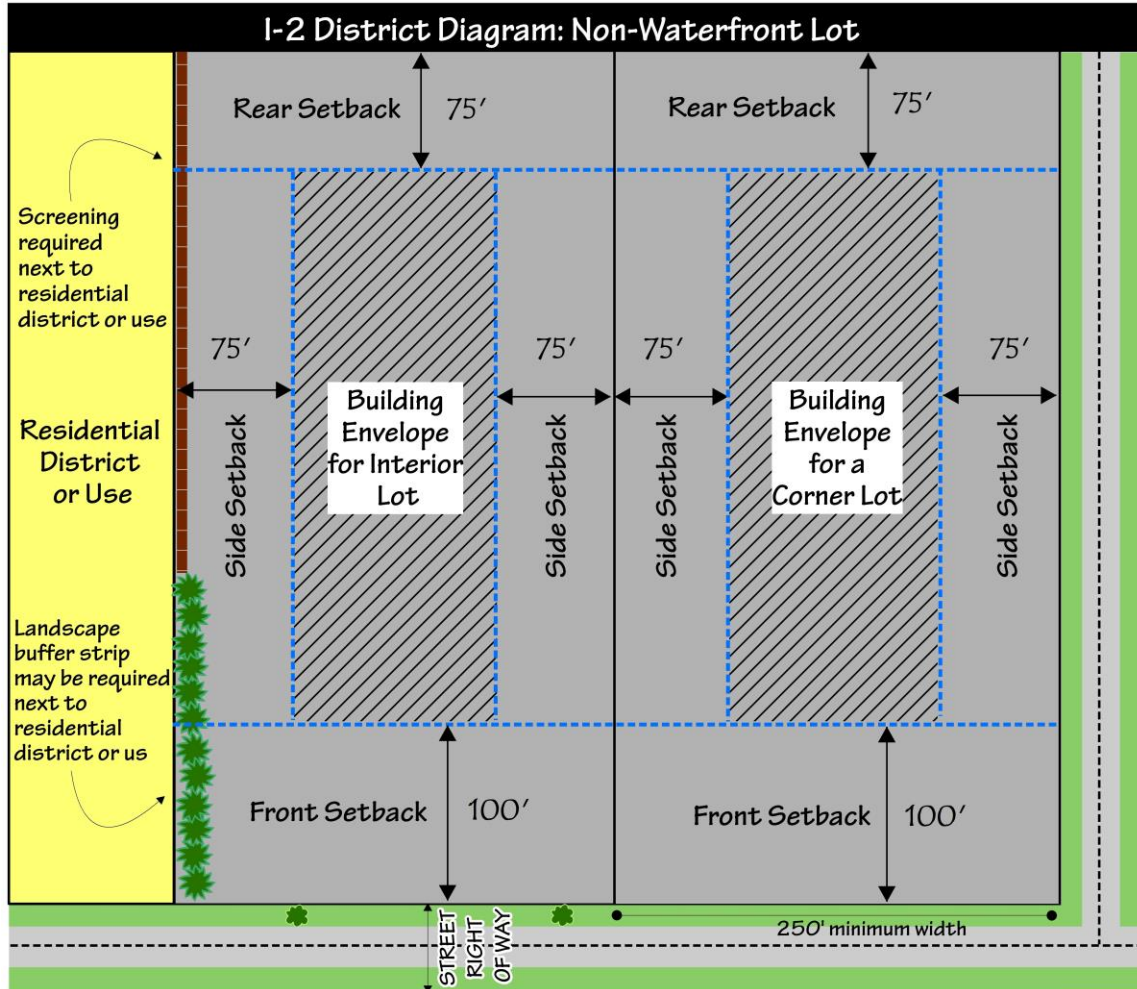
3. Additional Development Standards

| | |
|-----------------------------|---|
| a. Accessory Buildings | Regulated by §3.14 |
| b. Decks & Patios | Decks and patios shall meet the setbacks of the principal building. On a waterfront lot line, structures less than 30 inches in height with no railing may be built up to the greenbelt (30 ft from the water). |
| c. Lots with Water Frontage | Greenbelts §3.21 Common Lake Access Lots §3.22 Undeveloped Lakefront Lots §3.23 |

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

Presque Isle Township Zoning Ordinance

| | |
|------------------------|---|
| d. Docks | Regulated by §3.24 |
| e. Fences | Regulated by §3.17 |
| f. Screening/Buffering | When non-residential abuts residential, screening is required per §3.20 |
| g. Parking & Loading | Regulated by §3.43 |
| h. Exterior Lighting | Presque Isle Township Outdoor Lighting Ordinance |
| i. Signs | Regulated by §3.44 |



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

Section 4.16 Full Table of Permitted & Special Uses

Uses which are permitted in Presque Isle Township are listed in this Section. Uses denoted with a “P” are permitted by right with the appropriate land use permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “*” have supplemental regulations. The district’s columns use the same colors found on the zoning map for ease of reference.

| Presque Isle Township Zoning Districts | |
|--|---|
| R-1 | Rural Residential District |
| R-2 | Single-Family Residential District |
| R-M | Low Rise Multiple-Family Residential District |
| FR | Forest/Recreation District |
| EC | Environmental Conservation District |
| C-1 | Neighborhood Commercial District |
| C-2 | Commercial District |
| C-M | Commercial Marina District |
| C-F | Community Facilities District |
| I-1 | Industrial District |
| 1-2 | Extractive/Heavy Industry District |

| Land Use Categories | Pg |
|--|------|
| Accommodation & Food/Event Services | 4-43 |
| Agriculture, Forest Products & Animal Services | 4-44 |
| Arts, Entertainment & Recreation | 4-45 |
| Commercial, Services & Retail | 4-46 |
| Educational Services & Religion | 4-50 |
| Human Care & Social Assistance | 4-50 |
| Manufacturing, Industrial & Waste Management | 4-51 |
| Miscellaneous | 4-53 |
| Public Facilities | 4-53 |
| Residential Uses | 4-54 |
| Transportation, Wholesale & Storage | 4-54 |
| Utilities, Energy & Communications | 4-55 |

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| Accommodation & Food/Event Services | | | | | | | | | | | |
| Bakeries, Coffee Shops, Confectioneries, Delicatessens, & Ice Cream Shops | | | | | | P | P | P | | | |
| Bars/Taverns | | | | | | S | P | P | | | |
| Bed & Breakfasts & Tourist Homes §7.3 | S* | S* | S* | S* | S* | | | P* | | | |
| Cabin Courts (or Cabin Complex) | | | | | | S | S | S | | | |
| Caterers/Food Service Contractors | | | | | | P | P | | | | |
| Coffee Shops | | | | | | | | | | | |
| Commercial Event Facilities (including Convention Centers, Conference Centers, Banquet Halls, Wedding Venues) §7.13 | | | | S* | | | S* | | S* | | |
| Food Trucks/Food Trailers/Food Stands §7.18 | | | | | | P* | P* | P* | | | |
| Hotels & Motels (attached or detached units) (not to exceed 20 units in the C-1) §7.22 | | | | | | S* | P* | | | | |
| Inns (Lodging Units within Restaurant serving meals to the public) | | | | | | P | P | | | | |
| Microbreweries & Distilleries (serving directly to the public) | | | | | | | P | P | | | |
| Night Clubs | | | | | | | S | | | | |
| Resorts §7.35 | | | | | | S* | S* | S* | | | |
| Restaurants (without drive-through/drive-in) | | | | | | S | P | P | | | |
| Restaurants (with drive-through/drive-in) §7.15 | | | | | | | P* | | | | |
| Rooming Houses/Boarding Houses | P | P | P | P | | | | | | | |
| Short Term Rental Homes §7.45 | P* | P* | P* | P* | | P* | P* | P* | | | |
| Wineries & Cider Mills (including accessory uses such as tasting rooms) | | | | P | | | P | | | | |

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| Agriculture, Forest Products & Animal Services | | | | | | | | | | | |
| Agricultural Products Processing and Storage (excluding concentrated animal feeding operations) | | | | P | | | P | | | | |
| Animal Sales Yards/Auctions for Livestock | | | | P | | | P | | | | |
| Animal Shelter/Animal Rescue Facility | | | | P | | | P | | | | |
| Agricultural Tourism Businesses (on Farms) | | | | S | | | | | | | |
| Biofuel Production Facilities on Farms §7.44 | | | | PS* | | | | | | | |
| Boarding Stables (Commercial) | | | | P | | | | | | | |
| Boarding Stables for Horses (Domestic Farms) §7.40 | | | | P* | | | | | | | |
| Bulk Seed, Feed, Fertilizer & Nursery Stock Outlet & Distribution Centers (including Wholesale) | | | | | | | P | | | | |
| Dog Grooming Establishments | | | | | | P | P | P | | | |
| Farming, Commercial | | | | P | | | | | | | |
| Farming, Domestic (Hobby Farm) | | | | P | | | | | | | |
| Farm Market/Roadside stand - limited to 1 per 100 feet of roadway in FR §7.36 | | | | P* | | P | P | | | | |
| Firewood Sales (Large Scale) (does not include small bundles of firewood) | | | | | | S | S | | | | |
| Forest Products Processing (mills & related operations such as pallet, saw & planer mills) §7.31 | | | | | | | | | | P* | P* |
| Fruit/Vegetable Market – not affiliated with a specific farm | | | | S | | P | P | | | | |
| Game Farms §7.19 | | | | P* | P* | | | | | | |
| Grain Elevators | | | | | | | | | | P | P |
| Kennels, Dog §7.6 | | | | S* | | | | | | | |
| Veterinary Clinic/Animal Hospital §7.6 | | | | S* | | S* | S* | | | | |

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| Arts, Entertainment & Recreation | | | | | | | | | | | |
| Amusement Arcades & Similar Indoor Recreation | | | | | | P | P | P | | | |
| Archery Ranges (& as accessory use), Indoor or Outdoor | | | | P | S | | S | | | | |
| Art Galleries & Art Studios | | | | | | P | P | | | | |
| Billiards Halls | | | | | | | P | | | | |
| Bowling Centers | | | | | | | P | | | | |
| Campgrounds & RV Parks (only in non-waterfront areas) §7.10 | | | | | P* | | | | | | |
| Camps (Summer Camps)/Private Outdoor Recreation Camps | | | | P | P | | | | | | |
| Canoe/Kayak Liveries | | | | | | | | P | | | |
| Country Clubs §7.20 | | S* | S* | S* | | | | | | | |
| Equipment Rental, Motorized (ORV, Snowmobile) | | | | | | P | P | P | | | |
| Equipment Rental, Non-Motorized (Outfitter) | | | | | | | P | P | | | |
| Firearms Store | | | | | | P | P | | | | |
| Fitness & Recreational Sports Facilities (ex: health clubs, gym, swimming) | | S | | P | | P | P | | | | |
| Golf Courses §7.20 | | S* | | S* | | | | | | | |
| Golf Driving Ranges | | S | | S | | | | | | | |
| Hunting Camps §7.23 | | | | P* | P* | | | | | | |
| Hunting Clubs §7.24 | | | | S* | S* | | | | | | |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | | | | | | S* | | P* | | | |
| Museums & Historic Sites | | | | | | | | P | P | | |
| Nature Study Areas & Sinkholes (with non-motorized access for observation) | | | | | P | | | | P | | |
| Outdoor Performance Facilities – comply with §7.13 | | | | | | | S* | S* | S* | | |
| Outdoor Commercial Recreational Facility (ex – amusement parks; go-karts; miniature golf; disc golf; drive-in theaters) §7.5 | | | | | | | S* | | | | |

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| Arts, Entertainment & Recreation (continued) | | | | | | | | | | | |
| Parks & Playgrounds | P | P | P | P | P | | | P | P | | |
| Private Clubs; Lodges; Fraternal Organizations §7.34 | | S* | | S* | | | | | | | |
| Race Tracks | | | | | | | | | | S | S |
| Shooting (Firearms) Ranges/Sportsmen's Association | | | | P | S | | S | | | | |
| Theaters/Performing Arts Facilities | | | | | | P | P | | | | |
| Theaters (Drive-In) §7.16 Amended 5/13/24; Effective 5/23/24 | | | | | | | P* | | | | |
| Tours (Commercial Operations) | | | | | | P | P | | | | |
| Wildlife Preserves | | | | P | P | | | | | | |
| Zoos (including Petting Zoos) & Animal Tours/Attractions | | | | S | S | | | | | | |
| Commercial, Services & Retail | | | | | | | | | | | |
| Automobile Repair; Auto Body/Paint/Interior & Glass §7.8 | | | | | | | P* | | | | |
| Automotive Oil Change §7.8 | | | | | | | P* | | | | |
| Automotive Rental or Storage | | | | | | | P | | | | |
| Automotive Tire Sales & Installation (including retreading) §7.8 | | | | | | | P* | | | P* | |
| Automobile Towing Businesses | | | | | | | P | | | | |
| Banks/Financial Institutions | | | | | | | P | | | | |
| Beauty/Barber Shop | | | | | | P | P | | | | |
| Boat Repair & Storage | | | | | | | P | S | | | |
| Building & Garden Equipment Supplies & Dealers | | | | | | P | P | | | | |
| Business Services & Computer Repair | | | | | | P | P | | | | |
| Car (Vehicle) Washes §7.41 | | | | | | | P* | | | | |
| Cash Advance Stores | | | | | | | P | | | | |
| Cleaning Services | | | | | | | P | | | | |

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| Commercial, Services & Retail | | | | | | | | | | | |
| Commercial Equipment Repair & Maintenance | | | | | | | P | | | | |
| Contractors Offices (Special Trade) & Showrooms with or without outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc) | | | | | | | P | | | P | |
| Crematoriums | | | | | | | | | | P | P |
| Data Processing & Computer Centers | | | | | | P | P | | | | |
| Electronic & Precision Equipment Repair & Maintenance | | | | | | P | P | | | | |
| Equipment Rental & Sales Yards | | | | | | | P | | | | |
| Extermination & Pest Control Services | | | | | | | P | | | | |
| Film Production Facilities including sound stages & other related activities | | | | | | | P | | | | |
| Fix-It Shops | | | | | | P | P | | | | |
| Flea Market Amended 5/13/24; Effective 5/23/24 | | | | | | | P | | | | |
| Funeral Homes & Mortuaries §7.30 | | | | | | | P* | | | | |
| Furniture Refinishing (Upholsterers)/Furniture Repair | | | | | | P | P | | | | |
| Gas Stations §7.8 | | | | | | | S* | | | | |
| General Rental Centers | | | | | | | P | | | | |
| Greenhouse; Nursery; Landscaping Establishments §7.33 | | | | S* | | S* | S* | | | | |
| Health Spa | | | | | | S | P | | | | |
| Interior Designers/Showrooms | | | | | | | P | | | | |
| Laboratories, Medical/Dental | | | | | | | P | | | | |
| Laundromat/Dry Cleaning Establishment | | | | | | S | S | | | | |
| Locksmiths | | | | | | | P | | | | |
| Lumber Yards (pre-planned, finished lumber)/Building Material Sales | | | | | | | P | | | P | |
| Manufactured Home Dealers | | | | | | | S | | | | |
| Massage Therapy Establishment | | | | | | P | P | | | | |

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| Commercial, Services & Retail | | | | | | | | | | | |
| Movie Rental Stores | | | | | | | P | | | | |
| Offices, Professional | | | | | | P | P | | | | |
| Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment, Trailers | | | | | | | S | | | | |
| Pawn Shops | | | | | | | P | | | | |
| Photofinishing/Photographers | | | | | | | P | | | | |
| Printing/Binding/Publishing of Print Material | | | | | | | P | | | | |
| Recording Studios | | | | | | | P | | | | |
| Retail Sales | | | | | | P | P | | | | |
| Art/Photography Sales | | | | | | P | P | P | | | |
| Automotive Accessory Sales | | | | | | P | P | | | | |
| Antique Stores | | | | | | P | P | P | | | |
| Bait & Tackle Shops | | | | | | P | P | P | | | |
| Bicycle Shops | | | | | | P | P | | | | |
| Clothing, Clothing Accessory & Shoe Stores (including shoe repair) | | | | | | P | P | | | | |
| Convenience Stores | | | | | | P | P | P | | | |
| Electronics & Appliance Stores | | | | | | P | P | | | | |
| Farm & Feed Supply Stores | | | | | | P | P | | | | |
| Farm Market | | | | | | P | P | | | | |
| Florists | | | | | | P | P | | | | |
| Furniture & Home Furnishings Stores/Fixtures Stores (including wall/floor cover) | | | | | | P | P | | | | |
| General Merchandise Stores/General Retail | | | | | | P | P | | | | |

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| Commercial, Services & Retail | | | | | | | | | | | |
| Gift Shops | | | | | | P | P | P | | | |
| Grocery Stores/Meat Market/Fruit & Vegetable Market | | | | | | P | P | | | | |
| Hardware Stores | | | | | | P | P | | | | |
| Health & Personal Care Stores | | | | | | P | P | | | | |
| Hobby, Book & Music Stores | | | | | | P | P | P | | | |
| Liquor Stores (where liquor is the primary item for sale) | | | | | | P | P | | | | |
| Office Supply Stores | | | | | | P | P | | | | |
| Pet Stores & Pet Supply Stores | | | | | | P | P | | | | |
| Pharmacies/Medical & Optical Supplies | | | | | | P | P | | | | |
| Resale Shops/Thrift Shops | | | | | | P | P | | | | |
| Sporting Goods Sales | | | | | | P | P | P | | | |
| Tailoring | | | | | | P | P | | | | |
| Sexually Oriented Businesses §7.37 | | | | | | | S* | | | | |
| Small Engine Repair | | | | | | P | P | | | | |
| Small-Scale Craft Making | | | | | | P | P | | | | |
| Studios for Dance, Music, Voice & Martial Arts | | | | | | P | P | | | | |
| Taxidermy Shops | | | | | | P | P | | | | |
| Tattoo & Body Piercing Studios | | | | | | P | P | | | | |
| Vehicle Sales & Rental – see "Outdoor Sales/Rental of Automobiles, Trucks, Motorcycles, ATVs, Marine Craft, Farm Implements, Contractor's Equipment, Recreational Equipment" | | | | | | | S | | | | |

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| Educational Services & Religion | | | | | | | | | | | |
| Business Schools & Trade Schools | | | | | | | P | | | | |
| Places of Worship & Customary Accessory Uses §7.12 | S* | S* | | | | S* | S* | | P* | | |
| Public, charter or private schools (elementary through high school) | | | | | | | | | P | | |
| Human Care & Social Assistance | | | | | | | | | | | |
| Adult Day Care Facility (6 or less adults) – IN PRIVATE HOME | P | P | P | P | P | | | | | | |
| Adult Day Care Facility (greater than 6 adults) – IN PRIVATE HOME | S | S | S | S | S | | | | | | |
| Adult Day Care Facility NOT IN PRIVATE HOME | | | | | | P | P | | | | |
| Adult Foster Care Family Homes (6 or less adults) | P | P | P | P | P | | | | | | |
| Adult Foster Care Small Group Home (7-12 adults) §7.14 | S* | S* | P* | | | | | | | | |
| Adult Foster Care Large Group Home (13-20 adults) §7.14 | | | | | | S* | S* | | | | |
| Adult Foster Care Congregate Facilities (over 20 adults) §7.14 | | | | | | S* | S* | | | | |
| Assisted Living Home/Nursing Home/Convalescent Home §7.14 | | | | | | S* | S* | | | | |
| Charitable Institution (ex: soup kitchen); Non-Profit Organizations | | | | | | P | P | | | | |
| Child Care Home, Family (6 or less) | P | P | P | P | P | | | | | | |
| Child Care Home, Group (7 -12) §7.21 | S* | S* | S* | S* | S* | | | | | | |
| Child Care Center/Nursery School (not in home)§7.11 | S* | P* | P* | | | P* | P* | | | | |
| Child Caring Institution | | | | | | | S | | | | |
| Medical/Dental/Optical Clinics §7.28 | | | | | | P* | P* | | | | |
| Rehabilitation Institutions | | | | | | | S | | | | |
| Residential Human Care & Treatment Facility (not in a residence) | | | | | | | S | | | | |
| State-Licensed Residential Facilities (Adult Foster Care 6 or less) | P | P | P | P | P | | | | | | |

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| Manufacturing, Industrial & Waste Management | | | | | | | | | | | |
| Manufacturing, Light – including the production, processing, assembly, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Light Manufacturing are those industries in which the modes of operation of the industry have no external effects & 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, & vibration. §7.25 | | | | | | | | | | P* | P* |
| Manufacturing, Heavy – including the production, processing, assembly, cleaning, testing, & distribution of materials, goods, foodstuffs, & products. Heavy Manufacturing are those industries in which the modes of operation of the industry do have external effects & 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, & vibration. §7.25 | | | | | | | | | | | S* |
| Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings) | | | | | | | | | | P | P |
| Blast Furnace, Steel Furnace, Blooming or Rolling Mill §7.25 | | | | | | | | | | | S* |
| Cold Storage Plants | | | | | | | | | | P | |
| Commercial Cleaning Plant | | | | | | | | | | P | |
| Extractive & Mining Operations (incl sand, gravel, rock & mineral extraction) §7.17 | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* |
| Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling §7.25 | | | | | | | | | | | S* |
| Gas & Oil Processing Facilities/Refinery §7.25 | | | | | | | | | | | S* |
| Incinerator Plant (non-pyrolysis) §7.25 | | | | | | | | | | | S* |
| Incinerator Plant (pyrolysis type)/Gasification (decomposition through high temperatures) §7.25 | | | | | | | | | | | S* |
| Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Auto Wrecking Yards §7.9 | | | | | | | | | | | S* |
| Machine Shops §7.25 | | | | | | | | | | P* | P* |

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| Manufacturing, Industrial & Waste Management | | | | | | | | | | | |
| Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing §7.25 | | | | | | | | | | | |
| Mineral Processing Facilities & Operations §7.25 | | | | | | | | | | | P* |
| Monument & Stoneworks §7.25 | | | | | | | | | | P* | P* |
| Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution §7.25 | | | | | | | | | | | S* |
| Petroleum Refinery (the manufacturing of petroleum products used in construction, such as paving materials, roofing materials and similar adhesives) §7.25 | | | | | | | | | | | S* |
| Printing or Forming of Box, Carton & Cardboard Products §7.25 | | | | | | | | | | P* | P* |
| Printing, Lithographic & Blueprinting §7.25 | | | | | | | | | | P* | P* |
| Research/Design/Experimental Product Development/Laboratories (within a completely enclosed building) §7.25 | | | | | | | | | | P* | P* |
| Sign Painting & Mfg (including billboards) §7.25 | | | | | | | | | | P* | P* |
| Slaughter House §7.25 | | | | | | | | | | | S* |
| Smelting Industries §7.25 | | | | | | | | | | | S* |
| Tool & Die Shops §7.25 | | | | | | | S | | | P* | P* |
| Waste Collection Facilities; Garbage Haulers; Recycling facilities/Resource Recovery Facilities/Transfer Stations §7.25 | | | | | | | | | | P* | P* |

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| Miscellaneous | | | | | | | | | | | |
| Accessory Buildings & Uses Incidental to Principal Uses §3.14 | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| Accessory Building (greater than 200 sq ft but not greater than 775 sq ft on a mainland undeveloped lakefront lot to serve an island dwelling) §3.23.F | | S* | | | | | | | | | |
| Cemeteries including Columbaria & Mausoleums (human or pet) on non-waterfront lots only) | | | | | P | | | | | | |
| Medical Marijuana Primary Caregiver Operations (no land use permit required) §7.29 | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* | P* |
| Planned Unit Developments §7.32 | S* | S* | S* | S* | S* | S* | S* | | | | |
| Site Condominium Development §7.38 | S* | S* | S* | S* | S* | | | | | | |
| Public Facilities | | | | | | | | | | | |
| Community Centers/Auditoriums | | | | | | | | | P | | |
| Government Administrative Facilities | | | | | | | | | P | | |
| Libraries | | | | | | | | | P | | |
| Police/Fire Stations | | | | | | | | | P | | |
| Post Office | | | | | | | | | P | | |

| | | | | |
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| Table of Permitted Uses & Special Uses | | | | | | | | | | | |
|--|--|-----|-----|----|----|-----|-----|-----|-----|-----|-----|
| <i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i> | R-1 | R-2 | R-M | FR | EC | C-1 | C-2 | C-M | C-F | I-1 | I-2 |
| Residential Uses | | | | | | | | | | | |
| Accessory Dwelling Units/Guest Houses §7.2 | S* | S* | S* | S* | S* | | | | | | |
| Dwelling Units in conjunction with a Non-Residential Establishment | PERMITTED ON LOTS WHERE COMMERCIAL IS ALLOWED | | | | | | | | | | |
| Home Occupations (no land use permit necessary) §7.1 | P* | P* | P* | P* | P* | | | | | | |
| Cottage Industries (requires special use permit) §7.1 | S* | S* | S* | S* | S* | | | | | | |
| Manufactured Housing Community (with accessory uses such as laundry facilities, office building, & community building) §7.26 | | | | S* | | | P* | | | | |
| Multiple-Family Dwelling Units §7.7 | | | S* | | | S* | S* | S* | | | |
| Single-Family Detached Dwelling | P | P | P | P | S | | | | | | |
| Two-Family Dwelling (duplex) | | | P | P | S | | | | | | |
| Transportation, Wholesale & Storage | | | | | | | | | | | |
| Airports, Aviation Support Services, & Aircraft Landing Fields §7.4 | | | | S* | | | | | | | |
| Bus Garages | | | | | | | P | | | | |
| Charter Boat Operations | | | | | | | P | P | | | |
| Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments | | | | | | P | P | | | | |
| Drone (Unmanned Aerial) Centers | | | | | | | | | | P | P |
| Distribution Centers/Freight Terminals/Trucking Facilities | | | | | | | | | | P | P |
| Marinas, Ports & Commercial Dock Facilities (including incidental and related retail facilities and boat repair and storage) §7.27 | | | | | | S* | | P* | | | |
| Scenic & Sightseeing Transportation/Ground Passenger Transportation | | | | | | | P | | | | |
| Self-Storage Facilities/Mini-Storage §7.46 Amended 5/13/24; Effective 5/23/24 | | | | | | S* | P | | | | |
| Transit Facilities (including bus garages/stations) | | | | | | | P | | | | |
| Truck Rental Facilities | | | | | | | P | | | | |
| Truck and Tractor Repair | | | | | | | P | | | P | |
| Truck Washes §7.41 | | | | | | | P* | | | | |

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| Table of Permitted Uses & Special Uses | | | | | | | | | | | |
|--|-----|-----|-----|----|----|-----|-----|-----|-----|-----|-----|
| <i>P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations</i> | R-1 | R-2 | R-M | FR | EC | C-1 | C-2 | C-M | C-F | I-1 | I-2 |
| Transportation, Wholesale & Storage (continued) | | | | | | | | | | | |
| Vehicle Parking & Storage, Seasonal | | | | | | | P | | | | |
| Warehousing & Storage | | | | | | | P | | | P | |
| Wholesale Businesses (used for the storage and sale of non-hazardous materials) | | | | | | | P | | | P | |
| Utilities, Energy & Communications | | | | | | | | | | | |
| Essential Services | P | P | P | P | P | P | P | P | P | P | P |
| Essential Service Buildings or Facilities (including transformer stations and similar §3.26) | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* | S* |
| Heating & Electric Power Generating Plants | | | | | | | | | | S* | S* |
| Propane Distributor/Propane Supply Facilities/Fuel Yards | | | | | | | | | | P | |
| Public Utility Facilities (with or without storage yards) | | | | | | | P | | | P | P |
| Solar Energy Facility (Utility-Scale) §7.39 | | | | | | | | | | S* | S* |
| Wind Energy Facilities & Anemometer Towers (Commercial) §7.42 | | | | | | | | | | S* | S* |
| Wind Energy Systems (Private) §7.42 | S* | S* | | S* | S* | S* | | | S* | | |
| Wireless Communications Facilities - Ground-Mounted, Support Structures, or any Other Type of Facility §7.43 | | | | S* | | | | | | | |
| Small Cell Wireless Facilities §7.43 | | | | S* | | | | | | | |

Section 4.17 Schedule of Regulations

The following Schedule of Regulations stipulates the minimum allowable areas for land and principal buildings in each district as defined in this Ordinance. No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area, setback requirements, and maximum building heights as established for each district in this Ordinance (See **Section 3.25** for nonconformities), nor shall any open space surrounded by structures be encroached upon unless such encroachment is in conformance with the regulations set forth in this Ordinance.

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| Zoning District | Minimum Lot Size | Minimum Lot Width | Maximum Building Height | | Minimum Setback Required | | | Minimum Floor Area Per Dwelling Unit (a) | Minimum Width Per Dwelling Unit |
|-----------------|--------------------|-------------------|-------------------------|------|--------------------------|------|------|--|---------------------------------|
| | | | Stories | Feet | Front | Side | Rear | | |
| R-1 | 1 acre | 100' | 2 | 30' | 50' | 20' | 30' | 1,000 sq. ft. | 24' |
| Inland Lake | 1 acre | 100' | 2 | 30' | 50' | 20' | 30' | 1,000 sq. ft. | 24' |
| Lake Huron | 1 acre | 100' | 2 | 30' | 60' | 20' | 30' | 1,000 sq. ft. | 24' |
| R-2 | 12 000 sq.ft. | 80' | 2 | 30' | 50' | 10' | 20' | 1,000 sq. ft. | 24' |
| Inland Lake | 12,000 sq.ft. | 100' | 2 | 30' | 50' | 10' | 20' | 1,000 sq. ft. | 24' |
| Lake Huron | 12,000 sq.ft. | 100' | 2 | 30' | 60' | 10' | 20' | 1,000 sq. ft. | 24' |
| R-M | 12,000 sq.ft.(b) | 80' | 2 | 30' | 50' | 20' | 20' | 1,000 sq.ft. (c, d) | 24' (c, d) |
| Inland Lake | 12,000 sq. ft. (b) | 100' | 2 | 30' | 50' | 20' | 20' | 1,000 sq.ft. (c, d) | 24' (c, d) |
| Lake Huron | 12,000 sq. ft. (b) | 100' | 2 | 30' | 60' | 20' | 20' | 1,000 sq.ft. (c, d) | 24' (c, d) |
| C-1 | 0.25 acre | 90' | 2 | 30' | 30' | 20' | 20' | N/A | N/A |
| Inland Lake | 0.25 acre | 100' | 2 | 30' | 50' | 20' | 20' | N/A | N/A |
| Lake Huron | 0.25 acre | 100' | 2 | 30' | 60' | 20' | 20' | N/A | N/A |
| C-2 | 0.25 acre | 90' | 2 | 30' | 50' | 20' | 20' | N/A | N/A |
| Inland Lake | 0.25 acre | 100' | 2 | 30' | 50' | 20' | 20' | N/A | N/A |
| Lake Huron | 0.25 acre | 100' | 2 | 30' | 60' | 20' | 20' | N/A | N/A |
| C-M | 0.5 acre | 90' | 2 | 30' | 30' | 20' | 20' | N/A | N/A |
| Inland Lake | 0.5 acre | 100' | 2 | 30' | 50' | 20' | 20' | N/A | N/A |
| Lake Huron | 0.5 acre | 100' | 2 | 30' | 60' | 20' | 20' | N/A | N/A |
| C-F | 1 acre | 150' | 3 | 45' | 50' | 20' | 20' | N/A | N/A |
| Inland Lake | 1 acre | 150' | 3 | 45' | 50' | 20' | 20' | N/A | N/A |
| Lake Huron | 1 acre | 150' | 3 | 45' | 60' | 20' | 20' | N/A | N/A |
| FR | 5 acres | 150' | 2 | 30' | 50' | 20' | 30' | 720 sq.ft. | N/A |
| Inland Lake | 5 acres | 150' | 2 | 30' | 50' | 20' | 30' | 1000 sq.ft. | 24' |
| Lake Huron | 5 acres | 150' | 2 | 30' | 60' | 20' | 30' | 1000 sq.ft. | 24' |
| EC | 10 acres | 180' | 2 | 30' | 50' | 20' | 30' | 800 sq. ft. | 24' |
| Inland Lake | 10 acres | 180' | 2 | 30' | 50' | 20' | 30' | 1000 sq. ft. | 24' |
| Lake Huron | 10 acres | 180' | 2 | 30' | 60' | 20' | 30' | 1000 sq.ft. | 24' |
| I-1 | 1 acre | 200' | 2 | 30' | 75' | 50' | 50' | N/A | N/A |
| Inland Lake | 1 acre | 200' | 2 | 30' | By Site Plan Review | | | N/A | N/A |
| Lake Huron | 1 acre | 200' | 2 | 30' | | | | N/A | N/A |
| I-2 | 5 acres | 250' | 3 | 30' | 100' | 75' | 75' | N/A | N/A |
| Inland Lake | 5 acres | 250' | 3 | 30' | By Site Plan Review | | | N/A | N/A |
| Lake Huron | 5 acres | 250' | 3 | 30' | | | | N/A | N/A |

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FOOTNOTES TO SCHEDULE OF REGULATIONS

- a. The minimum floor area per dwelling unit shall not include the area of basements, breezeways, porches, or attached garages.
- b. Minimum land area per dwelling unit in the R-M District shall be:

| Dwelling Unit Type | Minimum Lot Area per Dwelling Unit |
|-------------------------|------------------------------------|
| Single-family | 12,000 sq. ft |
| Two-family | 10,000 sq. ft. |
| Three-family | 8,000 sq. ft. |
| Four-family | 6,000 sq. ft. |
| Efficiency apartment | 4,000 sq. ft. |
| One-bedroom apartment | 4,500 sq. ft. |
| Two-bedroom apartment | 5,000 sq. ft. |
| Three-bedroom apartment | 5,500 sq. ft. |

- c. Minimum required separation between dwelling structures on the same lot (condominiums, duplexes, townhouses, and apartments) shall be the following: forty (40') feet.
- d. The minimum required floor space and width per dwelling unit shall be:

| Dwelling Unit Type | Minimum Floor Area per Dwelling Unit | Minimum Dwelling Unit Width |
|-------------------------|--------------------------------------|-----------------------------|
| Single-family | 1,000 sq. ft | 24 ft |
| Two-family | 1,000 sq. ft. | 24 ft |
| Three-family | 800 sq. ft. | N/A |
| Four-family | 800 sq. ft. | N/A |
| Efficiency apartment | 350 sq. ft. | N/A |
| One-bedroom apartment | 500 sq. ft. | N/A |
| Two-bedroom apartment | 700 sq. ft. | N/A |
| Three-bedroom apartment | 800 sq. ft. | N/A |

Article 5

Site Plan Review

| Sec | Name | Pg |
|-----|--|------|
| 5.1 | Purpose | 5-1 |
| 5.2 | Circumstances Requiring a Site Plan | 5-2 |
| 5.3 | Required Contents of Plans | 5-4 |
| 5.4 | Site Plan Review Procedures | 5-11 |
| 5.5 | Criteria for Granting Site Plan Approval | 5-15 |
| 5.6 | Amendments To Approved Site Plans | 5-18 |
| 5.7 | Expiration of Site Plan Approval/Timeline for Completion | 5-19 |
| 5.8 | Revocation of Site Plan Approval | 5-19 |
| 5.9 | Appeals | 5-20 |

Section 5.1 Purpose

The review procedures and standards in this Article are intended to provide a consistent and uniform method of review for proposed development plans and application requests within Presque Isle Township. Through the application of the following provisions, the Township will attain the goals and objectives of the Presque Isle Township Master Plan, the Township will develop in a planned and orderly fashion, and the decisions on these applications will protect the health, safety, and welfare of Township citizens. It is the responsibility of the Presque Isle Township Planning Commission to provide procedures to ensure that the Township will develop in accordance with the general intent of this Ordinance.

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Section 5.2 Circumstances Requiring a Site Plan

A. The following table summarizes the approval required and the approving body for different types of development:

Table 5.2: Approval Summary Table

| Type of Use | Required | Approving Body |
|---|-------------|---|
| 1. Single-family dwellings, two-family dwellings (new construction, expansion, remodeling, or change of use) | Plot Plan | Zoning Administrator |
| 2. Variance requests | Plot Plan | Zoning Board of Appeals |
| 3. Any permitted use in the C-1, C-2, C-M, C-F, I-1 or I-2 zoning districts (new or expansion of an existing use) | Site Plan | Planning Commission |
| 4. Special Uses (or physical expansion of existing Special Use) | Site Plan | Planning Commission |
| 5. Any non-residential permitted principal use in the R-1, R-2, R-3, R-M, FR and EC zoning districts | Site Plan | Planning Commission |
| 6. Multiple-family dwellings units | Site Plan | Planning Commission |
| 7. Adult foster care homes (with more than 6 residents) | Site Plan | Planning Commission |
| 8. Convalescent or nursing homes | Site Plan | Planning Commission |
| 9. Parks | Site Plan | Planning Commission |
| 10. Planned unit developments, site condominiums, and condominium subdivisions | Site Plan | Planning Commission |
| 11. Open space preservation developments | Site Plan | Planning Commission |
| 12. Family child care home | Plot Plan | Zoning Administrator |
| 13. Group child care home | Plot Plan | Planning Commission |
| 14. Adult day care facility (in private home) | Plot Plan | Planning Commission |
| 15. Adult day care facility (not in private home) | Site Plan | Planning Commission |
| 16. Home occupations | Application | No permit required |
| 17. Cottage industries | Plot Plan | Planning Commission |
| 18. Accessory dwelling units | Site Plan | Planning Commission |
| 19. Dwelling Units in conjunction with commercial establishments | Site Plan | Planning Commission |
| 20. Accessory buildings & structures for single- and two-family dwellings | Plot Plan | Zoning Administrator |
| 21. Accessory buildings & structures for buildings other than single- and two-family dwellings | Site Plan | Planning Commission |
| 22. Temporary dwellings | Plot Plan | Zoning Administrator |
| 23. Fences | ---- | Zoning Administrator |
| 24. Signs | ---- | Zoning Administrator |
| 25. Food trucks | Plot Plan | See Section 7.18 |
| 26. Seasonal use sales | Plot Plan | Zoning Administrator |
| 27. Change of Use | Site Plan | ZA determines if PC review is needed based on structural changes, parking changes, & other information. |

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B. Specific Types of Sites Plans Required.

1. **Plot Plans** shall be reviewed and approved by the Zoning Administrator and, in certain instances, the Planning Commission pursuant to **Table 5.2**. In any instance, the Zoning Administrator may refer an application requiring his/her approval to the Planning Commission for approval.
2. **Standard Site Plans** shall be reviewed and approved by the Planning Commission and are required for (unless otherwise stated in **Table 5.2**):
 - a. Permitted uses in the C-1, C-2, C-F, and C-M districts and non-residential uses in the R-1, R-2, R-M, FR, and EC districts which create a total soil disturbance of less than two (2) acres.
 - b. Special Uses in all districts which create a total soil disturbance of less than two (2) acres.
3. **Comprehensive Site Plans** shall be reviewed and approved by the Planning Commission and are required for (unless otherwise stated in **Table 5.2**):
 - a. Any use within the Industrial Districts (I-1, I-2).
 - b. Permitted uses in the C-1, C-2, C-F, and C-M districts and non-residential uses in the R-1, R-2, R-M, FR, and EC districts which create a total soil disturbance of two (2) acres or more.
 - c. Special Uses in all districts which create a total soil disturbance of two (2) acres or more.
 - d. Planned Unit Developments, site condominiums, open space preservation development, or other complex, multi-parcel development.
4. Specific procedures for development reviews or applications may exist elsewhere in this Ordinance (i.e. variances, Planned Unit Development, etc.) with requirements particular to those applications or activities. Where differences exist, the standards for the specific application shall apply.

C. Activities Exempt from Review.

The following activities shall be exempt from the requirement to submit a plot plan or a site plan:

1. The remodeling of the interior of a structure when the exterior is not altered.
2. The remodeling of the exterior of the structure as follows: new roof, new windows, painting, replacement siding or gutters, or the addition or replacement of landscape elements.

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Section 5.3 Required Contents of Plans

Section 5.2 describes applications which require a Plot Plan or a Site Plan. For all application requests requiring a full site plan, two (2) levels of site plan are provided. Some applications will require only a standard level of review, in which case they will only need to submit a **Standard Site Plan**. Other applications require a more extensive level of review due to the large-scale size and/or scope of the project and therefore require a **Comprehensive Site Plan**. The following subsections specify the contents of each type of plan required:

A. Application Form Requirements.

An application for Site Plan Review shall be submitted to the Zoning Administrator and shall consist of the following:

1. Application form, signed by the applicant and the property owner, if a different entity or individual, and containing the following information:
 - a. Name, address, telephone number, fax number (if available), and email address (if available) of the property owner, applicant, and individual or company responsible for the preparation of the plan.
 - b. Relationship between owner and applicant if not the same.
 - c. Location, street address, parcel identification number of the property, and present zoning district.
 - d. Description of the project or use change.
 - e. Signatures of the property owner and applicant.
2. Application fee, as determined by the fee schedule adopted by resolution of the Township Board.
3. Proof of ownership of the subject property (or evidence of contract to acquire land) by the individual or entity signing the application form.
4. A plot plan or site plan as required in **Section 5.2** and containing the information required below.

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B. Plot Plan Requirements.

In the case of proposals subject to submittal of a plot plan, a simple but accurate plot plan or drawing shall be submitted containing the following information:

Plot Plan Requirements

Required for single-family dwellings and two-family dwellings.

| | |
|----------------------------|--|
| 1. Application | Site Plan Application form |
| 2. Scale | Scale shall be appropriate to the dimensions of the project (no less than one inch equals one hundred feet (1"= 100') if site is larger than 3 acres, no less than one inch equals fifty feet (1"=50') if site is 3 acres or less). |
| 3. Structures | The location and size of all structures presently on the parcel and those proposed to be built. Dimensions of structures and distances to property lines and structures are to be shown. |
| 4. Property Lines | The boundary lines of the parcel including dimensions and lot size, a north arrow, and a scale. |
| 5. Access | Adjoining and/or proposed street(s) and driveway(s). |
| 6. Natural Features | General location and information regarding significant natural features existing on the site. |
| 7. Water/Sewage | Proposed method of providing water and sanitary sewer service to the site and locations of connections to public systems or locations of on-site systems, as applicable. |
| 8. Topography | If more than two (2') feet of fill is planned to be placed on the property, indicate location of fill, amount of fill, and existing and proposed topography in contours with an interval of no greater than five (5') feet. |
| 9. Other | Any other information (for example, front and side elevations) unique to the site or development proposal necessary to understand the project and establish compliance with this and any other ordinances, as determined by the Zoning Administrator. A boundary survey may be required by the Zoning Administrator. |
| 10. Signature/Seal | The signature and seal, if applicable, of the person who prepared the scale drawing. |

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C. Standard Site Plan Requirements.

The Planning Commission may waive any of the following site plan requirements which are not applicable to the site under consideration or the application request.

Standard Site Plan Requirements

Required for:

- **Permitted uses in the C-1, C-2, C-F, and C-M districts and non-residential uses in the R-1, R-2, R-M, FR, and EC districts which create a total soil disturbance of less than two (2) acres.**
- **Special Uses in all districts which create a total soil disturbance of less than two (2) acres.**

Soil disturbance is defined as the physical movement of surface soil particles by digging, hand-grubbing, and/or the operation of trucks and other construction equipment used for excavation, filling, scraping, hauling, and staging of equipment and materials. This site plan may be based on a level of detail sufficient to indicate the purpose and scope of the development and its general design, layout, structure(s) size, and environmental impacts.

| | |
|--------------------------------------|--|
| 1. Application | Site Plan application form |
| 2. Vicinity Map | A small-scale vicinity map showing properties, streets, and uses of land within ¼ mile of the site (1/2 mile in the AG district) or twice the greatest dimension of the subject property, whichever is greater. Zoning classification of abutting properties. |
| 3. Scale | Scale of not less than one inch equals one hundred feet (1"=100') for sites larger than 3 acres or not less than one inch equals fifty feet (1"=50') or less for sites 3 acres or smaller. |
| 4. Property Info | Name of the proposed development, property dimensions, property size, north arrow, and scale. |
| 5. Natural Features | Significant natural features and other natural characteristics including but not limited to open space, stands of trees, brooks, ponds, floodplains, wetlands, and similar natural assets. Also, areas to be preserved and areas to be cleared should be noted on the plan. Topography at two (2') foot contour intervals and drainage patterns of the site. |
| 6. Access & Rights of Way | Existing and proposed public and private rights-of-way, driveways, street pavements, and public or private easements on the property or within one hundred (100') feet. Dimensions should be provided as well as the total area of right-of-way included within the subject parcel. |
| 7. Utilities | Existing and proposed water and sewer service (municipal or private), storm drainage, electric, gas, and other utilities either on or adjacent to the site. |
| 8. Proposed Improvements | Existing and proposed uses, buildings and structures, parking areas, and access driveways. Dimensions shall be provided for all structures as well as the distance from property lines. Any structures to be removed or relocated should be noted. A narrative describing the following: |
| 9. Narrative | <ul style="list-style-type: none"> a. The overall objectives of the requested application. b. Area allocated to each proposed use and the gross area in building, structures, parking, public and/or private streets and drives, and open space. c. Dwelling unit densities by type, if applicable. |

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- d. Proposed method of providing sewer and water service, as well as other public and private utilities.
- e. Proposed method of providing storm drainage.
- f. Estimated effect on existing traffic capacity of streets leading to the site.
- g. What impact the application request will have on adjacent properties.
- h. How the application request will impact natural features on or around the subject property.

10. Preparer

Name, signature, professional seal (if applicable), address, and phone and fax numbers of the person and firm responsible for the plan and the date on which it was prepared.

| | | | | |
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D. Comprehensive Site Plan Requirements.

The Planning Commission may waive any of the following site plan requirements which are not applicable to the site under consideration or the application request:

Comprehensive Site Plan Requirements

Required for:

- Any use within the Industrial Districts (I-1, I-2).
- Permitted uses in the C-1, C-2, C-F, and C-M districts and non-residential uses in the R-1, R-2, R-M, FR, and EC districts which create a total soil disturbance of two (2) acres or more.
- Special Uses in all districts which create a total soil disturbance of two (2) acres or more.
- Planned Unit Developments, site condominiums, open space preservation development, or other complex, multi-parcel development.

Soil disturbance is defined as the physical movement of surface soil particles by digging, hand-grubbing, and/or the operation of trucks and other construction equipment used for excavation, filling, scraping, hauling, and staging of equipment and materials. This site plan may be based on a level of detail sufficient to indicate the purpose and scope of the development and its general design, layout, structure(s) size, and environmental impacts.

| | |
|----------------------------|--|
| 1. Application | Site Plan application form. |
| 2. Legal | Legal description of the property. |
| 3. Vicinity Map | A small-scale vicinity map showing properties, streets, and uses of land within ¼ mile of the site or twice the greatest dimension of the subject property, whichever is greater. Zoning classification of abutting properties. |
| 4. Scale | Scale of not less than one inch equals one hundred feet (1"=100') for sites larger than 3 acres or not less than one inch equals fifty feet (1"=50') or less for sites 3 acres or smaller. |
| 5. Boundaries | Boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner, or point on a recorded plat; scale; north arrow; proposed project name; and the individual lot areas, with lot lines, bearings, and dimensions, within the development. |
| 6. Natural Features | All natural features such as woodlots, trees of more than two (2') feet in diameter, streams, lakes, ponds, state-regulated wetlands, critical dune areas, and floodplains. The total area of any submerged areas or wetlands within the lot should be provided. Also, areas to be preserved and areas to be cleared should be noted. Arrows or other graphic icons indicating the general topographic conditions and drainage patterns of the site. |

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| <p>7. Access & Rights of Way</p> | <p>a. Existing and proposed streets (showing widths, grades, curb cuts, loading spaces, surface materials, the presence of curbs and/or gutters, and the inside radius of all curves), rights-of-way, sidewalks, and public or private easements. Dimensions should be provided including the area of any right of way included in the lot.</p> <p>b. Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs or devices, and service drives. Existing driveways on the subject property and adjacent properties shall also be indicated.</p> |
| <p>8. Parking</p> | <p>Location and dimensions of parking areas, including computations of parking requirements and typical parking space dimensions, including handicapped spaces and aisle widths. Surface materials, curb location and design, and any parking blocks should also be identified.</p> |
| <p>9. Existing Proposed Improvements</p> | <p>a. Existing man-made structures such as buildings, roads, drives, and paths, with indication as to which features are to be retained and which are to be altered or removed, dimensions of all structures, existing and proposed uses, and distances from structures to adjacent property lines.</p> <p>b. Location, screening, dimensions, and heights of proposed buildings and structures, including but not limited to trash receptacles, utility pads, accessory buildings, and rooftop or outdoor appurtenances, and proposed methods of screening such equipment, including fences, walls, and landscaping.</p> |
| <p>10. Buffers</p> | <p>Location, screening, dimensions, and heights of proposed buffer between project property and adjacent property. (ten (10') foot buffer should be expanded to twenty (20') feet whenever property line is adjacent to a residential property, (R-1, R-2, etc.)</p> |
| <p>11. Utilities</p> | <p>Existing and proposed water and sewer service (municipal or private), storm drainage, electric, gas, and other utilities either on or adjacent to the site, including locations of manholes, valves, cleanouts, hydrants, and sizing and slopes of pipes. If connecting to public water and sewer systems, location of proposed connections should be shown. If proposing to provide on-site water and/or sanitary service, location of well and/or septic facilities should be shown. Adjacent wells and/or septic facilities within one hundred (100') feet of the property should be shown.</p> |
| <p>12. Drainage</p> | <p>a. Proposed site drainage patterns, including necessary drainage structures and, where applicable, the location and elevation(s) of the 100-year floodplain.</p> <p>b. A drainage plan prepared and sealed by a licensed professional engineer, identifying measures to be used for control and disposal of stormwater runoff from the site. The drainage plan shall identify sizes and dimensions of all drainage structures, and the method, assumptions, and calculations used in the design of drainage facilities and control of runoff</p> |
| <p>13. Open Space</p> | <p>Proposed common open spaces and recreation facilities, if applicable. The total area of open space shall be provided with a ratio of open space area to total lot area.</p> |
| <p>14. Landscaping</p> | <p>Proposed landscaping, including quantity, size at planting (height or spread), species of plant materials (both scientific and common name), ground cover, and location, etc.</p> |
| <p>15. Signs</p> | <p>Signs, including locations, size, heights, method of illumination, and elevations.</p> |

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| 16. Lighting | Exterior lighting showing pole height, area of illumination, and the type of fixture to be used. |
| 17. Sketches | Elevation sketches of proposed buildings and structures to be built or expanded on site, if applicable. |
| 18. Preparer | Name, signature, professional seal (if applicable), address, and phone and fax number of person or firm responsible for the preparation of the plan, and date on which the site plan was prepared and/or revised. |
| 19. Site Features Inventory | <p>This inventory shall consist of maps and written analysis which shall identify, describe, and quantify the following features, at a minimum: existing vegetation, topography at two (2') foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on U.S. Soil Conservation Survey or soil borings) state-regulated and non-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered habitats, and any additional features uniquely affecting the site.</p> |
| 20. Outside Agency Approvals | <p>Prior to approval of a Comprehensive Site Plan, the applicant shall submit documentation indicating that the proposed Comprehensive Site plan has been reviewed and approved by any and all required outside agencies, as applicable, and that the plan has been amended as necessary to satisfy any conditions of said approval. Outside agencies for approval may include but are not limited to the following:</p> <ul style="list-style-type: none"> a. Presque Isle County Drain Commissioner b. Presque Isle County Road Commission c. District Health Department for Presque Isle County d. Michigan Department of Environment, Great Lakes and Energy e. Federal Emergency Management Agency |
| 21. Narrative | <p>A narrative responding to the following:</p> <ul style="list-style-type: none"> a. The overall objectives of the requested application. b. Area allocated to each proposed use and the gross area in building, structures, parking, public and/or private streets and drives, and open space. c. Dwelling unit densities by type, if applicable d. Proposed method of providing sewer and water service, as well as other public and private utilities. e. Proposed method of providing storm drainage. f. Estimated effect on existing traffic capacity of streets leading to the site. g. What impact the application request will have on adjacent properties. h. What services provided by the Township or other public agencies are required to serve the application request. i. How the application request will impact natural features on or around the subject property. j. If the development is being completed in phases, how this site plan is incorporated into the overall development. |

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Section 5.4 Site Plan Review Procedures

A. Number of Copies Required.

The following number of site plan applications and required attached materials must be submitted:

1. Applications subject to Zoning Administrator review and approval shall submit three (3) complete copies of all application materials.
2. Applications subject to Planning Commission approval shall submit eight (8) complete copies of all application materials with each application at least fourteen (14) days prior to the meeting at which the application will be reviewed. For site plan review by Planning Commission for Accessory Buildings, see [Section 3.14](#).
3. Applications subject to approval by the Zoning Board of Appeals shall submit eight (8) complete copies of all application materials.

B. Fees.

Accompanying the application, a fee, to be determined by the Presque Isle Township Board, shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by Presque Isle Township for expert consultation relative to the application.

C. Applications Reviewed by the Zoning Administrator.

In the case of applications subject to review and approval by the Zoning Administrator, within thirty (30) days after receipt of the application, the Zoning Administrator shall notify the applicant in writing of the approval or disapproval of the application.

1. If the plot plan is approved, the Zoning Administrator may issue a land use permit immediately.
2. If the plot plan is denied, the reasons of denial shall be cited.

D. Applications Reviewed by the Planning Commission.

1. **Pre-Application Conference.** Prior to the submission of an application for site plan review, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the concept, appropriateness, general content, and design approach of a proposed application. An applicant desiring a pre-application conference must submit to the Zoning Administrator a written request that the conference be placed on the Planning Commission's agenda. The request must be submitted at least fourteen (14) days prior to the Planning Commission meeting at which the conference is to take place. An applicant may also request a pre-application conference with the Zoning Administrator and Planning Commission

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Chair to occur outside of a Planning Commission meeting. The Zoning Administrator may also request a pre-application conference with the applicant.

- a. The applicant shall present at such conference or conferences, at minimum, a sketch plan of the proposed development, plus a legal description of the property; the total number of acres in the project; a statement regarding the proposed uses, the number of acres for each use, and the number of residential units proposed (as applicable); the number of acres of open space to be preserved or put to active use (such as recreation space); all known natural resources or features to exist on the site as well as those being preserved; and the existing conditions on the site. If multiple meetings are desired, a fee, established by the Township Board, shall be charged for each meeting after the first.
 - b. No formal action shall be taken at a pre-application conference. Statements made by any person during the course of a pre-application conference shall not be deemed to constitute legally binding commitments.
2. **Preliminary Review by the Zoning Administrator.** In the case of site plans subject to review and approval by the Planning Commission, the Zoning Administrator shall conduct a preliminary review of the plan as soon as practicable after its submission to determine if it is in proper form and the content is in conformity with this Article. If the Zoning Administrator determines that the form and content of the plan are not in conformity with the application requirements contained herein, he/she shall promptly notify the applicant of the deficiencies. If the application is in proper form and contains the information required by this Article, the Zoning Administrator may schedule the application for review by the Planning Commission.
 3. **Special Uses.** If the proposed development requires a Special Use permit or involves a Planned Unit Development or Open Space Development, the Zoning Administrator shall follow procedures as provided in [Article 6](#). This includes furnishing the applicant with the forms required and forwarding the completed papers, together with his/her findings, to the Planning Commission for their review.
 4. **Applications Requiring a Variance.** If the proposed development requires a variance, the Zoning Administrator shall follow procedures as provided in [Article 8](#), including furnishing the applicant with the form required and forwarding the completed papers, together with his/her findings, to the Zoning Board of Appeals. The Zoning Administrator will call a special meeting for that board's consideration of the variance request.
 5. **Timing of Application.** A complete application must be submitted at least fourteen (14) days prior to the next scheduled meeting in order to be placed on the next agenda. If a complete application is not submitted within that time period, it will not be guaranteed placement on the next agenda.
 6. **Distribution to Other Agencies/Departments.** The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

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- a. The **Presque Isle County Soil Erosion and Sedimentation Control Officer**.
 - b. The **Presque Isle County Drain Commissioner**.
 - c. The **Presque Isle County Road Commission** and, if appropriate, the **Michigan Department of Transportation**.
 - d. **District Health Department**.
 - e. Local police, fire, and ambulance service providers.
 - f. Other agencies or consultants as deemed appropriate.
7. **Consultants and Studies.** The Planning Commission shall have the authority to request a professional review by an architect, engineering consultant, and/or planning consultant or to require the submission of a study such as, but not limited to, an environmental impact assessment or traffic study. The Township may accept studies prepared for another public agency. The cost of the professional review may be passed along to the applicant as per **Section 9.4**. No land use permit will be issued until this fee is paid.
8. **Representation at Meeting.** If the applicant fails to provide representation at the review meeting, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.
9. **Planning Commission Review and Decision.** The Planning Commission shall review the site plan and approve, approve with conditions, or deny the plan, based on its compliance with the criteria for approval contained in this Article. If a public hearing is required, the Planning Commission shall conduct the public hearing before making a recommendation.
- a. If denied, the Planning Commission shall cite reasons for the denial.
 - b. If approved or approved with conditions, the Planning Commission shall cite reasons for the approval. If conditions are imposed, the applicant may then proceed with preparation of a revised site plan, taking into consideration the imposed conditions.
 - c. Approval of a site plan authorizes issuance of a land use permit.
 - d. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant by the Zoning Administrator within ten (10) days after such Commission action.
10. **Conditions of Approval.**
- a. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public health, safety, and welfare. Such conditions shall be related to and ensure that the criteria for approval of a site plan contained in this Article are met and shall be in accordance with **Section 9.7**.

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- b. Approval of a site plan, including conditions made as part of the approval, is attached to the property described in the application and not to the owner of such property.
 - c. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.
 - d. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
11. **Performance Guarantee.** A performance guarantee may be required pursuant to [Section 9.5](#).
12. **Signed Application/Site Plan.** One (1) copy of the application/site plan, signed and dated by the Zoning Administrator, shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. The original and one (1) copy, signed and dated by the Zoning Administrator, shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours.
13. **Periodic Inspections.** The Zoning Administrator, or another appropriately appointed designee of the Township, may make periodic investigations or inspections of developments for which site plans have been approved. These investigations or inspections shall be used to confirm compliance with site plan approval and any conditions thereof prior to occupancy of the structure. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for revocation of said approval pursuant to [Section 5.8](#).

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Section 5.5 Criteria for Granting Site Plan Approval

In the review of all site plans, the Planning Commission shall approve a site plan only if it conforms to each of the following standards:

A. General.

1. **Master Plan.** The application request satisfies the goals and objectives of the Presque Isle Township Master Plan.
2. **Zoning Ordinance.** The application request conforms to all provisions of the Zoning Ordinance.
3. **Accuracy.** The information submitted is accurate and factual.

B. Internal and External Effects.

1. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.
2. Uses, activities, processes, materials and equipment, or conditions of operation that would be hazardous or detrimental to the natural environment, adjacent properties, or the public health, safety, or welfare through excessive production of traffic, noise, smoke, odor, fumes, glare, or other public nuisance are not included in the proposed development.
3. The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.
4. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

C. Infrastructure.

1. **Vehicular and Pedestrian Circulation.**
 - a. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for at ingress/egress points and within the site.
 - b. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system.

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- c. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project.
- d. The application request conforms to the requirements of the [Presque Isle County Road Commission](#) and any Township private road standards.
- e. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access in accordance with applicable regulations.
- f. Adequate snow removal measures shall be planned for and proper snow storage areas shall be provided so as to not obstruct vehicular and pedestrian visibility.
- g. Areas for parking and loading comply with [Section 3.43](#).

2. Drainage.

- a. The applicable requirements of the township, county, and state agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, stormwater holding facilities, water mains, sanitary sewers, and on-site systems for providing water or sanitary sewer service. The application request shall comply with the standards and conditions of the [Presque Isle County Drain Commissioner](#), the [District Health Department](#), and the [Michigan Department of Environment, Great Lakes and Energy](#).
- b. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties.
- c. The property owner or developer may be required to retain on-site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception may 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).
- d. 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.

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- 3. **Lighting.** Exterior lighting shall be in accordance with the [Presque Isle Township Outdoor Lighting Ordinance](#).
- 4. **Utilities.** Utilities are provided and are adequately coordinated with the current and future use of adjacent properties

D. Natural Features and Environment.

- 1. The proposed development preserves the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required and reducing the potential for soil erosion or sedimentation.
- 2. Natural resources are preserved to the maximum extent possible in the site design by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, floodplains, and woodlands. Where applicable, the application request satisfies the standards and conditions of the [Michigan Department of Environment, Great Lakes, and Energy](#) and the [Federal Emergency Management Agency](#).
- 3. Landscaping, including trees, shrubs, and other vegetative material, is provided to maintain, improve, and/or restore the aesthetic quality of the site.
- 4. Stormwater detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural stormwater system on-site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
- 5. General purpose floor drains shall be installed in accordance with state and county requirements.
- 6. A groundwater discharge permit, if required, shall be obtained from the [State of Michigan](#).
- 7. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
- 8. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.

E. Public Services.

An adequate level of essential public facilities and services such as, but not limited to, roads, police and

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fire protection, drainage structures, water and wastewater, and schools, are available to serve the proposed development, or the applicant demonstrates that the proposed development will continually and adequately be provided with such essential public facilities and services without detriment to the health, safety, and welfare of the persons at the subject property or adjacent properties.

Section 5.6 Amendments to Approved Site Plans

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator if he/she would like to make an amendment to such an approved plan.
 - A. **Amendments to Zoning Administrator-Approved Plans.** The Zoning Administrator has the authority to review and approve the amendment if the amendment complies with this Ordinance.
 - B. **Amendments to Planning Commission-Approved Plans.** If the amendment is a major amendment, the filing and review procedures will be the same as the original approval. A minor amendment, defined by **subsection B** below, may be approved by the Zoning Administrator.
- B. Minor amendments to a site plan shall be limited to the following activities:
 - 1. For residential buildings, the size of structures may be reduced by five (5%) percent or increased by five (5%) percent, provided that there shall be no increase in the number of dwelling units.
 - 2. Gross floor area of non-residential buildings may be reduced by five (5%) percent or increased by five (5%) percent or no greater than five thousand (5,000) square feet, whichever is less.
 - 3. Floor plans may be revised if consistent with the character of the use, excluding multiple-family dwellings.
 - 4. Horizontal and vertical elevations may be altered up to five (5%) percent.
 - 5. Building footprints may be relocated by up to five (5') feet, unless a specific setback or separation distance is imposed as a condition of approval. However, no building shall be relocated into a setback area.
 - 6. Areas designated as "not to be disturbed" may be increased in area.
 - 7. Plant materials included on the site plan may be substituted by similar types of landscaping on a one to one (1:1) or greater basis.
 - 8. Changes in exterior materials may be made, provided that any changes are for materials of equal or higher quality than those originally approved, as determined by the Zoning Administrator.
 - 9. Signs may be reduced in size, and sign setbacks may be increased.
 - 10. Parking spaces in a parking lot may be internally rearranged, if the total number of parking spaces provided is not changed and circulation hazards or congestion are not created by the redesign.

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Section 5.7 Expiration of Site Plan Approval/Timeline for Completion

A. Commencement of Construction.

Any approval shall become invalid if construction has not commenced within one (1) year after the land use permit is issued. If the land use permit expires, the applicant must re-apply for approval using the same procedure as the initial approval.

B. Exterior Finish of a Building.

The exterior finish of all buildings for which approval has been given shall be complete within one (1) year from the issuance of a land use permit. Thirty (30) days prior to the end of the one (1) year period, the applicant may make application to the Zoning Administrator for a six (6) month extension to complete the exterior finish. The Zoning Administrator may grant the six (6) month extension if he/she finds good cause for the extension. Additional six (6) month extensions may be requested to the Zoning Administrator and may be granted by the Zoning Administrator if good cause is shown. A fee, as determined by the adopted fee schedule, may be charged for each extension.

Section 5.8 Revocation of Plan Approval

A. Plans Approved by the Planning Commission.

1. If the Planning Commission shall find that the conditions and stipulations of an approved plot plan or site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the plot plan or site plan.
2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the plot plan or site plan approval.
3. If the applicant notifies the Planning Commission, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.

B. Plans Approved by the Zoning Administrator.

1. If the Zoning Administrator shall find that the conditions and stipulations of an approved plot plan are not being adhered to, the Zoning Administrator shall give notice to the applicant of the intent to revoke the prior approval given.

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2. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Zoning Administrator. Said letter shall be received by the applicant ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the approval.
3. If the applicant notifies the Zoning Administrator, within ten (10) days of receipt of the above letter, of his/her intent to rectify the violation, the Zoning Administrator may defer the revocation.

Section 5.9 Appeals

- A. Any person aggrieved by the decision of the Zoning Administrator or Planning Commission in approving or disapproving a plot plan or site plan shall have the right to appeal the decision to the Township Zoning Board of Appeals. The aggrieved party must allege and prove to the satisfaction of the Zoning Board of Appeals that the applicant has suffered some special damages not common to other property owners similarly situated. The mere increase in traffic in the area, proof of general economic and aesthetic losses, or the mere fact that the appellant owns adjacent property are not sufficient to show special damages. The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the Zoning Administrator within thirty (30) days of the issuance of a signed decision of the Zoning Administrator or Planning Commission.
- B. The filing of such an appeal shall act to stay implementation of the development proposal.
- C. On hearing such appeal, the Township Zoning Board of Appeals shall review and determine whether it supports the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the Zoning Administrator or Planning Commission. The Township Zoning Board of Appeals shall approve the site plan if the requirements of this Ordinance and other applicable Township ordinances are met.
- D. An appeal of a Township Zoning Board of Appeals decision concerning a site plan shall be to the Circuit Court of Presque Isle, County.

Article 6 Special Use Review

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Section 6.1 Purpose

The intent of this Article of the Zoning Ordinance is to establish equitable procedures and criteria to be applied in approving or disapproving requests for Special Use permits. The Planning Commission shall have the right and authority to impose additional conditions and safeguards as it deems necessary for the protection of the health, safety, and general welfare of the Township's residents and property owners.

Special Uses are those uses which may possess characteristics or qualities requiring individual review to ensure compatibility with permitted uses in the district, with the character of the surrounding area, with available public services and facilities, or with adjacent land uses.

Section 6.2 Special Use Permit Procedures

The following steps shall be taken by the applicant, Zoning Administrator, and Planning Commission when considering a proposed Special Use:

A. Submission of Application.

1. All applications for Special Use permits shall be filed with the Zoning Administrator and shall include the required site plan, fee, and any other pertinent information upon which the applicant intends to rely for a permit.
2. **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
3. Prior to application submittal, Special Use applicants may request a Pre-Application Conference pursuant to [Section 5.4.D.1](#).

B. Review for Completeness.

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The Zoning Administrator, after preliminary review for completeness, shall forward the complete application to the Planning Commission for review. Where the Zoning Administrator finds the application or required site plan to be incomplete, the Zoning Administrator shall promptly notify the applicant, and the applicant shall provide any information required to complete the submittal prior to Planning Commission review.

C. **Public Hearing Notice.**

After review of the Special Use permit application and site plan for completeness, the Zoning Administrator shall schedule a public hearing on the request before the Planning Commission. If the application is complete, the Zoning Administrator shall publish and send the public hearing notice pursuant to [Section 9.8](#).

D. **Coordination with Other Agencies.**

The Zoning Administrator may distribute the Special Use application materials to the following agencies or any other agency deemed appropriate for comment and recommendation prior to consideration for approval.

1. The [Presque Isle County Soil Erosion and Sedimentation Control Officer](#).
2. The [Presque Isle County Drain Commissioner](#).
3. The [Presque Isle County Road Commission](#) and, if appropriate, the [Michigan Department of Transportation](#).
4. [District Health Department](#).
5. Local police, fire, and ambulance service providers.
6. Other agencies or consultants as deemed appropriate.

E. **Consultants and Studies.**

The Planning Commission shall have the authority to request a professional review by an architect, engineering consultant, and/or planning consultant or to require the submission of a study such as, but not limited to, an environmental impact assessment or traffic study. The Township may accept studies prepared for another public agency. The cost of the professional review may be passed along to the applicant as per [Section 9.4](#). No land use permit will be issued until this fee is paid.

F. **Planning Commission Action.**

1. **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the Special Use application.
2. **Representation at Public Hearing.** If the applicant fails to provide representation at the review meeting, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

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3. **Review.** The Planning Commission shall review the Special Use application and plot plan or site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in [Section 5.5](#) and [Section 6.3](#) and all other applicable requirements of this Ordinance.
4. **Decision.**
 - a. The Planning Commission may deny, approve or approve with conditions, a request for Special Use approval. The decision on a Special Use shall be incorporated in a statement of findings containing the conclusions relative to the Special Use under consideration which specifies the basis for the decision and any conditions imposed.
 - b. Approval, by the Planning Commission, of a Special Use authorizes issuance of a Special Use permit.
 - c. If the Special Use is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant by the Zoning Administrator within ten (10) days after such Commission action.
5. **Conditions.** The Planning Commission may impose reasonable conditions with the approval of a Special Use, pursuant to [Section 9.7](#) of this Ordinance.
6. **Performance Guarantee.** A performance guarantee may be required pursuant to [Section 9.5](#).
7. **Signed Application/Site Plan.** One (1) copy of the application/site plan, signed and dated by the Zoning Administrator, shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. The original and one (1) copy, signed and dated by the Zoning Administrator, shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours.

G. **Periodic Inspections.**

The Zoning Administrator, or another appropriately appointed designee of the Township, may make periodic investigations or inspections of developments for which a Special Use permit has been issued. These investigations or inspections shall be used to confirm compliance with Special Use approval and any conditions thereof prior to occupancy of the structure. Non-compliance with the requirements and conditions of the approval shall constitute grounds for the Planning Commission to terminate said approval following a public hearing.

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Section 6.3 Special Use Review Standards

In reaching its determination, the Planning Commission shall consider the following:

- A. All standards applicable to the district in which the development is to be located.
- B. Any additional standards applicable under [Article 7](#) (Supplemental Regulations).
- C. Adequate location and design of driveways to provide vehicular ingress to and egress from the site.
- D. Traffic circulation features within the site and location of automobile parking areas which ensure safety and convenience of both vehicular and pedestrian traffic.
 - 1. The location and design of the proposed use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
 - 2. The proposed use shall not cause traffic congestion, conflict, or movement in significantly greater proportion to that normally prevailing for the use in the particular zoning district.
- E. Safe and adequate sewage disposal facilities, water supply, stormwater drainage, fire protection, and other utility provisions.
- F. The proposed use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- G. Any development modifications necessary to ensure the nature of the operation will not be in conflict with the primary permitted uses in the district or neighborhood. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
- H. Adequate mitigation of any conditions objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, erosion, pollution, or negative effects upon significant environmental features.
- I. That the use will not discourage or hinder appropriate development and use of adjacent premises and the neighborhood.
- J. That the information provided to the Planning Commission in the application and site plan is accurate and factual.
- K. That the proposed Special Use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance and Master Plan.

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Section 6.4 Amendment to a Special Use

Minor amendments to a previously-approved Special Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in [Section 5.6.B](#). Amendments which do not fall under [Section 5.6.B](#) shall be processed in the same manner as a new Special Use.

Section 6.5 Revocation of Special Use Approval

Approval of a Special Use may be revoked by the Planning Commission upon determination that the use has not been constructed, improved, maintained, or conducted in compliance with this Ordinance or with approved permits, site plans, or conditions of approval. Such action shall be subject to the following:

A. Public Hearing.

Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in [Section 6.2](#), at which time the owner or operator of the Special Use, or the owner's/operator's designated agent, shall be given an opportunity to present evidence in opposition to revocation of approval.

B. Determination.

Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made, and written notification of such findings shall be provided to said owner or designated agent.

C. Decision.

The decision of the Planning Commission shall be set forth in a Statement of Findings and shall be final in regards to revocation.

Section 6.6 Special Use Expiration or Abandonment

A. Expiration of Special Use Permit.

Any approved Special Use shall become invalid if the approved Special Use is not commenced within one (1) year after the land use permit is issued. If a Special Use becomes invalid due to expiration, the applicant shall be required to apply for a new Special Use permit using the procedures stated in [Section 6.2](#).

B. Special Use that has been Replaced or Superseded.

The Special Use permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use permit

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or if the applicant requests the rescinding of the Special Use permit.

C. Abandonment of Special Use.

The Special Use permit shall expire if the Special 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 Use, the Zoning Administrator shall consider the following factors:

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

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property and runs with the land unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#).

Article 7

Supplemental Regulations

| Sec | Name | Pg | Sec | Name | Pg |
|------|---|------|------|---|------|
| 7.1 | Home Occupations & Cottage Industries | 7-2 | 7.24 | Hunting Clubs | 7-17 |
| 7.2 | Accessory Dwelling Units | 7-4 | 7.25 | Industrial Uses | 7-18 |
| 7.3 | Bed & Breakfast Facilities/Tourist Homes | 7-5 | 7.26 | Manufactured Housing Communities | 7-18 |
| 7.4 | Airports & Aircraft Landing Fields | 7-6 | 7.27 | Marinas, Ports & Commercial Dock Facilities | 7-22 |
| 7.5 | Amusement Parks/Outdoor Recreational Facilities | 7-6 | 7.28 | Medical and/or Dental Clinics | 7-22 |
| 7.6 | Animal Hospitals & Kennels (including Veterinary Clinics) | 7-7 | 7.29 | Medical Marijuana Uses | 7-22 |
| 7.7 | Apartments/Multiple-Family Dwellings | 7-7 | 7.30 | Mortuaries/Funeral Homes | 7-27 |
| 7.8 | Automobile Repair Garages & Gas Stations (including Oil Change) | 7-8 | 7.31 | Pallet, Saw & Planer Mills | 7-27 |
| 7.9 | Auto Wrecking & Motor Vehicle Impoundment Yards/Junkyards/Salvage Yards/Scrap Yards | 7-9 | 7.32 | Planned Unit Development (PUD) | 7-27 |
| 7.10 | Campgrounds & RV Parks | 7-9 | 7.33 | Plant or Landscape Nurseries | 7-34 |
| 7.11 | Child Care Centers & Nursery Schools | 7-9 | 7.34 | Private Clubs, Lodges & Fraternal Organizations | 7-34 |
| 7.12 | Places of Worship | 7-10 | 7.35 | Resorts | 7-35 |
| 7.13 | Commercial Event Facility | 7-10 | 7.36 | Roadside Stands/Farm Markets | 7-35 |
| 7.14 | Convalescent or Nursing Homes & Other Housing for the Elderly | 7-12 | 7.37 | Sexually-Oriented Businesses | 7-36 |
| 7.15 | Drive-In or Drive-Through Restaurant | 7-13 | 7.38 | Site Condominium Developments | 7-37 |
| 7.16 | Drive-In Theater | 7-13 | 7.39 | Solar Energy | 7-47 |
| 7.17 | Extractive & Mining Operations | 7-14 | 7.40 | Stables for Horses on Domestic Farms | 7-50 |
| 7.18 | Food Trucks/Food Trailers/Food Stands | 7-15 | 7.41 | Vehicle Wash Establishments | 7-50 |
| 7.19 | Game Farms | 7-15 | 7.42 | Wind Energy Conversion Systems | 7-51 |
| 7.20 | Golf Courses & Country Clubs | 7-16 | 7.43 | Wireless Communications | 7-60 |
| 7.21 | Group Child Care Homes | 7-16 | 7.44 | Biofuel Production Facilities on Farms | 7-66 |
| 7.22 | Hotels, Motels & Motor Courts | 7-17 | 7.45 | Short Term Rentals | 7-68 |
| 7.23 | Hunting Camps | 7-17 | 7.46 | Self-Storage Facilities/Mini-Storage | 4-69 |

The various land uses and activities requiring special consideration and more intense review are listed herein. The standards specified under each type of use are meant to be utilized by the Planning Commission as general guidelines for determining whether or not a proposed use is acceptable.

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Section 7.1 Home Occupations & Cottage Industries

While Presque Isle Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to ensure that any Home Occupation or Cottage Industry is compatible with other permitted uses in residential districts and to maintain and preserve the quality of the neighborhood.

A. General Standards.

1. The Home Occupation or Cottage Industry shall clearly be incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered and the occupation within the residence shall not be conducted in a manner that would cause the premises to substantially alter its residential character.
2. **Nuisances.** A Home Occupation or Cottage Industry shall not constitute a nuisance nor shall it endanger the health, safety, and welfare of any other person living in the general or immediate area by reasons of noise, dust, glare, heat, noxious odors, electrical interference, unsanitary conditions, excessive traffic, fire hazards, polluting material including fluids or gases into the ground, water, soil, or atmosphere, and other such negative impacts involved in or resulting from the pursuit of such an occupation.
3. **Exterior Evidence.** The dwelling has no exterior evidence, other than a sign pursuant to [Section 3.44](#) and other permitted exterior evidence as allowed as part of a Special Use permit for Cottage Industries, to indicate that the same is being utilized for any purpose other than that of a dwelling.
4. **Hours.** The Home Occupation or Cottage Industry shall not be open to the public earlier than 8:00 am or later than 8:00 pm.

B. Employees.

1. **Home Occupations.** A Home Occupation may have one (1) employee who does not reside on the premises.
2. **Cottage Industries.** The number of employees (who work but do not reside on the premises) allowed for a specific Cottage Industry shall be evaluated and determined during the Special Use review.

C. Location.

1. **Dwelling Unit.** Space allotted to the Home Occupation or Cottage Industry shall be limited to not more than twenty-five (25%) percent of the ground floor area of the dwelling unit.

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- 2. **Accessory Buildings (Attached or Detached).** A Home Occupation or Cottage Industry may be conducted within and may utilize the entire floor area of an accessory building.

D. **Outdoor Storage and Display.**

- 1. **Home Occupations.** Use of the yard area for outdoor storage or display purposes is prohibited.
- 2. **Cottage Industries.**
 - a. **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
 - b. **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the Special Use Permit process. The display area for finished goods shall adhere to the setback requirements of the principal building. The Planning Commission may restrict the total display area to a specific area of the yard or to a maximum percentage of the yard.

E. **Retail Sales.**

No retail sales are allowed from the premises which are not strictly related to the principal Home Occupation or Cottage Industry conducted therein.

F. **Traffic and Parking.**

- 1. **Traffic.** Vehicular and pedestrian traffic generated by the Home Occupation or Cottage Industry shall not exceed that which would normally be expected in a residential neighborhood and the need for parking shall be met off-street.
- 2. **Parking.** Off-street parking shall be provided for employees of a Home Occupation or Cottage Industry. For Cottage Industries, the amount of additional off-street parking for clients and customers shall be approved as part of the Special Use permit.

G. **Approval Process.**

- 1. Home Occupations do not require a land use permit but shall adhere to the standards within this Section.
- 2. Cottage Industries require a Special Use permit pursuant to [Article 6](#). Changes to a Cottage Industry shall require a new Special Use review by the Planning Commission. Changes include such things as an increase in the number of employees, a change in the outdoor display area, a change

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in parking arrangements, a change in product or service offered, a change in outdoor storage areas, a change in parking, or any similar change.

H. Inspection.

Any such Home Occupation or Cottage Industry shall be subject to inspection by the Zoning Administrator and the permit for same may be terminated by order of the Planning Commission upon recommendation by the Zoning Administrator whenever the Home Occupation or Cottage Industry fails to comply with the Zoning Ordinance. The Planning Commission shall have the authority to determine whether or not an operation or proposed use complies with the Zoning Ordinance.

Section 7.2 Accessory Dwelling Units

The purpose of this Section is to allow a minor amount of space within a dwelling or upon a lot with a principal dwelling to be used as separate living quarters for extended family or non-family members in residential neighborhoods within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single-family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

- A. One (1) accessory dwelling unit is allowed per lot.
 - 1. **R-1, FR, and EC Districts.** The accessory dwelling unit may be either a freestanding, detached unit or attached to the principal dwelling or accessory building (i.e. garage apartment).
 - 2. **R-2 and R-M Districts.** The accessory dwelling unit shall be attached to the principal dwelling or accessory building (i.e. garage apartment).
- B. Accessory dwelling units shall not be used as a Short Term Rental, Bed and Breakfast/Tourist Home, or for any type of transient rental purposes. If the accessory dwelling unit is rented or leased, it shall only be for long-term rental purposes for thirty (30) days or more at a time.
- C. An accessory dwelling unit shall not be located on a property where the principal structure is used as a Short Term Rental or Bed and Breakfast/Tourist Home.
- D. The floor area of an accessory dwelling unit shall not exceed fifty (50%) percent of the ground floor area of the principal dwelling so that it remains an accessory use to the principal dwelling and does not result in the creation of a duplex. Tiny homes shall be allowed as freestanding, detached accessory dwelling units provided they are at least two hundred fifty (250) square feet in size.
- E. If the accessory dwelling unit is a freestanding, detached unit or located within or attached to a principal dwelling, it shall meet the required principal dwelling unit setbacks.
 - 1. **Lakefront Lots.** Accessory dwellings units may be located in the rear yard (between the principal dwelling and the road) or in the side yard.

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- 2. **Non-Lakefront Lots.** Accessory dwellings units may be located in the rear or side yard. The Planning Commission may allow accessory dwelling units in the front yard if the Planning Commission determines that it is appropriate. Factors in this determination are the size of the lot, visibility of the accessory dwelling unit, screening, and other similar factors.
- F. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
- G. The accessory unit shall have a separate exterior entrance.
- H. 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.
- I. The accessory dwelling unit shall conform to current building code standards.
- J. One (1) additional parking space shall be provided on-site for the accessory dwelling unit.

Section 7.3 Bed & Breakfast Facilities/Tourist Homes

While this Ordinance is established to enable single-family dwelling units to be used as bed and breakfast operations or tourist homes, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation/tourist home is a subordinate use to a single-family dwelling unit subject to the following conditions:

- A. A bed and breakfast operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- B. The number of rooms available for guests shall be limited to five (5). Each guest room shall be equipped with a separate functioning smoke detector alarm and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to restroom and bathing facilities.
- C. The maximum length of stay for guests shall be less than thirty (30) consecutive days.
- D. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast/tourist home plus one (1) parking space for each available guest room and one (1) for any non-resident employee.
- E. The dwelling unit shall have no exterior evidence, other than a sign permitted under [Section 3.44](#), to indicate that the same is being utilized for any purpose other than as a residence.
- F. Breakfast may be served only to overnight guests in accordance with state and county public health regulations.

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- G. Any number of dwelling residents may assist with the bed and breakfast operation/tourist home, but not more than one (1) non-resident employee may be hired.
- H. The bed and breakfast operation/tourist home shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.

Section 7.4 Airports & Aircraft Landing Fields

- A. Privately-owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of seventy-five (75') feet. Where a privately-owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least one hundred (100') feet.
- B. All privately-owned and maintained aircraft landing strips shall be at least two hundred (200') feet from the nearest residential dwelling unit and at least one hundred fifty (150') feet from all other buildings not designed as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to submittal of a site plan to the Planning Commission.
- D. Off-street parking facilities, in conformance with [Section 3.43](#) shall be maintained.
- E. All structures on the lot on which said airport or aircraft landing field is located shall also conform to the standards set forth in its applicable zoning district.

Section 7.5 Amusement Parks/Outdoor Recreational Facilities

- A. The minimum lot size shall be five (5) acres.
- B. The lot shall be so situated as to abut a federal or state highway on one (1) side.
- C. No amusement facility or activity shall be located within two hundred fifty (250') feet of a residential dwelling.
- D. The entire premises shall be surrounded by a six (6') foot high wall, fence, or similar barrier.
- E. Any amusement park facility located within five hundred (500') feet of a residential dwelling shall be open for business no later than 10 p.m.

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Section 7.6 Animal Hospitals & Kennels (including Veterinary Clinics)

- A. Minimum setbacks for the main structure shall be fifty (50') feet in the front, fifty (50') feet on each side, and one hundred (100') feet in the rear.
- B. Appropriate ingress and egress and off-street parking shall be maintained according to [Section 3.43](#).
- C. Required buffer strip and screening according to [Section 3.20](#) shall be maintained.
- D. All principal use activities shall occur within an enclosed principal building.
- E. Outdoor enclosures shall be located at least one hundred (100') feet from the property line and at least five hundred (500') feet from any dwelling on adjacent premises. Fences for outdoor areas shall be a minimum of six (6') feet in height.
- F. If the facility (including outdoor enclosure) is located within five hundred (500') feet of the property line of a residential use or district, animals shall be kept in a building between the hours of 10 p.m. and 8 a.m.
- G. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 7.7 Apartments/Multiple-Family Dwellings

- A. Ingress, egress, and off-street parking facilities shall conform to the standards set forth in [Section 3.43](#).
- B. Where an apartment dwelling/multiple-family dwelling is located adjacent to a commercial, industrial, or single-family residential lot, the buffer strip and protective screening requirements of [Section 3.20](#) shall be adhered to.
- C. Vehicular access to the rear of the site for the provision of services shall be required.
- D. Trash and garbage collection facilities shall be located to the rear of the lot on which the apartment building/multiple-family dwelling is located.

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Section 7.8 Automobile Repair Garages & Gas Stations (including Oil Change)

- A. The minimum lot size shall be fifteen thousand (15,000) square feet for an automobile repair garage and twelve thousand (12,000) square feet for a gas station.
- B. The minimum lot width shall be one hundred twenty (120') feet for an automobile repair garage and one hundred (100') feet for a gas station.
- C. An automobile repair garage or principal building for a gas station shall be located not less than forty (40') feet from the street right-of-way or less than twenty-five (25') feet from the side or rear lot line of any adjoining residential property or less than ten (10') feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile repair garage or gas station shall be closer than twenty-five (25') feet from any intersection or residential property line abutting the property on which such facility is located.
- E. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
- F. All lubrication equipment, hydraulic hoists, and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25') feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street and so that no portion of the vehicle, while it is stopped for service, shall overhang onto a sidewalk, curb, street, or public right-of-way.
- G. When adjoining residential property, a masonry wall, a minimum six (6') feet in height, shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- H. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6') foot high masonry wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- I. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is prohibited.
- J. The property on which the automobile repair garage or gas station is located shall be no closer than five hundred (500') feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, place of worship, or park.
- K. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
- L. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this Ordinance.

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**Section 7.9 Auto Wrecking & Motor Vehicle Impoundment Yards/
Junkyards/Salvage Yards/Scrap Yards**

- A. The minimum lot size shall be ten (10) acres.
- B. There shall be a minimum side and rear yard setback of at least fifteen (15') feet.
- C. The property on which such auto wrecking and storage yard is located shall be surrounded by a masonry wall or fence of a minimum height of ten (10') feet. Such wall or screening fence shall be made of a material designed to block the view of the yard from passers-by and shall be maintained in a neat appearance.
- D. The fence or wall adjacent to a street shall be set back at least twenty (20') feet from the street right-of-way line.
- E. The surface, exclusive of buildings, shall be paved with concrete or bituminous material, oiled, watered, or treated so as to minimize dust and seepage of chemicals into surface or sub-surface waters.

Section 7.10 Campgrounds & RV Parks

- A. The minimum lot size shall be at least ten (10) acres.
- B. Each campsite or recreational vehicle site shall have direct vehicular access.
- C. Each lot (entire campground or RV park) shall contain at least one (1) public telephone and shall also include one (1) sanitary facility for each ten (10) campsites or recreational vehicle sites. A sanitary facility includes one (1) flush toilet and sink and electrical hookup.
- D. Running water shall be made available within the campground or RV park.
- E. A six (6') foot screening fence will be provided only when adjacent to residential areas.

Section 7.11 Child Care Centers & Nursery Schools

- A. Child care centers and nursery schools for children of pre-school age shall provide a lot area of at least five hundred (500) square feet for each child enrolled.
- B. For each child enrolled, there shall be maintained a minimum usable outdoor play area of one hundred fifty (150) square feet per child with a minimum total usable outdoor play area of five thousand (5,000) square feet per facility.

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- C. The outdoor play area shall be suitably fenced and screened by a heavily planted buffer strip adjacent to abutting properties.
- D. No dormitory facilities will be permitted.

Section 7.12 Places of Worship

- A. The minimum lot area shall be two (2) acres.
- B. The minimum lot width shall be one hundred fifty (150') feet.
- C. For every one (1') foot of height (excluding the spire) above the maximum building height allowable for the district in which said place of worship is located, an additional one (1') foot setback on all sides of the main structure shall be required.
- D. Proper vehicular ingress, egress, and off-street parking requirements shall be maintained according to [Section 3.43](#).
- E. The buffer strip and protective screening requirements of [Section 3.20](#) shall be adhered to.

Section 7.13 Commercial Event Facility

A. **Standards.**

1. Restaurants and hotels with banquet facilities where commercial event facilities are accessory to the principal use shall not be subject to this Section.
2. **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 golf course, public restaurant, or other operations on the property during the time of events. The Planning Commission may approve, in its discretion, the use of off-site parking as an alternative with transportation provided to the site by attendees through a commercial transportation service.
3. **Setbacks.** The general event area (the actual location(s) in which the gathering is to occur) shall be located three hundred (300') feet from adjacent owners' property lines. All activities associated with the use are to be included within the general event area, the only exception being the parking as allowed by [subsection 2](#) above.

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4. **Hours of Operation.** Year-round operations may be authorized. Events shall commence no earlier than 10 AM and shall terminate no later than midnight. However, the Planning Commission shall have the power to modify the commencement and termination times for a particular site based upon the specifics of the application. 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.
5. **Amplified Sound.** Sources of amplified sound, including but not limited to recorded music, live musical performances, and spoken word, shall commence no earlier than 12:00 PM, shall be terminated by 10:00 PM. The Planning Commission shall have the power to modify the time limits for amplified sound for a particular site based on the specifics of the application. 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.
6. **Overnight Accommodations.** No overnight accommodations shall be provided in temporary structures such as tents or recreational vehicles unless the Planning Commission approves a deviation from this standard. Any Commercial Event Facility which provides overnight accommodations must comply with all applicable codes and laws related to the provision of said accommodations.
7. **Capacity.** The number of persons allowed at each event for a proposed Commercial Event Facility shall be compatible with the proposed facilities and infrastructure for each site.
8. **Sanitary Facilities.** Adequate 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 **District Health Department.**
9. **Number of Events.** The Planning Commission may limit the number of events allowed per year.
10. **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 emergency responders based on its width, length, surface, and ability to support the gross vehicle axle weight of emergency vehicles.
11. **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.
12. **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.

B. **Submittal Requirements.**

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1. In addition to the requirements in [Section 5.3.D](#) (Comprehensive Site Plan Requirements), the site plan must show the area of event, parking, temporary structures, and sanitation facilities.
2. **Event Management Plan.** An event management plan shall be prepared and submitted to the Zoning Administrator for review and approval. The plan shall include provisions for traffic and parking management, hours of operation, noise abatement, toilet 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 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.
3. The Planning Commission may grant a deviation from any of the subsections [A.2 through A.6](#) above upon the following findings:
 - a. Granting the deviation will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
 - b. Granting the deviation will not otherwise impair the public health, safety, and general welfare of the residents.
 - c. Granting the deviation will uphold the spirit and intent of this Ordinance.

A request for deviation shall be considered as part of the site plan review and Special Use process. The need/reason for the deviation shall be provided, in writing, by the applicant. If a deviation is requested after the initial approval, a new approval process shall be required.

Section 7.14 Convalescent or Nursing Homes & Other Housing for the Elderly

- A. The minimum lot size shall be at least five (5) acres.
- B. The property on which the facility is located shall abut a primary or secondary county road and shall have separate ingress and egress from such road.

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- C. The principal and accessory buildings shall be set back at least seventy-five (75') feet from the road right-of-way.
- D. A sufficient outdoor area to accommodate the residents shall be shown on the site plan.
- E. Accessory services in common use may include, but not be limited to, dining facilities, recreation areas, lounge areas, workshops, and craft shops.
- F. Refuse and/or garbage receptacles shall be screened from view and shall be located in the rear or side yard of the facility and adequate vehicular access to such receptacle shall be provided.
- G. Each dwelling unit shall contain at least four hundred (400) square feet of living area not including kitchen and sanitary facilities. This standard does not apply to convalescent homes, nursing homes, or adult foster care facilities.

Section 7.15 Drive-In or Drive-Through Restaurant

- A. Principal and accessory buildings shall be set back a minimum of sixty (60') feet from the street right-of-way line.
- B. Public access to the site shall be provided no closer than seventy-five (75') feet from any intersection as measured from the right-of-way line of the intersecting street to the nearest point of access.
- C. A minimum six (6') foot high screening fence or masonry wall shall be provided on the interior of the property line adjacent to any residential or commercial use in addition to the required buffer strip width.
- D. Off-street parking facilities with separate ingress or egress may be provided in the front yard area of "fast-food" drive-in or drive-through restaurants.

Section 7.16 Drive-In Theater

- A. The minimum lot size shall be five (5) acres.
- B. The lot on which a drive-in theater is located shall be at least one thousand (1,000') feet from a residentially zoned district.
- C. The lot location shall be such that the facility shall have separate ingress and egress which are located at least one hundred fifty (150') feet from the nearest intersection as measured from the right-of-way line of the intersecting road.
- D. The minimum front yard setback for all structures shall be fifty (50') feet.

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- E. The facility shall be completely surrounded by a screening fence or masonry wall at least six (6') feet in height.
- F. Adequate drainage and lighting shall be provided. All utilities on the site shall be placed underground.
- G. The theater screen shall be situated so as to not face any road directly or obliquely by less than seventy-five (75°) degrees.
- H. Space shall be provided on the site to allow for a reasonable number of waiting vehicles standing at the entrance to the theater.
- I. Acceleration and deceleration lanes may be required at points of egress and ingress to the site.

Section 7.17 Extractive & Mining Operations

- A. The Planning Commission shall adhere to Section 125.3205 of **2006 PA 110, Michigan Zoning Enabling Act**, when reviewing applications for a Special Use for Extractive and Mining Operations.
- B. A comprehensive site plan shall be submitted prior to beginning mining activities and when new areas of mining are planned that were not on the approved site plan during the active life of the mine.
 - 1. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts including consideration of alternative truck routes where possible.
 - 2. The applicant shall give assurances acceptable to the Planning Commission of operational practices which address acceptable hours of operation including blasting hours and the installing of nuisance control devices to address noise levels and dust control.
 - 3. The Planning Commission may require a performance bond or similar assurance for such safeguards prior to approval.
- C. Throughout the period of active mining, a citizen complaint process shall be established, publicized, and maintained. The process shall include, at minimum, a published address and phone number where Township residents and property owners may direct written or oral complaints or questions about mining operations. Reasonable efforts shall be made to respond to and resolve valid complaints. A written record of all complaints and questions received, along with the response given, shall be maintained and summarized annually. Complaint records shall be available for public inspection at the operator's place of business, and the annual summary shall be submitted to the Zoning Administrator by March 1 of each year for the preceding calendar year.

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Section 7.18 Food Trucks/Food Trailers/Food Stands

- A. The term food truck shall include food trailers and food stands.
- B. Food trucks regulated by this Section are intended to be temporary or permanent stationary establishments. These regulations do not apply to mobile food trucks that distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- C. A land use permit is required for food trucks.
 - 1. The Zoning Administrator is responsible for issuing land use permits for temporary food trucks (temporary food trucks are those that remain at a particular location for a maximum of one (1) week).
 - 2. Food trucks that are proposed to remain at a location for more than one (1) week require approval of the Planning Commission. The property owner shall submit a plot plan pursuant to [Section 5.3.B](#). The plot plan shall show the location of the food truck on the lot, adequate customer parking, and planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning approval is required for all of the food trucks on the property.
- D. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- E. Grease and liquid waste may not be disposed of in storm drains or on public streets.
- F. The food truck operator shall be responsible for maintaining adequate trash receptacles and disposing of trash resulting from the food truck operation. All areas within twenty (20') feet of the food truck shall be kept clean and free of debris.
- G. Food trucks shall be located at least three hundred (300') feet from the front door of any brick and mortar restaurant or outdoor dining area which is located on a different property unless the Planning Commission waives this requirement.

Section 7.19 Game Farms

- A. The principal and accessory buildings shall be set back at least two hundred (200') feet from all property lines.
- B. The principal building must have a minimum floor area of one thousand (1,000) square feet.
- C. Sanitary facilities (outbuildings or flush facilities) must be provided and shall have the approval of the [District Health Department #4](#).

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- D. A game farm shall not be used as a permanent residence unless it meets the requirements for a dwelling within the zoning district in which it is located.
- E. A cleaning facility shall be provided for all game taken.
- F. Offal and other waste animal parts must be disposed of by incineration or at a landfill facility.
- G. Center-fire firearms may not be used to take animals within nine hundred (900') feet of any property zoned Residential or Commercial nor within nine hundred (900') feet of any private dwelling.
- H. For large game species, animal-proof double fencing must be provided in order to prevent egress or ingress of animals and to prevent physical contact between feral game animals and those contained on the farm or facility.

Section 7.20 Golf Courses & Country Clubs

- A. The minimum lot size shall be sixty (60) acres.
- B. A shelter building with sanitary toilet facilities meeting all requirements of **District Health Department #4** and **Presque Isle County building code** shall be provided and maintained.
- C. The principal and accessory buildings shall be set back at least seventy-five (75') feet from all property lines.

Section 7.21 Group Child Care Homes

A group child care home, as defined in **Article 2** and licensed by the State of Michigan, shall be granted a Special Use permit if it satisfies the following conditions:

- A. Facilities shall not be located closer than fifteen hundred (1,500') feet to any of the following:
 - 1. Another licensed group daycare home.
 - 2. Another adult foster care small group home or large group home as licensed under the adult foster care facility licensing act (PA 218 of 2079).
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the **Public Health Code, 1978 PA 368**, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the **Department of Corrections**.
- B. Facilities shall provide appropriate fencing for the safety of children.

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- C. The property and the facility shall be maintained consistent with the visible characteristics of the neighborhood.
- D. Facilities shall not exceed sixteen (16) hours of operation during a twenty-four (24) hour period. The Township may limit, but not prohibit, the operation of the home between the hours of 10 p.m. and 6 a.m.
- E. The use shall satisfy all other requirements of this Ordinance including those for off-street parking for employees ([Section 3.43](#)) and signage ([Section 3.44](#)).

Section 7.22 Hotels, Motels & Motor Courts

- A. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
- B. Refuse and/or garbage receptacles shall be screened from view and shall be located in the rear yard or side yard of the property, and adequate vehicular access to such receptacles shall be provided.
- C. When adjacent to a residential district, a fence or masonry wall at least six (6') feet in height shall be erected adjacent to the common property line.
- D. Where the front yard is used to provide access, a twenty-five (25') foot wide greenbelt shall be located adjacent to the street right-of-way except for vehicular access points.
- E. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area.

Section 7.23 Hunting Camps

- A. The minimum lot area shall be ten (10) acres.
- B. If a permanent dwelling is present, the dwelling shall have a minimum floor area of two hundred fifty (250) square feet. A land use permit is required.
- C. No fencing preventing the ingress or egress of game species shall be allowed.
- D. Hunting for a fee or other commercial hunting is prohibited.
- E. A Hunting Camp shall not be used as a permanent residence unless it meets the dwelling requirements of the zoning district in which it is located.

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Section 7.24 Hunting Clubs

- A. The minimum lot area shall be forty (40) acres.
- B. The main camp must have a minimum floor area of four hundred (400) square feet.
- C. A hunting club shall not be used as a permanent residence unless it meets the dwelling requirements of the zoning district in which it is located.
- D. Sanitary facilities (outbuildings or flush facilities) must be provided and shall have the approval of the **District Health Department #4**.
- E. The club must submit the name of a designated contact person who is responsible for dealing with all matters on behalf of the club. The township Zoning Administrator must be notified within thirty (30) days of any change in the designation of a contact person.
- F. No fencing preventing the ingress or egress of game species shall be allowed.
- G. Hunting for a fee or other commercial hunting is prohibited.

Section 7.25 Industrial Uses

- A. Appropriate state and federal environmental control standards shall be applied.
- B. Adequate visibility (a minimum of one hundred (100') feet) for traffic on primary roads shall be insured at all points of ingress and egress on said property.
- C. All structures shall conform to the appropriate requirements of **Section 4.17** Schedule of Regulations and **Article 3.43** (Off-Street Parking, Loading and Unloading Requirements) and standards of this Ordinance.

Section 7.26 Manufactured Housing Communities

A. **Scope.**

For the preservation of the interests of the various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home type development, these regulations are considered as minimum standards to be applied to all manufactured housing developments in the Township.

B. **Regulations.**

All manufactured housing communities shall comply with the applicable requirements of **1987 PA 96, the Mobile Home Commission Act**, as amended, and **Michigan Manufactured Housing Commission Rules**

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and shall comply as required with the following additional regulations (unless superseded by the [Administrative Rules for Manufactured Housing](#) from the State of Michigan).

1. **Space.** Each manufactured housing community shall contain at least ten (10) acres of residential development. On each manufactured home lot there shall be provided an open unobstructed area to insure privacy, adequate natural light, ventilation, and a sufficient area for outdoor uses essential to each manufactured home.
2. **Access.** All manufactured housing communities shall afford direct access, ingress and egress, to a county primary road as designated by the [County Road Commission](#) or a state highway, with no openings closer than one hundred (100') feet to a side property boundary line. Convenient access shall be provided to each manufactured home lot by a minimum fourteen (14') foot access route reserved for necessary maneuvering of manufactured homes into position on the lot.
3. **Waste.** Adequate facilities for the storage and disposal of trash, garbage, and other waste materials shall be provided at conveniently located points within one hundred fifty (150') feet of any given manufactured home lot. All trash containers shall be situated on stands and shall be fly tight, watertight, rodent-proof, and shall be sufficient in number and capacity to properly store all the accumulated refuse. Open storm drains are not permitted.
4. **Utilities.** All fuel oil and gas tanks shall be located in a uniform manner, elevated on a non-combustible stand placed on a concrete base, and be of an approved type to comply with building code standards and equipped with vent pipes and fused valves.
5. **Utility Cabinets.** Sheds or cabinets for storage of tools or equipment shall be limited to one (1) well-maintained wood or metal structure per manufactured home lot, not exceeding one hundred fifty (150) square feet in floor area or eight (8') feet in height, uniform in location at the rear of the manufactured home lot.
6. **Manufactured Home Skirting.** The skirting required to be installed in ninety (90) days shall conform to spec# R-125-1604 Michigan Manufactured Home Commission Rule pursuant to [1987 PA 96](#), as amended.
7. **Canopies and Awnings.** Canopies and awnings may be attached to a manufactured home, as long as they do not extend more than ten (10') feet out from the manufactured home or be located past the ends or top of the manufactured home.
8. **Outdoor Patio.** An outdoor patio area of not less than one hundred eighty (180) square feet may be provided on each manufactured home lot, conveniently located to the entrance of the manufactured home and appropriately related to the open areas of the manufactured home lot, at an elevation no lower than the pad elevation.
9. **Landscaping.** Standing trees existing at the time the manufactured housing community is constructed shall be retained whenever possible. A minimum twenty (20') foot wide greenbelt

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shall be placed on the manufactured home boundary line wherever adjacent to a roadway and all other locations where the Planning Commission deems it necessary for protection for or from adjacent uses. This area may not be counted as recreation space. A lawn or naturally landscaped area shall be maintained on each manufactured home lot wherever the ground is not covered by walks, patios, apron, or utility cabinets.

10. Recreation.

- a. According to the needs associated with varying sized manufactured housing communities, there shall be provided the following minimum area on-site for use as open recreation or playground:
 - (1) Communities with forty (40) or less manufactured home lots shall provide and develop, in one (1) location, a common use area at least equal in area to an aggregate of two hundred fifty (250) square feet per each manufactured home lot in the manufactured housing community.
 - (2) Communities with over forty (40), but less than one hundred (100) manufactured home lots, shall provide and develop open recreation space, in one (1) or several properly located common use areas, an area totaling an aggregate of five hundred (500) square feet per manufactured home lot in the manufactured housing community, of which one-half (1/2) (up to twenty thousand (20,000) square feet) shall be reserved for children's playground purposes.
 - (3) Communities with one hundred (100) or more manufactured home lots shall provide and develop open recreation space, in one (1) or several properly located common use areas, an area totaling an aggregate of at least six hundred (600) square feet per manufactured home site of which one-third (1/3) (up to thirty thousand (30,000) square feet) shall be reserved for children's playground purposes.
- b. Playground areas shall be well-drained, graded, and developed with suitable ground cover and a variety of safe children's play equipment. The development and continued maintenance of each playground area shall be the responsibility of the community management.
- c. A central recreation building, with pool and clubhouse facilities, may be located in the manufactured housing community in a location approved by the Planning Commission. Laundry and shelter buildings are also permitted if the following conditions are met:
 - (1) The building must be centrally located or otherwise easily accessible to all residents of the manufactured housing community.
 - (2) The building must be separated from all manufactured residential units by a minimum distance of one hundred (100') feet.

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C. Permit Application.

The construction, alteration, or extension of a manufactured housing community shall be conducted in accordance with all applicable state and local regulations and this Ordinance and only after obtaining a permit for same as provided for in this Section.

The applicant shall submit a comprehensive site plan and shall adhere to the site plan procedures in Article 5 for all manufactured housing communities and also the Special Use procedures in Article 6 for manufactured housing communities. In addition to the requirements in Section 5.3.D, the comprehensive site plan shall include:

1. Side boundary line locations and dimensions, plus the area of the manufactured housing community site.
2. Number, location, and size of each manufactured home lot and all common open spaces areas.
3. For each manufactured home lot, the size and type of manufactured home permitted or expected to be situated thereon.
4. Location and dimensions of roadways, walkways, and parking areas.
5. Location and function of all service and other permanent buildings.
6. Location and size of on-site and immediately adjacent natural features, including topography, wetlands, streams, lakes, ponds, drains, and woodlands, along with a narrative description of changes to these natural features that will be caused by the development described in the permit application.
7. Location, size, and usage of all on-site and adjacent existing structures.

D. Approval.

In reviewing the proposed development's acceptability, the following questions should be among those considered by the Planning Commission prior to official action being taken. Appropriate state, county, and local administrative and legislative personnel may be requested to participate in the review process.

1. Whether the proposed development meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
2. Whether the density characteristics of the proposed development are detrimental to adjacent properties and land uses.
3. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.

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- 4. Whether the proposed development produces an extreme or undue demand on available fire and police protection services.
- 5. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

E. **Periodic Inspection.**

The Zoning Administrator and/or his authorized agent or agents are hereby granted the power and authority to enter upon the premises of any manufactured housing community at any reasonable time for the purpose of investigating or enforcing any provisions of this Ordinance or related local ordinances applicable to manufactured housing community operations.

Section 7.27 Marinas, Port & Commercial Dock Facilities

- A. All fuel storage and pumping facilities shall be separated from all other structures in accordance with appropriate state regulations.
- B. Signs indicating the location of fuel or other flammable material shall be placed in appropriate locations and be clearly visible for a distance of at least fifty (50') feet.
- C. Marina facilities, including fuel storage and pumping stations, shall have a minimum seventy-five (75') foot separation from adjacent residential property.
- D. If bathing and swimming areas are present, they shall be co-designated by appropriate signs.
- E. Boat docking and launching facilities shall have a minimum thirty (30') foot separation from designated bathing and swimming areas.

Section 7.28 Medical and/or Dental Clinics

- A. The minimum lot size shall be twenty thousand (20,000) square feet.

Section 7.29 Medical Marijuana Uses

- A. **Findings.** The Township of Presque Isle, Presque Isle County, Michigan, establishes these requirements for Medical Marijuana Uses based on the following findings of fact:
 - 1. Voters in the State of Michigan and Presque Isle Township approved the referendum authorizing the use of marijuana for certain medical conditions (reference MCL-333.26422).

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- 2. The intent of the referendum was to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/grow, use, and distribute marijuana and to assist specific registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
- 3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan and federal law and the legalization of obtaining, possession, cultivation/growth, use, and distribution in specific circumstances has a potential for abuse that should be closely monitored and, to the extent permissible, regulated by local authorities.
- 4. If not closely monitored or regulated, the presence of marijuana even for the purposes legally permitted by the legislation can generate harmful secondary effects such as an increase of illegal conduct and/or activity. Harmful secondary effects negatively affect the health, safety, welfare, and quality of life of the residents, property owners, and visitors of the Township.

B. **Purpose.** It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as "qualifying patients" or as "primary caregivers" as those terms are defined in MCL 333.26423, Section 3 of the [Michigan Medical Marijuana Act](#), and to regulate the conduct of activity pursuant thereto in Presque Isle Township, Presque Isle County, Michigan, so as to protect the health, safety, and welfare of the general public.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance.

Nothing in this Ordinance shall be construed as allowing the use, cultivation, distribution, or possession of marijuana that is not in strict compliance with the expressed authorizations of the [Michigan Medical Marijuana Act](#) or this Ordinance. Further, nothing in this Ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the use, cultivation, distribution, or possession of marijuana to prevent prosecution thereunder.

C. **Prior Use.**

No use which purports to have distributed marijuana prior to the enactment of this Section shall be deemed to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

D. **Compliance Required.**

Those individuals within Presque Isle Township who are "qualifying patients" or "primary caregivers," as those terms are used in the [Michigan Medical Marijuana Act](#), shall comply with the requirements set forth herein for qualifying patients, [subsection E](#), and for primary caregivers, [subsection F](#). Any such operations shall be available for inspection, during business hours, by the Township Zoning Administrator,

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to confirm the operation is operating in accordance with all applicable laws, including state law and Township ordinances.

E. Requirements for Qualifying Patients.

A person within Presque Isle Township who has been issued and possesses a registry identification card as a qualifying patient, as set forth in the [Michigan Medical Marijuana Act](#), shall comply with the following requirements:

1. **Consumption.** Consumption of marijuana by a qualifying patient may not occur at a medical marijuana caregiver operation, at any place of business, in any public place, or at a primary caregiver's legal residence address unless the primary caregiver resides with the qualifying patient.
2. **Growing.** Growing of marijuana by the qualifying patient for their own personal use shall be subject to the applicable State of Michigan law and is subject to the following requirements:
 - a. Such growing shall only be allowed inside of an enclosed structure or building with walls and roof. The marijuana and marijuana plants of the qualifying patient shall be kept in an enclosed, locked area, accessible only to the qualifying patient and not visible from the road, lake (for waterfront properties), or from neighboring property.
 - b. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between 10 PM and 7 AM shall employ shielding methods that prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.
 - c. No more than the allowable number of plants under [MCL 333.26424](#) can be grown at any one (1) time.
 - d. No more than the allowable maximum amount of harvested marijuana may be possessed on the property at any one time.

F. Requirements for Caregiver Operations.

A person residing or operating within the Township who has been issued and possesses a registry identification card as a primary caregiver is a "medical marijuana caregiver operation" for the purposes of this Ordinance as set forth in the [Michigan Medical Marijuana Act](#) and shall comply with the requirements identified below.

1. **Where Permitted.** The location at which a primary caregiver conducts its growing operation and/or provides services to a qualifying patient may be permitted in any zoning district. The site must be under the control, through written lease, contract, or deed, of the primary caregiver. No

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land use permit is required, however Medical Marijuana Primary Caregivers are subject to the regulations in this Section.

2. **Growing.** Growing of marijuana by a primary caregiver is permitted at approved locations (see subsection F.1 above), subject to the following requirements:
 - a. Such growing shall only be allowed inside of an enclosed structure or building with walls and roof. The marijuana and marijuana plants of the primary caregiver shall be kept in an enclosed, locked area, accessible only to the primary caregiver and the qualifying patient(s) he/she serves and not visible from the street, lake, nor from neighboring property.
 - b. The number of plants growing in the facility shall not exceed the number allowed by [MCL 333.26424](#) for each patient.
 - c. No more than the allowable maximum amount of harvested marijuana under [MCL 333.26424](#) may be possessed on the property at any one time.
 - d. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between 10 PM and 7 AM shall employ shielding methods which prevent ambient light spillage to adjacent residential properties without alteration to the exterior of the residence.

3. **Number of Caregivers per Approved Caregiver Operation.** The location, from which a primary caregiver grows, cultivates, or otherwise provides services to a qualifying patient shall not be used by another primary caregiver, for that primary caregiver's services as allowed under the Michigan Medical Marijuana Act. 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.

4. **Location.** Medical marijuana caregiver operations shall comply with the following location requirements:
 - a. The location from which a primary caregiver provides services to a qualifying patient shall not be within one thousand (1,000') feet of any designated drug-free school zone, which is any area located within one thousand (1,000') feet of any public or private school having a curriculum including kindergarten or any one (1) of more of the grades between one (1) and twelve (12).
 - b. The location from which a primary caregiver provides services to a qualifying patient shall not be within five hundred (500') feet of any of the following:
 - (1) A church, place of worship, or other religious facility.

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- (2) A public library, public park, or public playground.
- c. The distances noted above shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the proposed medical marijuana facility.
- 5. **Operation in Conjunction with Other Uses.** A medical marijuana caregiver operation may not occur in connection with or at a location at which any other commodity, product, device, or service is also available.
- 6. **Consumption.** Consumption of marijuana by a qualifying patient may not occur at a medical marijuana caregiver operation, nor at any place of business nor in any public place. In the case where a registered caregiver is also a registered patient, consumption exclusively by the caregiver/patient at the caregiver/patient's legal residence address is permitted.
- 7. **Hours of Operation.** A medical marijuana caregiver operation shall open no earlier than 7:00 a.m. and close no later than 7:00 p.m. daily.
- 8. **Operational Requirements.**
 - a. The operation shall be in compliance with the Fire Protection Code.
 - b. The growing operation shall receive OSHA/MIOSHA certifications regarding safety of environment for the facility's workers.
 - c. The following is prohibited:
 - 1. The storage of toxic, flammable, or hazardous materials.
 - 2. Discharge of any toxic, flammable, or hazardous materials.
 - 3. Outdoor storage.
- 9. **Signage.** Signage for a medical marijuana caregiver operation shall be subject to the regulations as provided in [Section 3.44](#) of the Presque Isle Township Zoning Ordinance.

G. **Building Approvals.**

Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits or approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection by the Fire Chief to ensure compliance with the Michigan Fire Code.

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Section 7.30 Mortuaries/Funeral Homes

- A. A minimum lot size shall be one (1) acre.
- B. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
- C. A caretaker's residence may be located inside the main facility.

Section 7.31 Pallet, Saw & Planer Mills

- A. The minimum lot size shall be ten (10) acres.
- B. The setback from the front property line to the main structure shall be a minimum of one hundred (100') feet.
- C. There shall be a minimum side and rear yard setback of two hundred (200') feet between the principal and accessory buildings and all residentially zoned districts.
- D. A fifty (50') foot buffer strip surrounding the lot shall be provided.

Section 7.32 Planned Unit Development (PUD)

A. Purpose.

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility using the Special Use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and locations of uses allowing a more efficient use of land for circulation, open space, and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement, and upgrades the overall quality of new construction.

B. Procedures for Application and Approval.

1. Pre-Application Conference.

- a. The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and the Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representatives from county and township agencies (Fire

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Department, County Parks and Recreation Commission, County Sheriff, County Road Commission, and other such agencies) to attend such informal conferences.

- b. **Concept Plan Requirement.** The applicant shall submit, during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, and recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners' organization, if any; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

2. **Preliminary Development Plan Approval Process.**

- a. **Submittal Requirements.** Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a Preliminary Development Plan and applicable fee. The preliminary development plan shall contain the information required in a [Comprehensive Site Plan \(Section 5.3.D\)](#).
- b. **Approval Process.** The Planning Commission shall follow the approval process for Special Uses in [Section 6.2](#) and shall evaluate the Preliminary Development Plan according to the standards in this Section and also the standards in [Section 5.5 \(Site Plan Review Standards\)](#) and [6.3 \(Special Use Review Standards\)](#).
- c. **Time Limit.** Upon approval of a Special Use permit by the Planning Commission for the Preliminary Development Plan, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the Special Use permit, present to the Zoning Administrator the Final Development Plan.

3. **Final Development Plan Approval Process.**

- a. **Timing.** After the Final Development Plan is submitted, the Zoning Administrator shall forward the Final Development Plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.
- b. **Requirements.**
 - (1) The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Planning Commission and Township Board that the proposed Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.

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- (2) **Compliance with Preliminary Development Plan.** The Final Development Plan should not deviate substantially from the approved Preliminary Development Plan. The Final Development Plan shall be in compliance with the Preliminary Development Plan if the following conditions have been met:
 - (a) The Final Development Plan does not violate the content of the Ordinance;
 - (b) Land reserved for open space (common and usable) has not been reduced by more than ten (10%) percent; and
 - (c) The total building coverage has not increased by more than five (5%) percent.
- (3) The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.
- (4) Any modifications not included in the Preliminary Development Plan must be reviewed by the Planning Commission and legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures as well as dedications, shall be submitted by the applicant.
- (5) The Final Development Plan shall be reviewed by the Planning Commission and members of other appropriate agencies. The Planning Commission shall then approve the Final Development Plan, disapprove it, or approve it with modifications. **No public hearing is required**, and, if approval is given by the Planning Commission, the Township Board shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

C. 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. **Non-Residential Uses.** Non-residential uses are permitted in a PUD provided that such uses are compatibly 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

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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.

D. Design Requirements.

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to ensure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

1. **Density.** Density increases can be allowed for Planned Unit Development over and above those allowed in the underlying zones. Since successful PUD design can occur in almost any sized area, the Planned Unit Development shall not be allowed on any site of less than two (2) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit.
2. **Lot Size Variations.** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas, shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed. Density increases are to be permitted for the following amenities: Character, identity, architectural, and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15%) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve.
3. **Open Space.** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments.
 - a. Open space shall be designated on the Preliminary Development Plan and Final Development Plan.
 - b. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), or public (open to all members of the general public).
 - c. Open spaces shall provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD.

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- d. Open space shall be devoted to planting, patios, walkways, and recreational uses but excluding areas covered by dwelling units, garages, carports, parking areas, or driveways.
 - e. Any portions of the PUD site, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.
4. **Homeowners Association.** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government.
- a. If the developer chooses to institute a homeowners association, the following minimum criteria must be met:
 - (1) The homeowners' association must be set up before the homes are sold.
 - (2) Membership must be mandatory for each home buyer and any successive buyer.
 - (3) The open space restrictions must be permanent, not just for a period of years.
 - (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - (5) Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
 - (6) The association must be able to adjust the assessment to meet changed needs. The above stipulations have the advantage of ensuring the economic viability of the homeowners' association and preserving open space areas within the community.
 - b. The developer must file a restrictive covenant with the [Register of Deeds](#) at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes or for other open space uses desired by the homeowners' association.
5. **Environmental Design Requirements.** The Planning Commission shall require, where feasible, the following in accordance with applicable provisions of this Ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation, and the planting of vegetation or placement of protective cover on slopes of twenty (20%) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.
6. **Traffic Circulation.** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole.

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These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

7. **Private Streets.** Private streets, particularly in Planned Unit Developments, shall be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles, and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the Fire Chief, Sheriff, County Drain Commission, Road Commission, and the Planning Commission, the Planning Commission authorizes such modifications within the PUD, and health, safety, and welfare requirements are met.
 - a. If private streets are proposed for dedication to the public, then the private streets shall adhere to Presque Isle County Road Commission standards.
 - b. Private streets may be dedicated to the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to unless modification is permitted by the Planning Commission.

| Type of Street | Uses Served | Required Footage | |
|--------------------------------------|--|------------------|----------|
| | | Right of Way | Pavement |
| Residential dead-end or local street | 1-6 dwellings | 30' | 18' |
| | 7-20 dwellings | 40' | 24' |
| | 21-50 dwellings | 50' | 30' |
| Residential collector | 51-200 dwellings | 60' | 36' |
| Neighborhood collector | Over 200 dwellings or any commercial use | 60' | 36' |

These standards are commensurate with traffic flow and safety standards for various densities.

8. **Parking Standards.** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

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- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
 - b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
 - c. Parking areas shall be screened from adjacent roads, structures, and traffic arteries with hedges, dense planting, earth berms, changes in grade, or walls.
 - d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
 - e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
 - f. All streets and any off-street loading area shall be paved and the design thereof approved by the Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking, and storage.
 - g. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
9. **Perimeter Treatment.** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30') foot buffer zone shall be established on the perimeter of the development in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

E. **General Standards.**

The principal advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. The following guidelines shall be established in the determination of structural siting on lots. Reduction of spacing is based upon standards within the existing zones.

- 1. **Building Spacing.** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings (reduction of side and/or rear setbacks). Those residents which have no windows or windows at higher levels and have adequate light and ventilation from other areas of the room may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for decreased separation between houses. Where building configuration incorporate the above criteria and have unusual shapes, the spacing of structures may be reduced.

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2. **Front Yard Requirements.** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front setback requirements may be reduced.
3. **Lot Width Requirements.** Those lots which allow adequate light and ventilation between structures may reduce their lot width requirements while maintaining adequate light, ventilation, and access.
4. **Building Heights.** To ensure adequate light, ventilation, and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty (30') feet should be instituted.

Section 7.33 Plant or Landscape Nurseries

- A. The minimum lot size shall be one (1) acre.
- B. The premises shall be surrounded by a masonry wall or screening fence consistent with [Section 3.20](#) only when adjacent to a residential district.
- C. Storage areas shall meet all applicable yard setback requirements.
- D. Off-street loading and parking facilities shall be provided.
- E. Materials such as plant food, soil, or fertilizer shall be sufficiently packed or stored so as not to create adverse health effects, airborne debris, or odors for neighboring properties or passersby.
- F. An office and/or storage building shall be constructed or placed on the premises. Such building shall contain a minimum floor area of one hundred fifty (150) square feet and conform to all applicable yard setback requirements.

Section 7.34 Private Clubs, Lodges & Fraternal Organizations

- A. The lot shall be located so that at least one (1) property line, to be used for vehicular entrance and exit, shall abut a state highway or county primary road.
- B. Retail sales to guests only shall be allowed; there shall be no external commercial facility or sales on the premises nor shall access to a commercial activity be allowed other than from within the principal building.

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Section 7.35 Resorts

- A. The minimum lot size shall be one (1) acre unless camping and/or recreational vehicle facilities are included, in which case, the minimum lot size shall be five (5) acres.
- B. The minimum side, front, and rear yard setbacks shall be thirty (30') feet.
- C. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
- D. Refuse and/or garbage receptacle shall be located in the rear or side yard of the property and adjacent vehicular access to such receptacle shall be provided.
- E. Where the front yard is used to provide access, a twenty (20') foot wide buffer strip shall be located adjacent to the street right-of-way, except for vehicular access points.
- F. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area.

Section 7.36 Roadside Stands/Farm Markets

In the F-R District:

- A. The gross floor area of the structure shall be not more than six hundred (600) square feet, nor shall the structure be more than one (1) story in height.
- B. Suitable rubbish containers shall be placed on the site.
- C. The structure shall be located not less than twenty (20') feet from the road right-of-way.
- D. Temporary off-street parking may be allowed in the required front yard setback area. Such parking area need not be paved or treated with a surface covering.

Section 7.37 Sexually-Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny

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sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by township ordinances, state law, or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. In order to prevent the undesirable concentration of such uses, the following uses shall apply:
 - 1. Sexually-oriented businesses shall not be located within one thousand (1,000') feet of any other such use.
 - 2. Sexually-oriented businesses shall not be located within three hundred (300') feet of the rural residential (R-1), single-family residential (R-2), low rise multiple-family residential (R-M), neighborhood commercial (C-1), or community facilities (C-F) zoning districts.
 - 3. Sexually oriented businesses shall be located within three hundred (300') feet of any public or private school, church, public park, or state-licensed child care facility or adult foster care facility.
 - 4. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsections 1-3 above.
 - 5. Such uses shall be confined to the C-2 zoning district; shall be allowed only if Special Use approval is obtained from the Planning Commission; and shall conform to all other requirements imposed by the Planning Commission, by the Presque Isle Township Zoning Ordinance, and by state and local laws, ordinances, regulations, and rules.
- B. Any sign proposed for a sexually oriented business shall comply with the provisions of the Presque Isle Township Zoning Ordinance and any applicable state and local laws, ordinances, regulations, and rules, and shall not include photographs, silhouettes, drawings, pictorial representations of any type, obscene language, or animated or flashing illumination.
- C. Hours of operation for a sexually-oriented business shall be limited to 10:00 a.m. to 12:00 midnight unless otherwise ordered by the Planning Commission.
- D. 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.

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Section 7.38 Site Condominium Developments

A. Intent.

The site plan review procedures and standards in this Section are intended specifically for site condominium developments, a form of land development enabled by the [State Condominium Act \(1978 PA 59, as amended\)](#). These standards provide for site condominium developments to be used in Presque Isle Township and for site condominium applications to be reviewed in a consistent and uniform manner while resulting in a high quality of development consistent with the goals and objectives of the Township Master Plan.

B. General Provisions.

1. The site plan for any site condominium consisting of detached single-family homes or two-family dwellings or any other permitted dwelling unit (hereinafter referred to as "site condominiums") shall be subject to review and approval by the Planning Commission and Township Board prior to initiating construction and prior to the recording of a master deed. This Section shall also be applicable to an amendment to an existing condominium master deed, including an amendment which creates additional condominium units by addition of land to an expandable condominium or conversion of convertible area to additional condominium units, or which alters the horizontal dimensions of a condominium unit.
2. Each condominium unit shall contain appurtenant limited common element for the exclusive use of the condominium unit owner which complies with the applicable provisions of this Ordinance concerning minimum lot area, minimum lot frontage, and required front, side, and rear yards. For purposes of determining compliance with these provisions, the condominium unit and its appurtenant limited common element shall be considered the equivalent of a lot.
3. All public and private utility system distribution lines shall be placed underground.
4. Public easements shall be dedicated as necessary to Presque Isle Township, Presque Isle County, or other appropriate governmental entities to provide public utility services to the development for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipes, mains, conduits, and other installations of a similar character necessary for the purpose of providing public utility services. Easements for public utilities shall have a minimum width of twenty (20') feet, provided that the Planning Commission may amend this requirement if necessary or applicable. The Township may request a recommendation, from a consultant, on any proposed amendment of public utility easement width.

C. Design and Layout Standards.

Site condominium projects shall comply with the design layout and improvement standards listed below and all applicable provisions of this Ordinance (including all setback, height, lot coverage, yard, and area restrictions).

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1. **Zoning Standards.** A site condominium development, whether intended for residential, commercial, or industrial use, shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located, including permitted and special permit uses, minimum lot size, and setbacks.
2. **Roads.** All roads within site condominium developments shall satisfy the standards of the **Presque Isle County Road Commission** and this Zoning Ordinance.
 - a. Should a proposed site condominium development border on or contain an existing or proposed state highway or county primary road, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - b. Should a proposed site condominium development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be, determined with due consideration to the minimum distance required for approach grades to future grade separation.
 - c. All streets in the site condominium development may be dedicated to the public. If dedicated to the public, then the streets shall adhere to Presque Isle County Road Commission standards. Private streets may be dedicated to the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation by the local government.
 - d. In the event that some streets are not dedicated, those streets shall be properly maintained by a Homeowner's or Property Owner's Association and not the Township. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to ensure that streets will be properly maintained.
 - e. Private streets shall be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles, and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the Fire Chief, **Sheriff, County Drain Commission, Road Commission**, the Planning Commission authorizes such modifications and health, safety, and welfare requirements are met.

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- f. The following residential street standards should be adhered to unless modification is permitted by the Planning Commission. These standards are commensurate with traffic flow and safety standards for various densities.

| Type of Street | Uses Served | Required Footage | |
|--------------------------------------|--|------------------|----------|
| | | Right of Way | Pavement |
| Residential dead-end or local street | 1-6 dwellings | 30' | 18' |
| | 7-20 dwellings | 40' | 24' |
| | 21-50 dwellings | 50' | 30' |
| Residential collector | 51-200 dwellings | 60' | 36' |
| Neighborhood collector | Over 200 dwellings or any commercial use | 60' | 36' |

- 3. **Easements.** The following requirements apply to easements located within site condominiums.
 - a. Utility easements shall be provided as necessary to provide utility service to the condominium unit. Such easements shall be not less than twelve (12') feet wide and located where necessary to efficiently serve the unit.
 - b. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the developer to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
 - c. Drainage easements shall be provided which conform substantially to the lines of any natural watercourse, drainage ditch, channel, or stream. Such easements shall be of adequate width for the particular conditions of the site.
- 4. **Condominium Units.** Condominium units within site condominium developments shall conform to the following standards.
 - a. The condominium unit size, width, depth, and shape in any site condominium shall meet the approval of the Planning Commission and shall be appropriate for the location and type of development contemplated. Condominium units shall be of such size as to permit a variety of housing types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards, and to provide for setbacks from the street line and allow sufficient space for household purposes.

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- b. Condominium unit areas and widths as well as building setback lines shall conform to at least the minimum requirements of this Ordinance for the District in which the site condominium is proposed. A site condominium unit within a site condominium development shall be considered a lot for zoning purposes.
 - c. Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of three (3) to one (1) shall be considered a maximum.
 - d. Condominium units intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provision for off-street parking, setback, and other requirements in accordance with this Ordinance.
 - e. Every condominium unit shall front or abut on a street for the full width of the unit. (No "flag units" shall be created.) The measurement of unit width shall be determined in the same manner as lot width, as defined in [Article 2](#).
 - f. Side condominium unit lines shall be at right angles or radial to the street lines.
 - g. Residential condominium units abutting state highways or county primary roads or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with rear or side condominium unit lines parallel to the major traffic streets. The Planning Commission may waive this requirement.
 - h. Condominium units shall have a front-to-front relationship across all streets where possible.
 - i. Where condominium units border upon lakes, the front yard shall be designated as the lakefront side of such condominium unit and the building envelope shall provide sufficient depth.
5. **Natural Resources.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the developer, and the provision of adequate barriers, where appropriate, shall be required. If wetlands are suspected to be located on the site, a wetland determination shall be required. Greenbelt areas satisfying the requirements of [Section 3.21](#) of the Zoning Ordinance shall be provided in all areas within thirty (30') feet of the shoreline of a lake or river. The greenbelt shall be shown on the preliminary and final condominium plans in addition to any additional plantings necessary to satisfy the requirements.
6. **Utilities and Improvements.** Utilities and improvements installed or proposed in site condominium developments shall conform to the following standards:

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- a. **Storm Drainage.** An adequate storm drainage system, including necessary storm drains, catch basins, manholes, culverts, bridges, and other appurtenances, as approved by the Township, shall be required in all developments. Adequate provision shall be made for proper drainage of stormwater from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm drains be installed within the public right-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the Township.
- b. **Sewage Disposal.** Each unit in the site condominium shall be provided with adequate sanitary sewage disposal capabilities. These systems must be approved by the **District Health Department** prior to Final Condominium Subdivision Plan approval. Any community-wide or shared systems and appurtenances should be located in general common elements or easements where possible. If private community or shared sanitary systems are utilized, provisions shall be included in the condominium documents for the maintenance and replacement of the system. This shall be a responsibility of the association using the system and not a burden on the Township.
- c. **Water Supply.** Each unit in the development shall be provided with a well for water consumption. This may include private wells or a shared community well system within the development (general Common element). All wells must be approved by the **District Health Department** prior to Final Condominium Subdivision Plan approval.
- d. **Telephone lines, Electric lines, Television lines, etc.** The developer shall make arrangements for all lines for telephone, electric, television, internet, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by the Planning Commission, upon consultation with the utility company(s) involved, at the time of preliminary plan approval, where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the **Michigan Public Service Commission**. All drainage and underground utility installations that traverse privately held property should be protected by easements granted by the developer.
- e. **Street Lights.** Street lights may be required by the Planning Commission to be installed at all condominium development entrances.
- f. **Monuments.** Monuments shall be set at all boundary corners and deflection points (i.e. where a property line changes directions) and at all road right-of-way intersection corners and deflection points. Unit irons shall be set at all condominium unit corners and deflection

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points of condominium unit lines. The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposits with the Township Clerk a performance guarantee equal to the estimated cost of such work. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township Board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.

D. Condominium Subdivision Plan Review Procedures.

The Township Planning Commission and Township Board approval of the condominium subdivision plan, condominium documents, and construction plans shall be required prior to the start of construction, expansion, or conversion of a site condominium project. No permits for construction, grading, or installation of roads or utilities shall be issued for the property in a site condominium project until all necessary approvals have been granted by the Township. Condominium Subdivision Plan review shall follow the two-step procedure detailed below:

1. **Pre-Application Conference.** Prior to the application for Preliminary Condominium Subdivision Review, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the concept, appropriateness, general content, and design approach of a proposed application. The procedure for such a meeting and the items required are described in [Section 5.4](#).
2. **Preliminary Condominium Subdivision Plan (Step 1).** A Preliminary Condominium Subdivision Plan shall include all plans, survey, sketches, drawings, statements, and additional information required for a Comprehensive Site Plan ([Section 5.3.D](#)), with the modifications noted below for approval of a Preliminary Condominium Subdivision Plan. In addition, the following information shall be provided:
 - a. Name and address of the applicant or his/her authorized representative.
 - b. Proposed name of condominium project.
 - c. Legal description of the condominium project boundaries.
 - d. Names, addresses, and telephone numbers of the developer, and the professional seal of the planner, designer, engineer, or surveyor who designed the condominium project layout.
 - e. The location of property lines, roadways, easements, walkways, open space, and/or other developments within one hundred (100') feet of the subject property.
 - f. Land use and existing zoning of the proposed site condominium project and adjacent properties.

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- g. Statement of intended use of the proposed condominium project, such as: residential, single-family, two-family, and multiple-family housing, commercial, industrial, recreation, or agricultural. The plan should illustrate any sites to be designated for public (i.e. school, church, recreation) or non-public (i.e. shopping, drainage, senior housing) uses other than the primary proposed use of development.
 - h. A map of the entire area scheduled for development, including future street rights-of-way, if the proposed development is a portion of a larger holding intended for subsequent development.
 - i. Layout, numbers, and dimensions of units, including building setback lines.
 - j. Indication of parcels of land intended to be dedicated or set aside for public use or for the common use of property owners in the site condominium project. The site plan shall show the location of all floodplain and wetland areas.
 - k. The developer shall submit preliminary plans for streets, water, sanitary sewers, storm sewers, drainage, sidewalks, and other required public improvements. The plans shall contain sufficient detail to enable the Township to make preliminary determination as to conformance of the proposed improvements to applicable township and county regulations and standards.
3. **Public Hearing.** The public hearing notice shall be given in accordance with [Section 9.8](#).
4. **Approval of the Preliminary Condominium Subdivision Plan.** A Preliminary Condominium Subdivision Plan shall be approved according to the following procedures:
- a. After the public hearing, the Planning Commission shall review the application for Preliminary Site Condominium review along with any reports and recommendations received and the testimony provided at the hearing. The Planning Commission shall then make a recommendation on the application to the Township Board.
 - b. The Planning Commission shall transmit the recommendation, together with the complete record, to the Township Board for final action. The Board shall consider the contents of the application, the requirements of this Ordinance, the objectives of the Township Master Plan, and give special attention to the following:
 - (1) Design and legal standards set forth in the Township Zoning Ordinance.
 - (2) The relationship of the circulation system (both traffic and pedestrian) to the surrounding neighborhood and street network.

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- (3) Method of providing utilities and the capacity of local utility and road networks to serve the proposed development.
- (4) Existing and proposed land uses.
- (5) Impact on schools, parks, and other community facilities.
- c. If the Board is satisfied that these standards have been satisfied, then the Township Board shall approve the Preliminary Condominium Plan. The Board may also approve the Plan with conditions, deny the plan, or table for further discussion.
- d. Approval of the Preliminary Plan shall be good for two (2) years, within which time the applicant may seek approval for Final Condominium Plan for all or part of the proposed site. The Township Board may grant a one (1) year extension to this time limit if warranted due to circumstances outside the applicant's control and knowledge.
- 5. **Review of Condominium Documents.** The applicant shall submit a draft copy of all condominium documents including, but not limited to, the condominium master deed, bylaws, and all related exhibits to the Planning Commission for review and recommendation prior to Final Plan review. These documents should specify who is responsible for maintenance of common elements and open space, including accessory structures. Prior to Final Condominium Subdivision Plan approval, the Planning Commission shall forward the submitted documents to the Township Attorney for review. The required documents shall include the conditions upon which the approval is based, with reference to the approved Condominium Subdivision Plan. The documents will also be reviewed to ensure that the common use and open space areas have been dedicated to an association or other appropriate entity, that these areas and the roads and infrastructure are provided with the means for on-going maintenance, and that the internal development standards comply with the applicable ordinances of the Township.
- 6. **Outside Agency Approval.** The applicant shall be responsible for forwarding a copy of the approved Preliminary Condominium Subdivision Plan to all applicable state, county, and local agencies having jurisdiction over specific aspects of the condominium project, such as wetlands, storm drainage, soil erosion and sedimentation, and utilities. All necessary permits or approvals from applicable outside agencies shall be received prior to final condominium subdivision plan approval.
- 7. **Final Condominium Subdivision Plan Review (Step 2).** The Final Condominium Subdivision Plan shall include all information required for the approved Preliminary Condominium Subdivision Plan, and any additional information stated below:
 - a. Complete metes and bounds description of the site condominium project boundary.

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- b. Letters of approval from all required authorities (i.e. Presque Isle County Road Commission, Presque Isle Drain Commissioner, State of Michigan, etc.) indicating that the site condominium subdivision plans comply with their requirements.
 - c. Final Engineering Construction Plans for all improvements to be constructed in connection with the proposed site plan in accordance with the [Michigan Building Code](#) and [Michigan Residential Code](#).
8. **Approval of Final Condominium Subdivision Plan.** A Final Condominium Subdivision Plan shall be approved according to the following procedures:
- a. The Planning Commission shall consider the Final Condominium Subdivision Plan in relation to the requirements of this Ordinance, the intent of the Township Master Plan, the comments received from outside agencies, and the approved Preliminary Condominium Plan and any conditions of approval.
 - b. The Planning Commission shall make a recommendation to the Township Board to approve, deny, or approve with conditions, the proposed development.
 - c. The Planning Commission's recommendation and the complete record of the application shall be forwarded to the Township Board for final approval. The Township Board may approve, approve with conditions, or deny the project based on the standards and requirements provided herein.
 - d. Upon approval of the Final Site Condominium Plan, the applicant must record the approved master deed and Condominium Subdivision Plan with the Presque Isle County Register of Deeds. A stamped copy of each must be returned to the Township after they have been registered so that the Township has an official, final copy of the condominium documents.

E. **Criteria for Approval.**

Approval of a Preliminary Site Condominium Plan and a Final Site Condominium Plan shall only be recommended by the Planning Commission or granted by the Township Board when the following criteria have been satisfied:

- 1. The criteria in [Section 5.5](#) and [Section 6.3](#) have been satisfied.
- 2. Each condominium unit shall be subject to all other applicable requirements of the subject zoning district, including but not limited to use regulations, minimum floor area of dwelling units, and maximum building height.
- 3. The site condominium subdivision shall have provided all required infrastructure improvements and easements and obtained the necessary approvals from local, county, state, and/or federal agencies to proceed with the development.

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4. The draft condominium documents (master deed and by-laws) have been reviewed and have been found to contain no standards that conflict with the Township Zoning Ordinance, nor any participation by the Township in the installation or maintenance of any common elements within the development.

F. Land Use Permits.

Prior to the issuance of land use permits for any condominium units, the applicant shall submit the following to the Township:

1. A copy of the recorded condominium documents (including exhibits).
2. A copy of any recorded restrictive covenants.
3. A copy of the approved Final Condominium Subdivision Plan in a format acceptable to the Township.
4. The warranty deed and bylaws, and easement documents for all rights-of-way and easements dedicated to the public.

G. Final Acceptance and Submission of As-Built Drawings. After construction, as-built drawings of the completed development shall be submitted, in an acceptable format, to the Zoning Administrator for review. Final acceptance of the development by all appropriate government agencies and any performance guarantees shall not take place until the as-built drawings have been approved by the Township or Planning Commission.

H. Revision of Condominium Subdivision Plans and Amendments to Condominium Documents.

1. Minor amendments to the Final Condominium Subdivision Plan, based on the standards in **Section 5.6**, may be reviewed administratively by the Zoning Administrator.
2. All other changes to the Final Condominium Subdivision Plan shall be submitted for review as a revised Final Condominium Subdivision Plan following the procedure in **subsections D.7 and D.8** (above).
3. Any revision to the condominium documents or development agreement that affects the approved Final Condominium Subdivision Plan shall be reviewed and approved by the Township Attorney and Township Board.

I. Relocation of Boundaries and Subdivision of Condominium Units.

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1. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, shall comply with all regulations of the zoning district in which located. Site plan review and approval shall be required.
2. Subdivision of condominium unit sites or units is permitted subject to Planning Commission approval and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval and shall be made as part of the bylaws and recorded as part of the master deed. Each condominium unit that results from a subdivision of another condominium unit shall comply with all regulations of the zoning district in which located.

J. Guarantee of Completion of Improvements.

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, a financial guarantee may be required for any condominium project in accordance with the requirements of [Section 9.5](#) of this Ordinance.

K. Appeals.

See [Section 5.9](#) for the procedures to appeal a decision regarding a Site Condominium Plan.

Section 7.39 Solar Energy

A. Solar Energy Facilities (Utility-Scale).

1. **Minimum Size of Parcel.** Solar Energy Facilities (Utility-Scale) shall only be located on parcels that are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the Solar Energy Facility may be considered in combination to satisfy the minimum parcel size. However, the parcels considered in combination shall not thereafter be separated throughout the life of the solar energy facility.
2. **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.
3. **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 a registered civil 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 off-site discharge shall be provided.

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4. **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).
5. **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).
6. **Screening.** Solar collection devices shall be screened from view from any 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.
7. **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.
8. **Electrical Transmission Lines.** All electrical service and transmission lines on the site of the solar energy facility shall be located underground.
9. **Installation.** Solar collection devices shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
10. **Other Standards.** In addition to the standards listed within [Section 5.5](#) and [Section 6.3](#), the Planning Commission shall consider the following factors when reviewing the proposal:
 - a. Visual impact and lighting.
 - b. Waste and hazardous materials.
 - c. Access/service roads.
 - d. Public safety.
11. **Abandonment.** Any solar collection site which is not used for one (1) year shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township 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 township and request a one (1) year 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 Township will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
12. **Performance Guarantee.** The Planning Commission may require the applicant to furnish the Township with a performance guarantee pursuant to [Section 9.5](#) in an amount equal to the

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estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.

B. Solar Energy Panels (Accessory).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A plot plan pursuant to [Section 5.3.B](#) shall be submitted to the Zoning Administrator. A land use permit is required following review by the Zoning Administrator. Repair or replacement of an existing panel does not require a review or permit provided there is no change in size, height, or coverage area.

1. Height.

- a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall not exceed twenty (20') feet in height when oriented at maximum tilt (measured from the ground at the base of the equipment).
- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall not exceed the maximum allowed building height in any zoning district. Solar Energy Panels that are wall-mounted shall not exceed the height of the building to which they are mounted.

2. Yard Location and Setbacks.

- a. Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels shall be located in the rear or side yard and shall be setback a minimum of ten (10') feet from the interior side lot line and ten (10') feet from a rear lot line. The required setback of the corner side lot line shall be equal to the front setback for a principal building in the district.

(1) Ground-Mounted or Pole-Mounted Accessory Solar Energy Panels may be located in the front yard only upon review and approval by the Planning Commission.

- b. Building-Mounted or Roof-Mounted Accessory Solar Energy Panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12") inches.

3. Glare. Panels shall not result in glare onto adjoining properties or public rights-of-way.

4. Coverage and Size. Roof-Mounted or Building-Mounted Accessory Solar Energy Panels shall allow for adequate roof access for fire-fighting purposes.

5. Installation.

- a. Solar energy panels that are building-mounted shall be permanently and safely attached to the building or structure. Solar energy panels that are mounted on the roof of a building shall be safely supported by the roof according to the manufacturer's specifications.

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- b. Solar energy panels that are ground-mounted shall be safely attached to the ground.
- c. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer’s specifications.
- d. Solar energy panels shall comply with building code, electrical code, and all other applicable regulations.

Section 7.40 Stables for Horses on Domestic Farms

- A. For breeding, rearing, and/or housing of horses, the minimum lot size, including a residential dwelling, shall be one (1) animal per acre.
- B. Structures used as stables shall not be located closer than sixty (60’) feet to any property line or less than one hundred (100’) feet from any residential dwelling.
- C. Animals shall be paddocked in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than ten (10’) feet to any property line.
- D. Stable and corral facilities shall be constructed in such a way that dust, noise, odor, and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

Section 7.41 Vehicle Wash Establishments

- A. All washing activities must be carried on within the structure.
- B. Vacuum machinery shall be located no closer than twenty-five (25’) feet to any adjoining property.
- C. Ingress and egress to and from the facility shall take place on the same lot which shall abut a state highway or county primary road.
- D. The principal building shall have a minimum front yard setback of fifty (50’) feet, a minimum side yard setback of twenty-five (25’) feet, and a minimum rear yard setback of seventy-five (75’) feet.

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Section 7.42 Wind Energy Conversion Systems

The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) shall be governed by Special Use Permit within the Township in order to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

A. Private Wind Energy Systems, P (WECS).

Residential Applications for R-1, R-2, FR, EC, C-1, and CF Zoning Districts shall be by Special Use Permit.

1. A Wind Energy Conversion System may be installed only on property that has an existing permanent dwelling unit or on public property that has a community facility.
2. No WECS may be placed closer than two hundred forty (240') feet from the nearest neighboring dwelling unit.
3. Wind Energy Conversion Systems shall only be installed by a contractor licensed by the State of Michigan.
4. In addition to applicable site plan requirements in [Article 5](#) and Special Use permit procedures in [Article 6](#), the following requirements will be applied:
 - a. The site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions including the entire area through which the rotor(s) may pass and the location of all dwelling units within four hundred (400') feet of the WECS.
 - b. Each Special Use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - (1) A standard foundation and anchor design or specifications for normal soil conditions, approved by a Professional Engineer, licensed by the State of Michigan.
 - (2) A complete detailed parts list.
 - (3) Clearly written detailed instructions for the assembly, installation, check out operation, and maintenance of the WECS on-site.
 - (4) A copy of all warning documents supplied by the manufacture.
 - (5) Grounding procedures protection which follow the National Electrical Code.

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- (6) Underwriters label, where appropriate.
 - (7) Proof of public liability insurance.
5. **Electromagnetic Interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with any type of radio signal, television broadcasting, or reception whether by satellite or conventional broadcast, and/or internet connection whether by telephone or satellite connection and shall comply with all **Federal Communication Commission Rules**.
 6. **Visual Impact.** A WECS shall be finished in a single non-reflective matte color of silver or tan. No lettering, company logos, insignia, advertising, or graphics shall be on any part of the tower, hub, nacelle, or blades.
 7. **Abandonment, Decommission, or Revocation of Special Use Permit.** The WECS shall be removed under the following circumstances:
 - a. It is abandoned in excess of one (1) year.
 - b. It is decommissioned or non-use in excess of one (1) year.
 - c. Any violation of the conditions set forth in the Special Use Permit.
 8. **Noise.** The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS.
 9. **Shadow Flicker.**
 - a. No outdoor light shall be higher than one-half (1/2) the height of the tower and must have a shield affixed so that no light may be projected above the horizontal plane of the light.
 - b. The WECS shall be placed in such a manner as to prevent shadow flicker on dwellings of neighboring properties. The WECS operator may obtain a written easement or other written permission that specifically allows shadow flicker to cross an occupied structure.
 - c. It shall be the responsibility of the WECS operator to modify operations to prevent shadow flicker on dwellings constructed and/or occupied after installation of the WECS.
 10. **Ice Throw.** The WECS shall be located and operated in such a manner as to minimize the possible occurrence of ice pieces being thrown onto neighboring properties.
 11. **Fall Zone and Setbacks.** The Fall Zone is a radius whose length is designated as one and one-half (1½) times the total height of the WECS, measured outwards from the tower base, that

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describes a three hundred sixty (360) degree horizontal plane around the tower. No WECS shall be erected such that any portion of the Fall Zone impinges upon any setback on the property on which it is located.

- 12. **Height.** The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be fifty-five (55') feet, unless otherwise prohibited by state or federal statutes or regulations.
- 13. **Manual Brake.** A manually controlled braking device is required on any WECS to provide for emergency braking and/or seasonal shutdown.
- 14. **Labeling.**
 - a. The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
 - 1. The survival wind speed in miles per hour and meters per second.
 - 2. Name of owner and installer.
 - 3. Emergency telephone number.
 - b. The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily accessible location.
 - 1. Maximum power input (KW), rated voltage (volts), and rated current output (amperes) of the generator, alternator, etc.
 - 2. Manufacturer's name and address.
 - 3. Model number.
 - 4. Serial number.
 - 5. Emergency and normal shutdown procedures.
 - 6. Underwriters label where appropriate.
- 15. **Ground Clearance.** For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is twenty (20') feet.
- 16. **Accessibility.** Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12') feet.

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17. **Interconnected WECS.** In the case of WECS to be interconnected with power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sell-back or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
18. **Sell-Back Electricity.** The property owner must use at least three-fifths (3/5) of the power generated by the WECS in the home or business located on-site. Sell-back amounts to the utility company are limited to two-fifths (2/5) of the total annual kilowatt output of the WECS. An annual report with supporting documents from the power company must be submitted to the Zoning Administrator in order to retain the Special Use permit. Failure to provide an annual report within sixty (60) days of the end of the calendar year shall result in termination of the Special Use permit and subject the property owner to an order for immediate removal of the tower.
19. **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.
20. **Tower.** Wind turbines shall be installed on single pole tubular towers only (no lattice type towers) without guy wires. Size and type to be determined by the manufacturer and such specifications shall be submitted to the Planning Commission.

B. Commercial Wind Energy Conversion System (cWECS).

Commercial Wind Energy Conversion Systems and/or Meteorological Evaluation Towers, greater than the seventy (70') feet in height, shall only be permitted by Special Use Permit in the I-1 and I-2 Zoning Districts. They shall not be permitted in any other zoning district. Commercial Wind Energy Conversion Systems shall be subject to the regulations and requirements of this Section as well as the general Special Use Permit procedures of [Article 6](#) of this Ordinance.

The following standards shall apply to Commercial Wind Energy Conversion Systems, including Meteorological Evaluation Towers, in addition to the Special Use Permit Procedures of [Article 6](#) of this Ordinance:

1. **Maximum Height.** The total height of the Commercial WECS shall be defined as the tower height which may not exceed four hundred (400') feet.
2. **Setbacks.** The setback distance between a Commercial WECS and all property lines, or from the lease unit boundary, public roads, and communication or electrical lines, shall be equal to one hundred fifty (150%) percent of the height of the tower. Operations and maintenance office buildings, a substation, or ancillary equipment shall comply with all property setback requirements of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

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3. **Tower Separation.** Turbine/tower separation shall be based on a) industry standards, b) manufacturer recommendation, and c) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the turbine (rotor) blade diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.
4. **Minimum Lot Area Size.** The minimum lot size for a property to be eligible to have a Commercial WECS shall be three hundred twenty (320) acres.
5. **Minimum Ground Clearance.** The minimum vertical blade tip clearance from grade shall be twenty (20') feet for Commercial WECS employing a horizontal or vertical axis rotor.
6. **Sound Pressure Level.** Audible noise or the sound pressure level from the operation of the WECS shall not exceed fifty-five (55) db(A), or the ambient sound pressure level plus five (5) db(A), whichever is greater at the property line. The audible noise or sound pressure shall be measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure shall not be exceeded for more than three (3) minutes in any hour of the day.
7. **Safety.** The Commercial WECS shall meet the following safety requirements:
 - a. The Commercial WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.
 - b. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the Commercial WECS.
 - c. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling or ice thrown from the blades.
 - d. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - e. Commercial WECS towers shall not be climbable on the exterior.
8. **Post Construction Permits, Construction Codes, Towers, and Interconnection Standards.** The cWECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
9. **Pre-Application Permits.**
 - a. **Utility Infrastructure.** The utility infrastructure shall comply with [Federal Aviation Administration \(FAA\)](#) requirements, the [Michigan Airport Zoning Act](#) (Public Act 23 of 1950,

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as amended, M.C.L. 259.431 et seq.), the **Michigan Tall Structures Act** (Public Act 259 of 1959 as amended, M.C.L. 259.481 et seq.), and other applicable local and state regulations. The minimum **FAA** lighting standards shall not be exceeded. All tower lighting required by the **FAA** shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the **FAA**. Commercial WECS shall comply with applicable utility, **Michigan Public Service Commission**, and **Federal Energy Regulatory Commission** interconnection standards.

b. **Environment.** The Commercial WECS shall comply with applicable parts of the **Michigan Natural Resources and Environmental Protection Act** (Act 451 of 1994, M.C.L. 324.101 et seq.) as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan or supporting documents, including but not limited to:

- (1) **Part 31 Water Resources Protection** (M.C.L. 324.3101 et seq.),
- (2) **Part 91 Soil Erosion and Sedimentation Control** (M.C.L. 324.9101 et seq.),
- (3) **Part 301 Inland Lakes and Streams** (M.C.L. 324.30101 et seq.),
- (4) **Part 303 Wetlands** (M.C.L. 324.30301 et seq.),
- (5) **Part 323 Shoreland Protection and Management** (M.C.L. 324.32301 et seq.),
- (6) **Part 325 Great Lakes Submerged Lands** (M.C.L. 324.32501 et seq.), and
- (7) **Part 353 Sand Dunes Protection and Management** (M.C.L. 324.35301 et seq.)

10. **Decommissioning.** A Planning Commission approved decommissioning plan shall be provided indicating a) the anticipated life of the project, b) the estimated decommissioning costs net of salvage value in current dollars, c) a copy of the surety bond ensuring that funds will be available for decommissioning and restoration, and d) the anticipated manner in which the project will be decommissioned and the site restored.

11. **Performance Securities and Decommissioning.** A Performance Guarantee shall be provided for the applicant making repairs to public roads damaged by the construction of the Commercial WECS. A Performance Guarantee shall also be submitted at the time of receiving a building permit to ensure decommissioning of the Commercial WECS within twelve (12) months from the time when it has been abandoned or at the end of its useful life. The Commercial WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. The security shall be in the form of a surety bond establishing that the applicant and owner of the property shall decommission the Commercial WECS and restore the site to its natural predevelopment state within the required time frame. The applicant and the owner shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing decommissioning, together with and including the cost of the decommissioning and site restoration. Decommissioning shall include removal of the Commercial WECS, electrical components, foundation, and all other associated facilities. The applicant shall submit an itemized cost estimate for decommissioning and site restoration which shall be subject to review and approval by the Township.

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- 12. **Utilities.** Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the [Avian Power Line Interaction Committee](http://aplic.org/) (APLIC, <http://aplic.org/>) published standards to prevent avian mortality.
- 13. **Visual Impact.** Commercial WECS projects shall use tubular towers and all Commercial WECS in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using Commercial WECS of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources within the Township. The design of the Commercial WECS' buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the existing environment.
- 14. **Avian and Wildlife Impact.** Site plan and/or other supporting documents and/or drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
- 15. **Shadow Flicker.** Site plan and/or other supporting documents and/or drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
- 16. **Complaint Resolution.** A Planning Commission-approved process to resolve complaints from nearby residents concerning the construction or operation of the WECS project shall be established with process suggestions from the WECS owners.
- 17. **Signal Interference.** No Commercial WECS (cWECS) shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the Commercial WECS (cWECS). No Commercial WECS (cWECS) shall be installed in any location within the line of sight of an existing microwave communications link where operation of the Commercial WECS (cWECS) is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

C. **Commercial Wind Energy Conversion System (cWECS) Site Plan Review Procedure.**

An application for a cWECS shall be reviewed in accordance with all applicable requirements in [Article 5](#) and [Article 6](#). In addition to these requirements, site plans and supporting documents for cWECS shall include the following additional information:

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1. Documentation that sound pressure levels, tower, and building construction codes, electrical interconnections (if applicable), and safety requirements have been reviewed and the submitted documents are prepared to show compliance with these issues.
2. Application for the owner's public liability insurance for the life of the project.
3. A copy of that portion of all the owner's lease(s) with the land owner(s) granting authority to install cWECS and/or Meteorological Evaluation Tower, legal description of the property(ies) and Lease Unit(s), and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. Submission of the construction phases documents, or parts of construction phases, with a construction schedule.
5. The property and project area boundary map.
6. The location, height, and dimensions of all existing and proposed structures and fencing.
7. The location, grades, and dimensions of all temporary and permanent private and access roads from the nearest county or state-maintained road.
8. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment, or other deliveries and a bond application which guarantees the repair of damage to public roads and other areas caused by construction of the WECS.
9. All new infrastructures related to the project which were damaged or destroyed.
10. A copy of Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation and maintenance of all equipment including, but not limited to, all lubricants and coolants.
11. Description of operations including anticipated regular and unscheduled maintenance.
12. A copy of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise where placed, based on the analysis, so that the cWECS will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the cWECS, sound pressure level measurements shall be done by a third party, qualified professional, according to the procedures in the most current version of the ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of the ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Presque Isle Township within sixty (60) days of the commercial operation of the project. An annual report of the decibel level of each cWECS shall be provided to ensure continued maintenance of the system and sound level compliance.

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13. A copy of an Environmental Analysis by a third party, qualified professional, to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan or in a supporting document. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
14. A copy of an Avian and Wildlife Impact Analysis by a third party, qualified professional, to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on a supporting document or the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The analysis shall include the potential effects on species listed under the [Federal Endangered Species Act](#) and [Michigan's Endangered Species Protection Law \(Part 365 of 1994 PA 451\)](#). The analysis shall also indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
15. A copy of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.
16. A second site plan, which includes all the information found in [Section 5.3.D, Comprehensive Site Plan](#), as applicable, and shows the restoration plan for the site after completion of the project which includes the following supporting documentation:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning costs net of salvage value in current dollars.
 - c. The application for a bond which will ensure that funds will be available for decommissioning and restoration.
 - d. The anticipated manner in which the project will be decommissioned and the site restored to its natural predevelopment state.
17. A description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. During construction, the applicant shall maintain and make available to nearby residents a telephone number where the project representative can be reached during normal business hours.

Section 7.43 Wireless Communications

A. Wireless Communications Facilities.

Wireless Communications Facilities may be authorized with a Special Use permit by the Planning Commission in the Forest/Recreation Zoning District. The Planning Commission may grant a waiver for antenna towers and masts to be erected, with a Special Use permit, in districts other than the Forest/Recreation District pursuant to **subsection 2** below.

1. **Site Plan.** A site plan prepared and sealed by a professional engineer and other materials normally required for Special Use permits shall be submitted with the application. In considering authorization of such Wireless Communications Facilities, the Planning Commission shall apply the standards of **Article 5** (Site Plan Review Requirements), **Article 6** (Special Use Permit Procedures), and the following specific standards:
 - a. **Ownership.** The applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the Wireless Communications Facility. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the Wireless Communications Facility within thirty (30) days of the effective date of the change.
 - b. **Co-Location Feasibility.** The applicant shall provide evidence of whether or not it is feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township, or on an existing tower or other existing structure located in neighboring communities.
 - c. **Visual Impact Analysis.** The application for Special Use permit for the Wireless Communications Facility shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the Wireless Communications Facility from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Commission during its first consideration of the application for Special Use permit before the public hearing.
 - d. **Height.** A Wireless Communications Facility shall be exempt from building height limits established by zoning district regulations, provided that the height shall not exceed the minimum height necessary to serve its intended functions or one hundred seventy (170') feet, whichever is less. If the height required for the Wireless Communications Support Structure to serve its intended function decreases from such height as installed due to technological advancement, additional Wireless Communications Facility installations at other locations, or other factors, the Township may order that the Wireless Communications Support Structure be lowered to such decreased minimum height.

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- e. **Ancillary Buildings.** The ancillary building or buildings housing equipment needed for operation of the Wireless Communications Facility shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- f. **Guy Cables and Anchors.** Guy cables and anchors shall comply with applicable zoning district setback requirements.
- g. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the site. If tower lighting is required or proposed, the Wireless Communications Facility may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area. Wireless Communications Facilities shall not be artificially lighted, unless required by the **FAA** or other applicable authority. If lighting is required, the lighting alternatives and design must cause the least disturbance to the surrounding views.
- h. **Color and Finish.** Wireless Communications Support Structures shall either maintain a galvanized steel finish or be painted white to be as unobtrusive as possible. Wireless Communications Support Structures in alternate bands of orange and white shall be permitted only if specifically required by **Federal Communications Commission (FCC)** or **Federal Aviation Administration (FAA)** regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations. The antenna and/or array installed on a support structure and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the support structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
- i. **Signs.** No signs other than signs required pursuant to federal, state, or local law and ordinance shall be allowed on a Wireless Communications Facility.
- j. **Conformance to Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission** and **Federal Aviation Administration** regulations.
- k. **Use by Other Providers/Agencies.** The owner/operator of the Wireless Communications Facility shall agree to permit use of the support structure by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the support structure. The addition of other user's equipment to the support structure shall be permitted so long as the engineered design capacity of the support structure or mast is not exceeded.

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- l. **Performance Guarantee.** As a condition of approval, prior to construction, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of Wireless Communications Facilities as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the Wireless Communications Facility at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.

- m. **Abandonment.** If the Wireless Communications Facility ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the Wireless Communications Facility within three (3) months of notification by the Township.

- n. **Parcel Size and Setback.**
 - (1) The Wireless Communications Support Structure shall be located on a continuous parcel with a setback of not less than one and one-half (1.5) times the height of the Wireless Communications Support Structure measured from the base of support structure to all points on each property line. If adjacent parcels are under the same ownership as the parcel proposed for the development of a Wireless Communications Support Structure and not separated by a right-of-way, the properties may be considered in combination in determining setback of the Wireless Communications Support Structure. The Wireless Communications Support Structure and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal one and one half (1.5) times the height of the Wireless Communications Support Structure measured from its base at grade to its highest point.

 - (2) Ground-Mounted Wireless Communications Facilities and Other Wireless Communications Facilities shall be set back at least two hundred (200') feet from the outside edge of the equipment enclosure to each property line. The Planning Commission may reduce the required setbacks if it is determined that such reduction will not adversely affect neighboring property.

- o. **Fencing/Screening.** A fence not less than six (6') feet in height with anti-climb features shall be constructed around the base of the Wireless Communications Facility. The Planning Commission may require screening consisting of fencing, walls, landscape buffers, berms, or some combination thereof which are of sufficient height and depth to fully screen the facility from view of neighboring properties and/or the public right-of-way.

- 2. **Waiver.** The Planning Commission may grant a waiver to any of the subsections 1.a through 1.o above and/or may approve a Special Use permit for Wireless Communications Facilities in a district other than the Forest and Recreation District upon the following findings:

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- a. Granting the waiver will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties.
- b. Granting the waiver will not otherwise impair the public health, safety, and general welfare of the residents.
- c. Granting the waiver will uphold the spirit and intent of this Ordinance.

A request for waiver shall be considered as part of the Special Use permit process. The need/reason for the waiver shall be provided, in writing, by the applicant.

B. Wireless Communication Facility Approval Procedure.

- 1. **Co-location.** Pursuant to Section 3514(9) of P.A. 110 of 2006, as amended, co-location is permitted on existing and approved Wireless Communications Support Structures without a land use permit. No antenna or similar sending/receiving devices appended to the tower shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower’s structural integrity.
- 2. **Wireless Communications Facilities – Support Structures, Ground-Mounted, or Any Other Type of Wireless Communications Facilities.** After an application for a Wireless Communications Facility 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.
 - a. If, before the expiration of the 14-day period under subsection B.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 14-day period under subsection B.2 is tolled until the applicant submits the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
 - b. 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 the determination required for approval.
 - c. After the application is deemed complete, a public hearing shall be held for Wireless Communications Facilities. The notice of the public hearing shall be given pursuant to [Section 9.8](#).

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- d. After any required public hearing is held, the Planning Commission shall conduct a site plan review using the standards in **Section 5.5**, **Section 6.3**, and **subsection A** above. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

C. 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 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 without Special Use approval 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 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 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 Use in the Forest & Recreation District in accordance with the procedures and standards below. An applicant may request a waiver to allow small cell wireless facilities in districts other than Forest & Recreation, as a Special Use, and the Planning Commission may grant a waiver pursuant to the waiver standards in **subsection A.2 (a-c)** above.
 - 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 subsection, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the thirty (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 Use application and notify the applicant in writing within ninety (90) days after an application for a modification of a small cell wireless facility support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new small cell wireless facility support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Planning Commission.

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- b. The Planning Commission shall base their review of the request on the standards contained in [Section 5.5](#) (Criteria for Granting Site Plan Approval) and [Section 6.3](#) (Special Use Review Standards); 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.

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

Antenna towers and masts erected and operated as an 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. An amateur radio service station antenna structure and other 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 tower 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 Township 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.

Section 7.44 Biofuel Production Facilities on Farms

A. In conformance to the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel is a permitted use of property and is not subject to Special Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than one hundred (100’) feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the Zoning Ordinance.
 - c. On an annual basis, not less than seventy-five (75%) percent of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than seventy-five (75%) percent of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
2. Each of the following requires Special Use approval under **subsections (3) to (5)**:
 - a. A biofuel production facility with an annual production capacity of not more than one hundred thousand (100,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b** but that does not meet the requirements of **subsection A.1.c**.
 - b. A biofuel production facility with an annual production capacity of more than one hundred thousand (100,000) gallons but not more than five hundred thousand (500,000) gallons of biofuel that meets the requirements of **subsection A.1.a and A.1.b**.

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3. An application for Special Use approval for a biofuel production facility described in **subsection 2** shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than ten thousand (10,000) proof gallons annually, completed **United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau**, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the **National Environmental Policy Act of 1969**, 42 USC 4321 to 4347, and the **Federal Water Pollution Control Act**, 33 USC 1251 to 1387.
 - f. Information that demonstrates that the biofuel production facility will comply with the requirements of **subsections A.2** and **A.5**.
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Township shall hold a hearing on an application for Special Use approval under **subsection A.2** not more than sixty (60) days after the application is filed.
5. Special Use approval of a biofuel production facility described in **subsection A.2** shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Township with proof that all necessary approvals have been obtained from the state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.

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- (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- (5) The biofuel production facility includes sufficient storage for both of the following:
 - (a) Raw materials and fuel.
 - (b) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

B. This Section does not authorize biofuel production facilities that are not located on farms.

Section 7.45 Short Term Rentals

- A. Short Term Rentals shall comply with the [Presque Isle Township Short Term Rental Ordinance](#).
- B. Short term rentals require a land use permit. The Zoning Administrator shall be the official charged with reviewing the application and issuing the permit.
- C. The following application elements are required prior to receipt of a Short Term Rental land use permit or permit renewal:
 - 1. A fully completed and signed land use permit application form provided by the Township including all the required supplemental documents.
 - 2. Owner contact information.
 - 3. 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 Short Term Rental.
 - 4. More than one (1) owner or ownership by entity: When 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 and for the president, general manager, or other chief executive officer of the organization.
- D. A Short Term Rental land use 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.

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Section 7.46 Self-Storage Facilities/Mini-Storage

Amended 5/13/24; Effective 5/23/24

- A. All buildings shall be set back from the front lot line at least eight (80) feet. The Planning Commission may increase this setback to one hundred (100) feet if it is determined that a larger setback would be more compatible with the surrounding neighborhood.
- B. Buffer Strip Required.
 - 1. A landscaped buffer strip shall also be required between the front lot line and all buildings. The buffer strip shall comply with the standards in [Section 3.20.A](#).
 - 2. Pursuant to [Section 3.20](#), screening shall be required on the side and rear lot lines when the use abuts a residential use.
- C. Landscaping shall be required pursuant to [Section 3.19](#) except that the entire front yard is required to be landscaped.
- D. Buildings shall be architecturally similar in style to other buildings in the neighborhood. The Planning Commission shall determine if the proposed buildings are architecturally similar to the surrounding neighborhood after reviewing elevation drawings, materials proposed, and roof style.
- E. No repair facilities shall be located on the site and no incidental repair operations shall occur on the site.
- F. Storage of hazardous materials is prohibited on the site.
- G. Except in the case of office space used for employees of the facility, no water and septic shall exist on the site.

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Article 8

Zoning Board of Appeals

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Section 8.1 Establishment of the Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, and duties of which are described in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the above act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured and justice served.

Section 8.2 Membership

A. Regular Members.

The Township Board of Appeals shall consist of the following five (5) members:

1. A member of the Board of Appeals shall be a member of the Township Planning Commission.
2. A member may be a member of the Township Board appointed by the Township Board.
3. The remaining members shall be selected and appointed by the Township Board from among the electors residing in the Township.

B. Alternates.

1. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals.

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- 2. Alternate members shall be selected and appointed by the Township Board from among the electors residing in the Township.
 - 3. An alternate member may be called by the chairperson to serve as a regular member of the Zoning Board of Appeals if a regular member is absent from or will be unable to attend one (1) or more meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.
 - 4. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 - 5. The alternate member so appointed shall serve in the case until a final decision is reached.
 - 6. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
 - 7. One (1) alternate member may be a member of the Planning Commission and shall be called to serve only when the regular member of the Planning Commission who is also a ZBA member is absent or has a conflict of interest.
- C. An employee of, or contractor to, the Township may not serve as an employee or member of the Township Zoning Board of Appeals.

D. Expenses.

The total amount allowed by the Zoning Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

E. Terms of Office.

The term of each member shall be for three (3) years, except that the terms of the members of the first (1st) board appointed shall be as follows: The first member shall serve for three (3) years; the second member for two (2) years; and the third member for one (1) year.

F. Removal of Member.

Members of the Zoning Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

G. Member of the ZBA who is also a Planning Commissioner.

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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.

Section 8.3 Meetings

The Zoning Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any ordinance adopted pursuant to [Act 110 of 2006](#), as amended.

A. Open Meetings.

All meetings shall be open to the public and shall be in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended.

B. Quorum.

The Zoning Board of Appeals shall not conduct business unless a majority of members are present.

C. Meeting Scheduling and Notice.

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson, in response to a request for an appeal, and at other such times and places as the Zoning Board of Appeals may determine. Public notice of the date, time, and place of the public hearing shall be given in the manner prescribed in [Section 9.8](#).

D. Records.

The Zoning Board of Appeals shall keep minutes of all its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk, and shall be a public record.

E. Rules of Procedure.

The Zoning Board of Appeals shall adopt its own rule of procedure for its meetings.

F. Oaths and Witnesses.

The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

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G. **Majority Vote.**

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 any administrative official or body, or to decide in favor of the appellant on any matter upon which they are required to pass under any such Ordinance, or to effect any variation in such Ordinance.

Section 8.4 Powers of the ZBA

The Zoning Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer or body from whom the appeal is taken, and may issue or direct the issuance of a permit.

A. The Zoning Board of Appeals, in hearing and deciding appeals, shall have the authority to:

1. **Administrative Review.** Hear and decide upon appeals from determination of the Township Zoning Administrator, Planning Commission, or other administrative agent acting under the terms of this Ordinance.
2. **Interpretation.** Hear and decide upon requests for interpretation of the provisions of this Ordinance including the zoning map.
3. **Variations.** Grant non-use variances from the strict requirements of this Ordinance, so that the spirit of the Ordinance is observed, public safety secured, and substantial justice is done using the criteria in [Section 8.6](#).
4. **Site Plan Review Standards.** Permit the modification of site plan review standards, as may be established in this Ordinance, where physical hardship and unusual circumstances peculiar to the property in question exist.
5. **Special Uses and Planned Unit Developments.** The ZBA may hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.

B. **Powers Not Granted.**

1. **Use Variances.** The Zoning Board of Appeals does not have the authority to grant use variances.
2. **Amendments.** The Zoning Board of Appeals shall not alter the text of this Ordinance nor make any changes to the zoning district classification of a property.

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Section 8.5 Appeals Procedure

The Zoning Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this Zoning Ordinance. Such an appeal may be taken by any person aggrieved, or by an officer, department, board, or bureau of the township, county, or state. It shall hear and decide appeals from and review any order, requirements, decisions, or determination made by the administrative official and/or planning commission charged with enforcement of any ordinance adopted pursuant to the provisions of the Michigan Zoning Enabling Act, **2006 PA 110**, as amended. In addition, when acquisition of a portion of a parcel of property under Section 4 of the **Uniform Condemnation Procedures Act, 1980 PA 87**, as amended, leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.

A. Timing of Appeals.

An appeal shall be taken within thirty (30) days from the date of any written and signed decision (issuance of a zoning permit or issuance of a denial letter) constituting the basis for appeal by filing with the Zoning Administrator. Grounds for the appeal shall be specified.

B. Notice for Appeal.

1. The applicant shall submit, to the Zoning Administrator, a Notice for Appeal on a form provided by the Township including eight (8) copies of the Notice for Appeal, surveys, plans and data or other information which is requested by the Zoning Administrator or Chairperson of the Zoning Board of Appeals. In the event an application is made involving more than one (1) building, the total development may be incorporated in one (1) appeal.
2. A request for a variance shall relate only to the property under the control of the appellant.

C. Fee.

The Township Board may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the Notice for Appeal is filed, said fee shall be paid to the Township Clerk to be credited to the General Revenue Fund.

D. Stays.

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 the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or application, on notice to the Zoning Administrator and on due cause shown.

E. Time, Notices, Appearance.

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1. The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal.
2. Public notice of the date, time, and place of the public hearing shall be given in the manner prescribed in [Section 9.8](#).
3. The Zoning Administrator shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
4. Any party may appear at the public hearing in person or may be represented by his agent or attorney. The Board shall render a decision within a reasonable period of time.

F. **Decisions.**

1. In deciding upon matters referred to, or upon which it is required to act under this Ordinance, the Zoning Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety, and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance and the [2006 PA 110](#), as amended.
2. **Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body or to decide in favor of the applicant a matter upon which the Board is required to pass under this Ordinance or to effect a variation in this Ordinance.
3. The Board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.
4. **Conditions.** The Board may impose conditions with any decision pursuant to [Section 9.7](#).
5. **Written Findings of Fact.** The grounds for any such determination shall be stated in the records of the Board’s proceedings.
6. **Resubmittal.** No application for variance which has been denied shall be resubmitted within one (1) year from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

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Section 8.6 Criteria for Granting Variances

Variances shall be granted only in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), and shall be based on findings of fact related to the criteria set forth in this Section. Consistent with the decisions of courts of law in the State of Michigan, all of the criteria indicated below must be found by the Zoning Board of Appeals to indicate a practical difficulty exists, thereby justifying a variance. A financial hardship of the land owner, developer, or other related party shall not be a consideration in determining if a practical difficulty exists or otherwise justify granting a variance. The Zoning Board of Appeals shall have the powers, in passing of appeals, to vary or modify the rules, regulations, or provisions of the Ordinance as described above, by granting variances, provided that any variation granted from this Ordinance complies with the following:

- A. Granting the variance will not jeopardize the preservation of a substantial right, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.
- B. Granting the variance will not impair the adequate supply of air and light to any adjacent property.
- C. Granting the variance will not increase the hazards from fire, flood, or other natural or manmade dangers.
- D. Granting the variance will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke, or excessive light.
- E. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
- F. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- G. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
- H. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

Section 8.7 Approval Periods

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit; provided, however, that such order shall continue in force and effect, if a

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permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

Section 8.8 Appeals from the Zoning Board of Appeals

The decision of the Zoning Board of Appeals shall be final. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court provided the appeal is filed within thirty (30) days after the ZBA certifies its decision in writing signed by the Chairperson or twenty-one (21) days after the ZBA approves the minutes of its decision (whichever comes first) and provided that the record of the decision and the application satisfies the conditions stated in Section 606 of the [Michigan Zoning Enabling Act, 2006 PA 110](#).

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Article 9

Administration & Enforcement

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Section 9.1 Zoning Administrator

A. Establishment of Zoning Administrator.

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator and/or deputy of same, designated and appointed by the Township Board. Said Zoning Administrator and/or deputy shall be compensated, subject to conditions and rate of pay as determined by the Township Board. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance.

B. Duties of Zoning Administrator.

1. **Land Use Permits.** The Zoning Administrator shall be responsible for review and approval of all zoning-related applications. The Zoning Administrator shall keep a copy of all applications received and a record of action taken on them and shall provide any applicant denied a permit the reasons for the denial in writing. The Zoning Administrator shall be responsible for:
 - a. The issuance of land use permits for Zoning Administrator-approved uses listed in [Table 5.2](#).
 - b. The issuance of land use permits for Planning Commission-approved uses listed in [Table 5.2](#) after Planning Commission review.

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2. **Inspections.** The Zoning Administrator shall be empowered to make inspections of building or premises as required to enforce this Ordinance. Please see application forms for more information.
3. **Compliance.** The Zoning Administrator shall be responsible for determining compliance with site plans and other approved land use permits.
4. **Application.** The Zoning Administrator shall be responsible for taking applications for Zoning Ordinance text amendments, Special Use permits, variances, appeals, or ordinance interpretation. The Zoning Administrator will also undertake whatever investigation of the requests is required by the Planning Commission or Zoning Board of Appeals prior to the presentation of the request.
5. **Records.** The Zoning Administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this Ordinance as well as records of all Special Use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning compliance permits issued.
6. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within sixty (60) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.
7. **Violations.** If the Zoning Administrator shall find any violations of this Ordinance existing within the Township, he/she shall notify, in writing, the person or persons responsible for such violations, indicating the nature of the violation and ordering any and all action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings and structures, or of illegal additions and/or alterations. The Zoning Administrator shall also order discontinuance of illegal work in progress, and shall take any further actions necessary to cause conformance with the requirements and intent of this Ordinance.

Section 9.2 Land Use Permits & Inspections

A. Land Use Permit Required.

No building shall be constructed, altered, enlarged upon, or moved, except as otherwise provided for in this Ordinance, without a land use permit issued by the Zoning Administrator. No permit shall be issued except in strict conformance with the regulations set forth in this Ordinance. It shall be illegal for the Zoning Administrator to issue any permits or approve any plans for construction or excavation until he/she has inspected such plans in detail, and finds them to be in conformance with this Ordinance.

B. Review Process for Land Use Permit.

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1. The Zoning Administrator shall require that every application for a land use permit for excavation of land, and construction, removal, demolition, or alteration of buildings, or change in type of use or type of occupancy be filed according to [Article 5](#).
 - a. Applications which are approved by the Zoning Administrator are reviewed by the Zoning Administrator for compliance with this Ordinance.
 - b. Applications which are approved by the Planning Commission are reviewed according to the procedures contained in [Article 5](#) for site plans and [Article 6](#) for Special Uses.
2. A land use permit is required prior to the issuance of a building permit.
3. **Signed Application/Site Plan.** One (1) copy of the application/site plan, signed and dated by the Zoning Administrator, shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the Ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. The original and one (1) copy, signed and dated by the Zoning Administrator, shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours.
4. **Other Required Permits.** A land use 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 land use permit.

C. **Inspections.**

The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. The construction or usage affected by any land use permit shall be subject to the following:

1. **Inspection Prior to Construction.** Inspection shall occur at the time of staking out of building foundation or location of structure. The property owner is responsible for determining and marking the correct location of property lines from which setbacks are measured.
2. **Inspection After Construction.** Inspection shall occur upon completion of the construction authorized by the permit.
3. **Procedures for Inspections.**
 - a. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the property is ready for inspection.
 - b. Should the Zoning Administrator determine that the building or structure is not located according to the site plan filed or is in violation of any provision of this Ordinance or any other applicable law, he/she shall so notify, in writing, the holder of the permit or their agent.

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Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.

- c. Should a land use permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

D. Conformance with Approved Plans.

Land use permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission shall apply only to those uses, arrangements, and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in [Section 9.9](#).

E. Land Use Permit Expiration/Timeline for Completion.

- 1. **Commencement of Construction.** Any land use permit shall become invalid if construction has not commenced within one (1) year after the land use permit is issued. If the land use permit expires, the applicant must re-apply for approval using the same procedure as the initial approval.
- 2. **Exterior Finish of all Building.** The exterior finish of all buildings for which approval has been given shall be complete within one (1) year from the issuance of a land use permit. Thirty (30) days prior to the end of the one (1) year period, the applicant may make application to the Zoning Administrator for a six (6) month extension to complete the exterior finish. The Zoning Administrator may grant the six (6) month extension if he/she finds good cause for the extension. Additional six (6) month extensions may be requested to the Zoning Administrator and may be granted by the Zoning Administrator if good cause is shown. A fee, as determined by the adopted fee schedule, may be charged for each extension.

F. Land Use Permit Revocation.

- 1. Revocation of Plan which was approved by the Planning Commission – see [Section 5.8.A](#).
- 2. Revocation of Plan which was approved by the Zoning Administrator – see [Section 5.8.B](#).
- 3. Revocation of Special Use – see [Section 6.5](#).

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Section 9.3 Planning Commission

The Planning Commission shall be responsible for the following administrative activities under this Ordinance:

A. Site Plan Approval.

The Planning Commission shall review site plans and plots plans specified in [Section 5.2](#) and issue its approval, conditional approval, or denial.

B. Special Use Permits.

The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.

C. Rezoning or Text Amendment.

The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance upon application or upon its own initiation. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board pursuant to [Section 10.2](#).

Section 9.4 Fees in General

A. Establishment of Fees.

Except as otherwise provided for in this Ordinance, the Township Board shall, by resolution, adopt a fee schedule to be charged for all permits, certificates, and official actions required (such as administration of appeals). The board may revise said fees, by resolution.

B. Fees Paid Prior to Permit.

These fees shall be collected by the proper official prior to issuance of any permit or certificate, and no permit is valid until the appropriate fee has been paid. There shall be no refund of any application fee regardless of whether the application is processed or withdrawn.

C. Additional Fees.

If the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board 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, Zoning Board of Appeals, or Township Board 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

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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 shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten (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 Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 9.5 Performance Guarantee

The Planning Commission may require that a performance guarantee, in the form of a cash deposit, certified check, or irrevocable bank letter of credit be furnished by the applicant to ensure the completion of certain improvements associated with development authorized in an approved Comprehensive Site Plan. The improvements for which such a guarantee may be required shall be limited to those features associated with the development project which are considered necessary to protect the natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including, but not limited to, roadways, utilities, sidewalks, landscaping, revegetation, screening, and drainage. The term "improvements" does not include the entire project which is the subject of the site plan approval, nor improvements for which a performance guarantee has been deposited pursuant to the [Land Division Act, 1967 PA 288](#), as amended). Performance guarantees shall be processed in the following manner:

- A. The performance guarantee shall be deposited with the Township Clerk at the time of issuance of a building permit for the construction included in the approved site plan. The amount of the performance guarantee shall be equal to one hundred (100%) percent of the estimated cost of the required improvements covered by the guarantee and shall be based upon an itemized cost estimate submitted by the applicant, and reviewed and approved by the Zoning Administrator as to its accuracy.
- B. The Zoning Administrator, upon the written request of the applicant, shall authorize the Township Clerk to rebate portions of the performance guarantee upon a determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- C. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning

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Administrator shall inspect all of the improvements and shall authorize approval, partial approval, or rejection of the improvements, with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement rejected shall be set forth.

- D. The Zoning Administrator shall notify the applicant in writing of the approval, partial approval, or rejection of the improvements within thirty (30) days after receipt of the notice from the applicant of the completion of the improvements. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- E. A record of performance guarantees and the status of the improvements guaranteed thereunder shall be maintained by the Zoning Administrator.

Section 9.6 Use of Consultants

From time to time, the Planning Commission, Township Board, or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 9.7 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements. Conditions shall:

- A. Be designed to protect natural resources, the health, safety, and welfare, and social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

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Section 9.8 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. Published Notice.

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

B. Content.

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

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Use, planned unit development, variance, appeal, Ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Notice.

1. Except as noted in [subsection C.2](#) and [subsection C.3](#) below, notices for all public hearings shall be given as follows:

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- a. Notice of the hearing shall be not less than fifteen (15) calendar days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) 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.
2. Newspaper publication as required in [subsection C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
 3. For ordinance interpretations and requests that do not affect a specific property, the only notice required shall be to the applicant and by newspaper publication, as required in [subsection C.1](#) above.
 4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first-class, properly addressed, and postage paid. The Zoning Administrator 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.
 5. **Registration to Receive Notice by Mail.**
 - a. **General.** 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 Township to receive written notice of all public hearings. The

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Township Clerk shall be responsible for providing this notification, as established by the Township Board.

- b. **Requirements.** The requesting party must provide the Zoning Administrator information to ensure notification can be made.

Section 9.9 Violations & Penalties

- A. The violation, by any person, corporation, or association, or by anyone acting on behalf of any such person, corporation, or association, of any provision of this Ordinance is hereby designated as a municipal civil infraction.
- B. The Presque Isle Township Supervisor and the Presque Isle Township Zoning Administrator are hereby designated as authorized local officials who shall administer and enforce this Ordinance and who are authorized to issue municipal civil infraction citations.
- C. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the **Revised Judicature Act of 1961, being Act No. 236 of the Public Acts of 1961**, as amended (the "Act"), involving a violation of this Ordinance.
- D. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one (1) or more municipal civil infractions by the person, corporation, or association cited (the "defendant").
- E. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
- F. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.
- G. A citation shall be issued and served by an authorized local official in accordance with the provisions of Sections **8707 and 8709** of the Act.
- H. A citation shall contain the information required under **Section 8709** of the Act.
- I. An authorized local official may issue a citation to a defendant if the official witnesses a defendant commit a violation of this Ordinance; or if, based upon investigation, the official has reasonable cause to believe that the defendant is responsible for a violation of this Ordinance; or if, based upon investigation of a complaint by someone who allegedly witnessed the defendant commit a violation of this Ordinance, the official has reasonable cause to believe that the defendant is responsible for a violation of this Ordinance, and if the Township attorney approves in writing the issuance of the citation.

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- J. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to ninety (90) days in jail and/or up to a \$500.00 fine plus costs of the prosecution and will result in entry of a default judgment against the defendant on the municipal civil infraction.
- K. A defendant found responsible by the judge or magistrate for a violation of this Ordinance shall pay a fine not to exceed \$500.00 plus costs of not less than \$9.00 nor more than \$500.00, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Except as otherwise provided by law, costs shall be payable to the general fund of the Township. In addition to ordering a defendant to pay a civil fine and costs, the court may issue and enforce any judgment, writ, or order necessary to enforce this Ordinance, in accordance with [Section 8302](#) of the Act.
- L. If a defendant fails to comply with an order or judgment issued pursuant to [Section 8727](#) of the Act within the time prescribed by the court, the court may proceed under [Sections 8302, 8729, and 8731](#) of the Act, as applicable.
- M. If a defendant does not pay a civil fine or costs or an ordered installment within thirty (30) days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording of the court order with the register of deeds. The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be enforced and discharged by the Township in the manner prescribed by [Section 8731](#) of the Act.
- N. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to the applicable fine, costs, penalties, and sanctions as a separate offense.
- O. In addition to any remedies available by law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this Ordinance. Land, dwellings, buildings, and structures, including but not limited to tents, recreation vehicles, and manufactured homes used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, and a court of competent jurisdiction may order such nuisance abated.

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

B. Rehearing Procedure.

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

1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission’s or Zoning Board of Appeals' minutes 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 applicants' last known address, or may be served personally on the applicant. For site plan review, 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. Special Use and Zoning Board of Appeals rehearsings shall follow the notice procedures stated in [Section 9.8](#). 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 rehearing.

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- 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.

Section 9.11 Interpretation & Conflicting Regulations

- A. The interpretation and application of the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare.
- B. This Ordinance is not intended to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance other than the previous Presque Isle Township Zoning 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.
- C. **Conflicting Regulations.**
 - 1. **When this Ordinance is More Restrictive than Another Law or Ordinance.** Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern except where legally superseded by such other law or ordinance.
 - 2. **When Another Law or Ordinance is More Restrictive than this Ordinance.** Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.
 - 3. **Conflicting Provisions within this Ordinance.** Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive or specific requirement shall prevail. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

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Section 9.12 Review Process Table

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

| Type of action | Parties who may initiate action | Body making decision | Public hearing required | Published notice(s)- Number of days before hearing | Mailed notice to all owners and occupants within 300 feet - Days before hearing | Body to which applicant may appeal a denial | |
|--|---------------------------------|---|-------------------------|--|---|---|--|
| Single- & two-family dwellings, temporary dwellings, family child care home, signs, residential accessory buildings and structures, & fences | Applicant | ZA | No | ---- | ---- | ZBA | |
| Site plan approval | Applicant | PC | No | ---- | ---- | ZBA | |
| Special uses | Applicant | PC | Yes | Not less than 15 | Not less than 15 days | ZBA | |
| Planned unit development | Applicant | PC | Yes | Not less than 15 days | Not less than 15 days | ZBA | |
| Variance | Applicant | ZBA | Yes | Not less than 15 days | Not less than 15 days | Circuit Court | |
| Interpretation | Applicant, PC, or ZA | ZBA | Yes | Not less than 15 days | Not less than 15 days | Circuit Court | |
| Appeal from decision | Any aggrieved party | ZBA | Yes | Not less than 15 days | Not less than 15 days | Circuit Court | |
| Rezoning or Text Change (Amendment) | Applicant, PC | Step 1: PC recommends to TB | Yes | Not less than 15 days | Not less than 15 days | No action until after TB decision | |
| | | Step 2: Presque Isle County Planning Commission reviews amendment & provides comment (30 days) | | | | | |
| | | Step 3: TB | No | ---- | ---- | ---- | |
| | | Step 4: TB publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 th day after publication. | | | | | |
| Zoning Ordinance Enforcement | ZA | ---- | ---- | ---- | ---- | ZBA | |

ZA = Zoning Administrator PC = Planning Commission TB = Township Board ZBA = Zoning Board of Appeals

Article 10

Adoption & Amendments

| Sec | Name | Pg |
|-------|--|------|
| 10.1 | Amendment to this Ordinance | 10-1 |
| 10.2 | Processing of Amendment/Rezoning | 10-1 |
| 10.3 | Rezoning Standards | 10-3 |
| 10.4 | Conditional Rezoning | 10-4 |
| 10.5 | Annual Zoning Ordinance Review | 10-8 |
| 10.6 | Rights & Remedies | 10-8 |
| 10.7 | General Responsibility | 10-8 |
| 10.8 | Severability | 10-8 |
| 10.9 | Repeal & Savings Clause | 10-8 |
| 10.10 | Adoption & Effective Date | 10-8 |

Section 10.1 Amendment to this Ordinance

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed, pursuant to the authority and according to the procedures set forth in the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one (1) or more property owners in Presque Isle Township affected by such proposed amendment.

Section 10.2 Processing of Amendment/Rezoning

The procedure for amending this Ordinance shall be as follows:

A. Filing of Amendment Application.

1. Each application shall be submitted to the Zoning Administrator accompanied by the proper fee, and then referred to the Planning Commission at the next regularly scheduled meeting or at a special meeting called for such purpose. Applications for amendment shall be submitted at least thirty (30) days prior to the date at which the public hearing will be held.
2. The Zoning Administrator shall transmit the amendment application to the Planning Commission.

B. Planning Commission Action.

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1. **Public Hearing.** Before submitting its recommendations of the application to amend, the Planning Commission shall hold at least one (1) public hearing. The notices for the public hearing shall be given pursuant to [Section 9.8](#).
2. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal. For rezoning applications, the Planning Commission shall consider the standards in [Section 10.3](#).
3. **Submission to County Planning Commission.** Following the public hearing, the Planning Commission shall submit the proposed amendment to the County Planning Commission for review and recommendations. The review of the County Planning Commission shall be conclusively presumed unless the County Planning Commission, within thirty (30) days of receipt, notifies the Township Clerk of its recommendations.
4. **Recommendation to Township Board.** The Township Planning Commission shall refer the proposed amendment to the Township Board along with its written recommendations for approval or disapproval and reasons, therefore. This recommendation may occur at the meeting at which the public hearing occurs pending review by the County Planning Commission or may occur at the next regularly scheduled meeting after review by the County Planning Commission.

C. Township Board Action.

1. **Public Hearing Not Required.** A public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner. If a public hearing is requested or if the Board desires to hold an additional hearing, the notice procedures in [Section 9.8](#) shall be followed.
2. **Adoption.** Thereafter, at any regular meeting or at any special meeting called, the Township Board may adopt and enact the proposed amendment, in accordance with [2006 PA 110](#), as amended, being the Michigan Zoning Enabling Act.
3. **Notice of Adoption.** Upon enactment of the amendment, said amendment shall be published in a newspaper of general circulation within the Township within fifteen (15) days after enactment.
4. **Effective Date.** Within seven (7) days after publication, the amendment shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. The amendment shall become effective on the eighth (8th) day after publication. If the amendment requires a change on the Official Zoning Map, such change shall be made on the map.

D. Resubmittal.

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No petition for rezoning, which has been disapproved by the Township Board, shall be submitted for a period of one (1) year from the date of disapproval except as permitted by the Township Board after becoming aware of new evidence which may result in approval upon resubmittal.

E. Reversion of Rezoned Areas.

In the case of land which has been approved for a zoning change, construction on such parcel, other than accessory buildings, must begin within a period of one (1) year from approval of such zone change. If construction does not commence within this period, the Township Board may initiate action to rezone the parcel to its original zoning district or another appropriate district.

Section 10.3 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request:

- A. Is the proposed rezoning consistent with the Presque Isle Township Master Plan?
- B. Is the proposed rezoning reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Will there be an adverse effect on property values in the adjacent area?
- E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- F. Will rezoning create a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- H. Are there adequate public services available to meet the needs of the uses allowed in the proposed district? *Amended 11/14/22*
- I. Will the uses allowed in the proposed district result in traffic volume which is not compatible with the surrounding area? *Amended 11/14/22*
- J. Is there an identifiable public need that is met by rezoning the property? *Amended 11/14/22*
- K. Is there opposition from property owners in the Township that is based on identifiable concerns? *Amended 11/14/22*

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Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 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 Use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the Special Use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, 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 public hearing as set forth in [Section 9.8](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except 10.3.G) of this Ordinance, may recommend

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approval, approval with recommended changes, or denial of rezoning provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. County Planning Commission Review.

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to Presque Isle County Planning Commission as specified in **Section 10.2.B.3** for not more than thirty (30) day review period, according to the provisions of Section 307 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

E. Township Board Review.

After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

F. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **Presque Isle County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate, by attachment or reference, any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

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- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the **County Register of Deeds**. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

G. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

H. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within two (2) years after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a change in circumstances that would render the current

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zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

I. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection H** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

J. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection I** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

K. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection H** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

L. Township Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended.

M. Failure to Offer Conditions.

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

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Section 10.5 Zoning Ordinance Review

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the locations of zoning district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety, and general welfare.

Section 10.6 Rights & Remedies

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

Section 10.7 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance, and said Board is hereby empowered to begin and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court, or any other court having jurisdiction to restrain and/or prevent any non-compliance with, or violation of, any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And, it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation, may institute suit and/or join the Township Board in such a suit to abate the same.

Section 10.8 Severability

This Ordinance and the various parts, sections, subsections, phrases, and clauses thereof are hereby declared to be severable. In any part, article, section, sentence, phrase, or clause adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 10.9 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Presque Isle Township Zoning Ordinance in its entirety.
- B. The repeal of the above ordinance and its amendments does 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.

Section 10.10 Adoption & Effective Date

- A. This Ordinance was adopted on April 11, 2022 by the Presque Isle Township Board of Trustees and will be effective April 21, 2022. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on February 15, 2022.

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- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the eighth (8th) day after publication, or a specified later date, of a notice of adoption of said amendments or revisions that is published within fifteen (15) days of adoption in accordance with the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended.

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