

COMINS TOWNSHIP PLANNING COMMISSION

ORDINANCE NO. 4

OSCODA COUNTY

Originally adopted: MAY 27, 1974

*Please Take Note:*

Any items, issues or uses not found or defined in this Ordinance, will need to be addressed by the Planning Commission at its discretion.

This copy of the Comins Township Zoning Ordinance is current as amended: October 13, 2005

This Ordinance is from time-to-time subject to changes and revisions.

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## ARTICLE I - PURPOSE, SCOPE, AND INTERPRETATION

### Purpose:

In the interpretation and application of the provisions of this Ordinance, its terms shall be held to be the minimum requirements adopted for the promotion of the orderly development of Township, and to protect the public health, safety, morals and general welfare of the inhabitants of the Township, and the lands and resources of the Township. Incidental thereto, and to accomplish such purpose, are provisions intended to provide adequate access to secure safety from fire and other dangers by regulating the height and bulk of buildings wherever erected, and limiting the size of yards and other open spaces and also regulating the location of uses, trades, industries, and buildings in relation to traffic and parking needs.

### Scope:

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or Ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas or other open spaces than are proposed or required by such existing laws or Ordinances, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

### Interpretation:

The provisions of this Ordinance shall be liberally construed to promote the purpose set forth in this Document.

## ARTICLE II - DEFINITIONS

### Section A Accessory Building:

A subordinate building or structure on the same lot with a main building.

### Section B Accessory Use:

A use naturally and normally incidental and subordinate to the main use of the premises.

### Section C Adult Business:

Any establishment that deals in adult material and/or services, describing and/or relating to any and all specified sexual activities such as books, magazines, body painting, pictures, movies, and/or paraphernalia.

### Section D Apartment Complex:

Every apartment complex hereafter erected, must have a minimum of five hundred sixty (560) square feet of gross floor area per apartment

### Section E Automobile or Trailer Sales Area:

An area used for the display, sales or rental of new or used motor vehicles or trailers in operable condition.

### Section F Buffer Strip:

Contains a dense growth of vegetation that would obstruct view and diminish sound for all seasons of the year.

### Section G Building:

Any structure having a roof.

### Section H Building Height of:

The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof

### Section I Bulk Station:

A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquids except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, close-up testers, are stored for wholesale purposes where the aggregate capacity of all storage tanks is more than six thousands (6,000) gallons.

Section J Clubs/Camps:

An organization catering exclusively to members and their guest on premises and buildings. For recreational, artistic, political or social purposes, which are not conducted for financial gain and which do not provide merchandise, vending, or commercial activities, except as required incidentally for the membership and purpose of such club/camps

Section K Condominiums:

Joint ownership; an apartment which all units are owned separately, a building, which the units are owned by each tenant.

Section L Corner Lot:

Any lot having a frontage on two (2)-intersecting streets or upon two (2) portions of a turning street.

Section M Curb Level:

The mean levels of the established curb in front of the building. Where no grade level has been established, the Township shall cause to be established by competent agencies, such grade level for the purposes of these regulations.

Section N Deck or Patio Wood or Concrete:

1. A wooden platform 4x6 feet or larger is a deck
2. A patio of at least 4x6 feet of material other than wood

Section O Dog Kennel:

Any place where more than three (3) dogs over six (6) months of age are housed or cared for and which is not an animal hospital.

Section P Dwelling:

1. Single dwelling: A building provided with the facilities for sleeping, cooking and sanitation and used primarily as a residence by one (I) family. The use may be for a year round or seasonal occupancy by owner or lessee. The term dwelling is synonymous with the terms ***Manufactured Home, Modular Home***, house, cabins, cottages, bungalows, when each is equipped with sleeping, cooking and sanitary facilities.

2. Multiple dwelling: A building containing two (2) or more single dwellings under one (1) common roof shall be called a multiple dwelling.

Section Q Essential Service:

Essential service means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, or gas regulator stations and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or commissions or for the public health, safety, or general welfare.

Section R Farm:

All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of member(s) of his/her household or hired employees. Provided, however, that land to be considered as a farm hereunder shall include a contiguous, unplatted parcel of not less than five (5) acres in area: provided further, that greenhouse, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but establishments keeping or operating game, fish hatcheries, dog kennels, fur-bearing animals, stock yards, slaughter houses, stone quarries or commercial sand and gravel pits shall not be considered as farms hereunder; nor shall premises operated as fertilizer works, bone yards, piggeries, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

Section S Fence:

A structure not to exceed eight (8) feet in height and of definitive location maintained to screen and/or separate a use from adjacent property. Fences extending from the front house line to the front lot line shall be no higher than forty-two (42") inches and of an open mesh design, such as open picket, chain link, or split rail.

Section T Fence, Screening:

A structure of definite height and location maintained to allow twenty (20%) percent passage of light and to screen and separate a view from adjacent property. A screening fence shall be an obscuring fence not less than four (4) feet in height.

Section U Garage Private:

A detached, attached building with the primary purpose of vehicle storage.

Section V Highway:

A public thoroughfare including roads and streets but not alleys.

#### Section W Home Occupation:

An occupation conducted in or about a home which does not alter the residential character of the property, such as dressmaking, real estate and insurance sales, bookkeeping and accounting services, selling of firewood or garden produce, when engaged in by only a resident entirely within his dwelling and not in an accessory building or structure, or with the use of non-residing employees. Such use shall not occupy more than twenty (20) per cent of the floor area exclusive of attic or basement and shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use. One (1) non -illuminated sign not exceeding five hundred (500) square inches in area may be attached flat on the front wall of the dwelling to advertise the home occupation.

#### Section X Home Professional Office:

The office of a physician, surgeon, doctor, dentist, attorney, engineer, architect and similar recognized professional activity when practiced by only the resident within his dwelling and not in an accessory building or structure on the premises not with the assistance of more than one (1) non-residing employee. Such use shall not occupy more than fifty (50) percent of the floor space exclusive of attic and basement, and shall show no external evidence of such use or any change in the appearance of the building or premises from a dwelling. One (1) illuminated non-flashing sign not exceeding one thousand (1000) square inches in area may be attached flat on the wall of the dwelling to advertise the profession.

#### Section Y Junk/Trash:

The terms "Trash" and "Junk" are used synonymously and each as used herein shall include the following; Used articles or pieces of: Iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage for rats, garbage, Industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building, used or salvaged building materials, and abandoned vehicles & trailers.

#### Section Z Junk Yard:

An open space where waste surplus, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

#### Section AA Living Area/Space:

One or more rooms connected together on main level, but structurally divided from all rooms in the same structure, constituting separate living quarters, designed permanent residential occupancy by a single family. Bathroom(s) and complete kitchen facilities, permanently installed, shall always be included. This definition does not include travel trailers or tents.

Section BB Lot:

A parcel of land which is or may be occupied by one (1) main building or use, and its accessories, including the open space required by this Ordinance, but not necessarily conforming to plotted lot lines. The word “Lot” shall include plot or parcel.

Section CC Lot Line Front:

On all lots except corner lots: a line separating the lots from the street. In case of a corner lot, a line separating the narrowest street frontage from the street

Section DD. House Trailer or Trailer Coach:

A vehicle including the equipment sold as part of a vehicle which may be used as a conveyance upon streets by either self propelled or towed means which is designed, constructed or structurally altered in such a manner as will permit occupancy as a dwelling and which is used and occupied as a dwelling unit, but which has no foundation other than wheels, jacks, skirting or other temporary supports.

Section DD.1 Manufactured Home:

A H.U.D. Code Manufactured dwelling constructed after June 15, 1976 and installed on a permanent, under-floor supported system and perimeter foundation in conformity with the regulations of the Oscoda County One and Two Family Dwelling Building Code. The manufacturers installation specifications and the following requirements must be met: (1) all wheels, axles, and hitch mechanisms shall be removed; (2) manufactured homes shall be sided with materials customarily used on site-constructed dwellings; (3) The space between the floor joists of the home and the excavated under floor grade shall be completely enclosed with a permanent perimeter enclosure, except for required openings.

Section DD.2 Modular Home:

A dwelling which meets all requirements of the Township One and Two Family Dwelling Code, sections of which are built in a factory delivered on site and joined on a permanent foundation.

Section EE Mobile Home:

These units were produced prior to June 15, 1976. They have a label attached stating they are in compliance to the Standard for Mobile Homes NFPA ANSII 19.1 in effect at the time of manufacture. These units shall not be allowed to be placed within Comins Township as of the effective date of this Ordinance Amendment – October 13, 2005.

Section FF Manufactured Housing Park:

A plot of land with designated rental spaces for individual manufactured homes.

Section GG Manufactured Housing Subdivision:

Platted subdivision with privately owned lots for individual permanently located manufactured housing.



Section HH Motel:

Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motel or motor courts, and distinguished from furnished rooms in an existing residential building.

Section II Non conforming Structures:

A structure lawfully existing at the time of adoption of the Ordinance, or any amendment thereto and which does not conform to the regulations of the zoning in which it is located. Legal Non Conforming Structure is a structure lawfully existing at the time of adoption of the current Ordinance, or any amendment thereto and which does not conform to the regulations of the zoning in which it is located. A Legal Non Conforming Structure cannot be expanded upon or replaced by another Non Conforming Structure.

Section JJ Non Conforming Uses:

The use of a building structure, lot or parcel of land conflicting with the provision of the Ordinance. Legal Non Conforming Use is the use of a building structure, lot or parcel of land conflicting with the provision of the Ordinance. The Legal Non Conforming use will not continue after one (1) continuous year of vacancy, change of use or for a new owner.

Section KK Outdoor Advertising Signs:

Flashing, intermittent and glaring signs and the locations of any sign hazardous to traffic are prohibited. The locations of any sign exceeding eighty (80) square feet in area shall be subject to approval by the Planning Commission in the interests of public safety.

Section LL Playground:

An area usually adjoining a school used for playing games and for recreation for children and families.

Section MM Single Family:

One or more persons related by law, blood or marriage/commitment in a single dwelling.

Section NN Portable Signs:

Easily moved, not attached to or in the ground. Shall be limited to four X eight ft size (4'X8') and shall be limited to usage of no longer than ninety (90) days per year. Used for temporary advertising.

Section OO Setback:

A minimum horizontal distance between the front line of the building and either the existing rights of way line or the proposed future street line, or property line.

Section PP Stable, Private:

A stable used, or to be used, by any individual for housing horses, or other animals, owned by said individual for the use of himself/herself and his/her immediate family.

Section QQ Stable, Public:

A stable used, or to be used, in any matter as excluded in the foregoing paragraph.

Section RR Story:

The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Section SS Story, Half:

That portion of a building between the eaves and the ridgeline of a pitched roof

Section TT Structure:

Anything constructed or erected, which requires permanent location above, on, or below the ground or attachment to something having such location, including commercial advertising signs, radio and TV antennas, storage bins, and retaining wall(s). Fencing less than fifty (50") inches in height is not considered a structure.

Section UU Structure Alterations:

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Section VV Theater, Indoor:

An indoor theater shall be any building used for the presentation of dramatic spectacles, shows, movies, or other entertainment, to which the building has a roof completely sheltering actors and patrons, open to the public with, or without, charge.

Section WW Theater Outdoor:

An outdoor theater shall be any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public with, or without, charge including drive-in theaters.

Section XX Travel Trailer:

Any vehicle or similar portable structure, self-propelled or meant to be towed, supported by wheels or jacks and designed to permit occupancy for dwelling or sleeping purposes, not designed for a permanent dwelling.

Section YY Travel Trailer Park:

A plot of land with designed rental spaces for individual travel trailers.

Section ZZ Towers:

Any structure over fifty (50') feet used for the purpose of commercial communication or transmission.

Section AAA Waste/Toxic/Hazardous Material:

Any fluid or gas that may cause harm to the environment (i.e. Freon, gas, fuel oil, oil, motor oil, acids, cleaning fluids, etc.)

Section BBB Yard:

Any open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance

Section CCC Yard, Front:

A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the main wall of the building, excepting steps and unenclosed porches.

Section DDD Yard, Rear:

A space unoccupied, except for accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the building.

Section EEE Yard, Side:

A yard between a main building and the side lot line. Extending from the front yard to the rear yard, the width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of the main building.

Section FFF Yard Sales/Garage Sales/Rummage Sales & etc.:

Sales may be held by persons no longer than fourteen (14) consecutive days, at which time all items must be removed, with at least thirty (30) days passing before holding another sale. Any signs pertaining to the sale must have the name and address on it and be removed on the last day of the sale.

Section GGG Fairview Limits:

Fairview Limits are one-half (1/2) mile from the intersection of East Miller Road and North Abbe Road in all directions.

### ARTICLE III - GENERAL PROVISIONS

Note: All special use permit requests, and re-zonings, are heard by the Comins Township Planning Commission and not by the Comins Township Zoning Board of Appeals.

#### Section A The Effect of Zoning:

Zoning affects every structure and use and extends vertically. No building structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed extended, enlarged, or altered, except in the conformity with the regulations herein specified for the zone district in which it is located.

#### Section B Standard of Review:

Notwithstanding anything to the contrary contained in the Township Zoning Ordinance and to secure compliance with Michigan Public Act 637 of 1978 with respect to procedures contained in said Ordinance pertinent to 'special land uses' and/or 'planned unit developments' or concepts in the Ordinance under different terminology designed to accomplish similar objectives of a reviewing process, hereafter such a review process is delegated to the Townships Planning Commission. Any site plan review required pertinent of the foregoing is also hereby similarly delegated notwithstanding any other Ordinance provision to the contrary.

In addition to specific standards, which may be applicable, the following set of standards shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this Ordinance:

The proposed use shall:

- (1) Be compatible with adjacent uses of land;
- (2) Be consistent with, and promote the intent and purpose of this Ordinance;
- (3) Be compatible with the natural environments;
- (4) Be consistent with the capacities of public services and affected by the proposed use; and
- (5) Protect the public health, safety and welfare.

#### Section C Adult Businesses:

Purpose: The purpose and intent of this section is to regulate the location of adult businesses to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, non-residential areas, or other places of public congregation. (See Industrial Zoning)

#### Section D Condominiums:

Condominium development and ownership shall be permitted in the Forest Recreation, One-Family and Resort-Residential districts but will be limited as follows:

- (1) No parcel may contain a number of Condominium Units, which could be greater than the maximum number of single-family dwelling units, which could be legally constructed or placed on a parcel of the same size.

#### Section E Grade Level:

The finished surface of the ground areas outside the walls of any building or structure hereinafter erected, altered or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously existing grade shall have priority.

#### Section F Accumulating/Dumping of Trash or Junk and Waste Water:

It shall be unlawful throughout the Township of Comins to permit sewage to drain onto the land, yard or other spaces from dwellings, business places of all types and accessory buildings thereto, and to throw any such sewage onto said land, except in agricultural operations which are governed by the State and Federal regulations. It shall also be unlawful for any person to accumulate, place, allow or permit the accumulation or placing of trash or junk on any premises public or private in said Township, except in a sanitary landfill licensed by the State of Michigan, in a junk yard duly licensed by the Township or in receptacles for not longer than twenty (20) days while awaiting lawful disposal.

The fine for violation of this section of the Ordinance is to be found in Section XII Administration sub heading Section H Civil Infraction.

#### Section G Required Area or Space:

1. No lot being a part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance. Division of a lot resulting in a smaller area than prescribed herein may be permitted for the purpose of adding to the existing building site or sites.

2. Every Building or structure hereafter erected shall be located on a lot or parcel of land, the description of, and the deed to which shall be on record in the office of the Register of Deeds in this County, and no more than one (1) main building with the customary accessory buildings and structures shall be erected on such lot or parcel of land.

3. Accessory buildings, including enclosed porches, and garage attached to a dwelling, or other main building, shall be deemed a part of such building for purpose of determining yard space, areas and setbacks.

4. All unattached buildings shall be located in the side or rear yard of the premises, but in no case should the unattached garage or accessory building be closer to the lot line than that permitted for the main building in the particular zone.

5. In determining lot and yard requirements, no area shall be ascribed to no more than one (1) main building or use. No area necessary for compliance with the space required for one (1) main building shall be included in the calculation of the space requirements for any other building or use.

#### Section H Existing Platted Lots:

Where an existing residentially zoned platted lot has an area of not less than ninety (90%) per cent of its zone district requirements, and where such lot can provide the side yard requirements of its zone, a one (1) family use is permitted. An existing platted lot in single ownership of less than ninety (90%) per cent of its zone district requirements may be utilized for a one (1) family use and for such purpose the side yard requirements may be reduced by the same percentage the area of such lot(s) bears to its zone district requirements, provided that no side yard shall be less than five (5) feet and that off-street parking requirements are met. Where four (4) or more adjacent lots are in single ownership, and where such lots contain less than ninety (90%) per cent of the zoning district requirements such lots shall be utilized in conformance with the zoning Ordinance minimum requirements. In the event two (2) or three (3) adjacent lots are in single ownership and the Planning Commission shall find that there is no practical possibility of obtaining additional land, it may permit their use as separate lots having less than the required lot area, if it shall determine that they can be used without adversely affecting the character of the neighborhood; Provided, however that no side yard shall be less than five (5) feet and that off-street parking requirements are met.

#### Section I Essential Public Services:

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water distribution or transmission system, collection, communication, supply or disposal system, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electric sub-stations, gas regulator stations and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinance(s) of the Township of Comins in any use district, it being the intention hereof to except such erection, construction, alteration, maintenance from the application of this Ordinance; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies.

#### Section J Temporary Buildings:

Temporary buildings for uses incidental to construction work and all debris shall be removed within fifteen (15) days after completion or abandonment of work.

#### Section K Damaged Buildings & Structures:

A building damaged by fire, collapse, or Act of God to such extent the cost of repair and reconstruction exceeds seventy-five (75%) per cent of the valuation of the building at the time the damage occurred shall be demolished unless reconstruction with proper permits begins within six (6) months of damage date.

#### Section L Moving of Buildings:

The moving of a building to a different location shall be considered 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.

#### Section M Gasoline Service Station:

No permit shall be granted for the construction or operation of a gasoline service station on other than a corner parcel of land, if unplatted unless the land upon which service station is situated shall have a minimum frontage upon the street of one hundred ten (110) feet.

#### Section N Traffic Visibility Across Corners:

In any residential, shopping center or business district, on any corner, whether it be a platted lot or other parcel of land, no fence structure or planting over thirty (30) inches in height, except trees, which must be trimmed to permit visibility, shall be erected or maintained with twenty (20) feet of the corner property line so as to not interfere with traffic visibility across the corner.

#### Section O Mixed Occupancies:

Throughout the Township of Comins where any part of any building is used for residential purposes and the remainder thereof is used for conducting any business, commercial or industrial enterprise, the part thereof so occupied as a dwelling, and all buildings erected, altered or moved into any zoned districts, shall conform to the minimum requirements for dwelling with reference to floor space, height of ceiling, bathroom, toilet space and sanitary requirements as stated for the Residential district of this Ordinance, and such provisions shall apply as fully as if here repeated.

#### Section P Plats-Lots Area:

The lot size requirements in new plats shall be the same as the requirements for new homes in the various zoning districts of the Township of Comins.

#### Section Q Razing of Buildings:

No building shall be razed until a permit has been obtained from the Zoning Administrator, who may be authorized to require a Performance Bond not to exceed one thousand (\$1,000.00) dollars for each one thousand (1,000) square-feet or fraction thereof floor area of the building to be razed. Said Bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety, including filling of excavations and proper termination of utility connections.

#### Section R Residential Zones:

The following uses are permitted in all residential zones: Public Libraries, Museums, Art Galleries, and Municipal, State or Federal administrative or Service Buildings, if found to be essential to service the neighborhood or community; provided, however, that such use shall be permitted only upon permit from Planning Commission after finding that such use will be in conformity with the character of the adjacent neighborhood and with respect of uses described above, in that they are essential to service the neighborhood or community and cannot feasibly be located in a zone where the requirements for setback, side yard, parking, screening and other conditions necessary to conform the same to the character of the adjacent neighborhood.

#### Section S Basis of Determining Front Yard Requirements:

The required front yard shall be measured from the proposed right-of-way line as set forth on a Major Street Plan which Plan has been superimposed on the Zoning map. All major streets right-of-way line shall be considered to be no less than thirty-three (33) feet from the centerline unless additional right-of-way has previously been obtained by the Township of Comins or the County Road Commission, or M.D.O.T.

#### Section T Bulk Stations:

Bulk stations are prohibited without first applying for and obtaining a permit from the Planning Commission and no such permit shall be granted without due notice to adjacent owners and opportunity for them to be heard thereon, and Planning Commission may not grant such permit if it appears that such use will be detrimental to the adjacent premises. The Planning Commission may include such other and additional conditions in the permit as in its discretion are necessary to the protection of the neighborhood and in keeping with the purposes of this Ordinance and may require a bond to assure continued compliance therein.

Section U Junk Yards: Car wrecking establishments, automobile graveyards, junk yards and other accumulations of wrecked, used, worn out, and discarded vehicles, machinery and materials are prohibited without first applying and obtaining a permit from the Planning Commission and no such permit shall be granted without due notice to the adjacent owners and opportunity for them to be heard thereon, and the Planning Commission may not grant such permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any party other than the applicant. The Planning Commission may include such other and additional conditions in the permit as in its discretion are necessary to the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure continued compliance therewith.

#### Section V Dog Kennels:

Dog Kennels are prohibited without first applying for and obtaining a permit therefore from the Planning Commission, and no such permit shall be granted without due notice to the adjacent owners and opportunity for them to be heard thereon, and the Planning Commission may not grant such permit if it appears that such use will be detrimental to the adjacent premises or will be visible from any public highway or the dwelling of any other than the applicant. The Planning Commission may include such other and additional conditions in the permit as in its discretion are necessary to the protection of the neighborhood and in keeping with the purposes of this Ordinance, and may require a bond to assure continued compliance therewith.

#### Section W Stables, Private or Public:

Stables are prohibited without first applying for and obtaining a Special Use Permit from the Planning Commission and no such permit shall be granted without due notice to adjacent owners and opportunity for them to be heard thereon and the Planning Commission may not grant such permit if it appears that such use will be detrimental to adjacent premises. There must be one-half (½) acre of land space per animal, and a minimum of a roofed three (3) sided structure with enough space to protect all such animals. The Planning Commission may include such other, and additional, conditions in the permit at their discretion which are necessary for the protection of the neighborhood and in keeping with the purpose of the Ordinance, and may require a bond to assure continued



compliance therewith, excluding agricultural uses.

Section X Pallet, Saw and Planer Mills:

Pallet, saw and planer mills which have usable or non usable waste or residue are prohibited without first applying and obtaining a permit from the Planning Commission, and no such permit shall be granted without due notice to adjacent owners and opportunity for them to be heard thereon.

Section Y Location of Travel Trailer, Motor Coaches, Camper, Utility Trailers and Boats:

1. No person shall park or occupy a trailer outside of a licensed trailer camp except as provided in this Ordinance. Emergency or temporary parking of a trailer on any street, alley, or highway will be permitted for a reasonable period not exceeding twelve (12) hours subject to any other and further regulations or limitations imposed by traffic or parking regulations or Ordinances for that street, alley or highway,
2. It shall be unlawful for any person or persons to occupy a trailer for dwelling purposes outside a travel trailer park, except while such occupant or occupants thereof are building a permanent residence, and for not longer than a period of six (6) months; and provided that such time may be extended for good reasons shown by the Zoning Administrator before any trailer is on the property. The Township Board may require a fee.
3. No travel trailer, motor coach, camper, or utility trailer, shall at any time be parked between established setback line and the front-line of any lot or parcel of land.
4. Campers and/or travel trailers may be parked and occupied on a residence in all zones where the occupants of said trailer or camper are visiting relatives or friends of said residence for a period not to exceed thirty (30) days. Not more than three (3) unoccupied trailers or boats such as utility trailers, travel trailers, etc. shall be stored or parked on any one (1) piece of property out side of a licensed camp, trailer sales lot or boat sales lot at any time.
5. Such unoccupied trailers or boats may be stored in a garage provided for the same; or in the rear yard of a dwelling provided it is located not less than five (5) feet from any other structure or side property line. It shall be unlawful to store any unoccupied travel trailers, motor coaches on a site, lot, field, parcel or tract of land.

Section Z Travel Trailer Parks:

Travel trailer parks are prohibited without first applying for and obtaining a permit from the Planning Commission and no such permit shall be granted without due notice to the adjacent owners and an opportunity for them to be heard thereon and the Planning Commission may not grant such permit if adjacent property owners show due cause that such use will be detrimental to adjacent premises.

#### Section AA Manufactured Home Subdivisions:

Manufactured home subdivisions hereafter planned shall meet the following minimum requirements on each lot therein:

1. Front yard - There shall be a front setback of not less than thirty-five (35) feet.
2. Side yard - There shall be a side yard of at least ten (10) feet on each side of any manufactured home or building in this zone.
3. Rear yard - There shall be a rear yard of at least ten (10) feet.
4. Yard area - No lot shall be less than sixty-five (65) feet wide and the distance of twenty-five (25) feet from its front lot line. If a lot diminishes in width from front to rear, it shall be no less than sixty-five (65) feet wide at the distance of twenty-five (25) feet, measured at right angles, from its front line on a parallel with the front lot line. No lot shall have an area of less than twelve thousand (12,000) square feet. Where a public water system be at fifty (50) feet wide at a distance of twenty-five (25) feet from its front lot line on a line perpendicular to the sides of the lot. No lot with both public water and sewer shall be less than five thousand (5,000) square feet in area. Each mobile home shall have a minimum floor area of seven hundred twenty (720) square feet and a minimum width of twelve (12) feet.
5. Planned manufactured home subdivisions may be permitted upon application and special approval by the Planning Commission if it is deemed that the development will not be detrimental to the neighborhood.

#### Section BB Manufactured Home Park:

Manufactured home parks must meet the following requirements:

1. No manufactured home site shall be less than forty (40) feet in width and contain not less than four thousand (4,000) square feet. Every mobile home park shall have a minimum land area of at least ten (10) acres and minimum side, front and rear yards of fifty (50) feet each.
2. All electric and telephone service shall be installed underground.
3. Only enclosed storm drainage to an outlet must be used.
4. There shall be a minimum width of twenty (20) feet between manufactured homes.
5. Manufactured home parks or travel trailer parks shall be constructed in accordance with the Michigan Department of Health requirements.
6. Planned manufactured home parks may be permitted upon application and special approval by the Planning Commission if it is deemed that the development will not be detrimental to the neighborhood.
6. Concrete pad must be in place for the Homes to be set upon. This requirement is to insure solid footing for the home supports and must meet Oscoda County Building Code,

#### Section CC Health Department Standards:

Every building or structure hereafter erected or moved upon any premises, and used in whole or in part for human occupancy, shall be provided with safe and sanitary water supply and a septic tank sewage disposal, each system erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health.

#### Section DD Vehicular Parking:

For each property use hereinafter listed, there shall be provided and maintained space off the highway that is in general adequate for the parking, loading and unloading of vehicles in proportion no less than shown. Exit and entrance may be combined or provided separately. Approval of the location of such exit and entrance shall be obtained from the County Road Commission and State Highway Dept; such approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirement. A minimum of one hundred forty (140) square feet located on the property intended to be served shall comprise one (1) vehicular space. Adequate space shall be included in the parking area to facilitate turning of vehicles so that entry upon the highway may be in a forward manner and not by backing into the highway.

##### Use and Minimum Parking Space per unit

1. Banks, business offices and professional offices of architects, engineers, lawyers, and similar professions one (1) for each four hundred (400) square feet of usable floor space.
2. Barber shops, beauty shops- two (2) for each beauty or barbershop chair.
3. Bowling Alleys- five (5) for each bowling lane.
4. Community clubs, dance halls, fraternal organizations, private clubs - one (1) for each one hundred (100) square feet of usable floor space.
5. Churches - one (1) for each three (3) seats.
6. Dwellings, summer cottages- two (2) for each family unit
7. Hospitals, clinics, and other similar professional offices of doctors, dentists, and similar professions- one (1) for each one hundred (100) square feet of usable floor space, but less than four (4) spaces, whichever is greater.
8. Restaurants and similar establishments for sale and service of food and drinks for consumption on the premises, but not drive-ins, one (1) for each one hundred (100) square feet of usable floor space.
9. Retail stores-one (1) for each one hundred fifty (150) square feet of usable floor space.
10. Tourist, boarding and lodging home- two (2) for each guest room.
11. Loading and unloading space - every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, to avoid undue interference with public use of the public highway.

#### Section EE Outdoor Advertising Signs:

Flashing, intermittent and glaring signs and the locations of any sign hazardous to traffic are prohibited. The locations of any sign exceeding eighty (80) square inches of area shall be subject to approval by the Planning Commission in the interests of public safety.

#### Section FF Special Use Permits

Special Use Permits, revocable, conditional, valid for a term period, may be -issued by the Planning Commission for certain non-conforming uses which are not applicable to certain districts and because of the unique characteristics of these particular uses their distribution requires a more detailed analysis in relation to possible surrounding uses. These Special Use permits must also adhere to the general standards established within the Ordinance and must not be detrimental to the health, safety, or welfare of the community. No such permit shall be granted without due notice to adjacent owners and opportunity for them to be heard thereon. The Planning Commission may not grant such permit if it appears that such use will be detrimental to adjacent premises.

#### Section GG Anti-Noise:

No person or people, firm, business, or corporation shall cause or create unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township. This Ordinance includes for example: persistent loud animal noises, motor driven vehicles, loudspeakers, and late night construction (between the hours of 10:00 P.M. and 7:00 A.M.), and any other emitting source with special exceptions as approved by the Planning Commission.

## ARTICLE IV - NON-CONFORMING USES AND STRUCTURES

### Section A Continuance of Use:

Legal Non Conforming Structure is a structure lawfully existing prior to the time of adoption of the current Ordinance, or any amendment thereto, and which does not conform to the regulations of the current zoning in which it is located. A Legal Non Conforming Structure cannot be expanded upon or replaced by another Non Conforming Structure.

### Section B Non-Conforming Uses:

The use of a building structure, lot or parcel of land conflicting with the provision of the Ordinance. Legal Non-Conforming Use is the use of a building structure, lot or parcel of land conflicting with the provision of the Ordinance.

### Section C Restoration and Repair:

Such repairs and maintenance work as are required to keep a non-conforming building or structure in sound condition may be made. In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God, or the public enemy, it may be rebuilt or restored provided the new structure shall not exceed previous square footage, or structure after such rebuilding or restoration, determination to be made by the Planning Commission. Reconstruction must begin within six (6) months. (See pg. 14 Section K)

### Section D Towers:

Before a Special Use Permit will be issued, a planned sight must show location, size, screening, enclosure fencing eight (8) feet in height, and the design of all buildings and structures. Written denial of use and/or access from any existing towers in close proximity. The special use permit must include tower/antennas permits and/or licenses from FAA, FCC or any other Federal, state or local agency with authority to regulate towers and/or antennas prior to the issuance of a Certificate of Zoning Compliance by the Zoning Administrator.

1. Lighting shall be done in compliance with FAA regulations. There shall not be any advertising or identification displayed on the tower, except as required for emergency purposes.
2. A minimal separation distance of one thousand (1000) feet shall be provided between existing and proposed towers.
3. Towers are to be maintained with galvanized steel finish, neutral color, or FAA regulations.
4. When the use of the tower has ceased the property owner or user of the tower/antenna shall notify the Zoning Administrator with a written plan for future use or the dismantling of the tower. Dismantling must occur within sixty (60) days. If the tower is not removed, a written letter will be sent asking for compliance within thirty (30) days. If not in compliance after the thirty (30) days notice, the Township will have the tower removed at owner and/or user expense. Any buildings located on the tower use property must be taken care of in the same manner, unless they will be used by the landowner.

## ARTICLE V- GREEN ZONE:

### Section A Description and Purpose:

A zone for providing the most desirable residential, summer home, and cottage area that may compliment such use of the zone, so as to preserve the high quality of the water areas and prevent further deterioration thereof. The Green Zone is three hundred (300') feet from the water's edge on both sides of all the tributaries, which are directly connected with the AuSable River or Thunder Bay River in Comins Township.

### Section B Permitted Uses:

Land and/or building in the Green Zone may be used for the following purpose only:

1. One (1) single family dwelling on each lot.
2. Parks and playgrounds, churches and schools.
3. Conditional uses & accessory building will be permitted as follows:
  - a. On lots containing ninety thousand (90,000) square feet with three hundred (300) feet frontage, with the guesthouse fronting on the river the regulations of 4 and 5 as set forth below must be met.
  - b. On lots containing ninety thousand (90,000) square feet with one hundred fifty (150) feet frontage, with a minimum first floor area of seven hundred twenty (720) square feet and must be constructed to the rear of the principal building.
4. A detached accessory building not more than twelve (12) feet in height subject to the following conditions:
  - a. Said accessory building shall not be located closer to side or back line than that allowed for a principal building.
  - b. A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
  - c. A detached accessory building may not serve as living area.
5. Clubs, upon application and permit from the appropriate Board.

### Section C Height Regulation:

No Building shall exceed thirty- five (35) feet or two and one-half (2 ½) stories in height, which ever is lesser.

### Section D Area Regulation:

No building or structure, nor the enlargement of any building or structure, shall hereafter be erected unless the following yard, lot area and building coverage requirements are provided and maintained in connection with such building, structure or enlargement.

1. The minimum lot size shall contain twenty one thousand seven hundred eighty (21,780) square feet. The minimum frontage width shall be one hundred (100) feet.
2. Front yard: No building shall be constructed closer than fifty (50) feet from the water's edge, except for every foot of ground elevation above the minimum grade level, five (5) feet may be subtracted from the minimum

setback, however no structure shall be closer than thirty (30) feet from the water's edge. Pump houses will be permitted if no more than nine (9) square feet and not more than three (3) feet height. Docks may be constructed to extend no more than twenty-five (25) feet into lakes, but in no case should any extend far enough onto the water to restrict movement of any vessels. Front yard shall be considered as that part of any lot nearer the water.

3. Side yard: Shall be at least seven (7) feet
4. Rear yard: shall be at least fifty (50) feet.

#### Section E Minimum Floor Area:

Each dwelling unit in this zone shall have a minimum living area of seven hundred twenty (720) square feet, except guesthouses. Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished areas may be included if one wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance from such finished living quarters.

#### Section F Native Protection Strips:

A strip twenty-five (25) feet wide bordering each bank of the stream, river, creek, or tributary in this zone shall be maintained in trees and shrubs or its natural state. Trees and shrubs in a space fifty (50) feet in width may be trimmed and pruned for a view of the water and a dock.

#### Section G Flood Areas and Grade Level:

No dwelling shall be constructed on lands, which are subject to flooding, or on land where a minimum of four (4) feet between finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between finished grade level and high ground water only under the following conditions:

1. The twenty-five (25) foot native protection strip is maintained.
2. No material is allowed to enter the stream, river, creek, or tributaries either by erosion or by mechanical means.
3. Fill material is a pervious material such as gravel or sand.

#### Section H Sanitary Waste System:

Disposal field and septic tanks shall be no closer than one hundred (100) feet to the water's edge. The disposal field tile shall be at least three and one-half (3-1/2) feet above the high water table. Field tile trench bottoms shall be at least two (2) feet above the high water table.

#### Section I Subsoil Drainage Systems:

No septic or disposal fields shall be nearer that forty (40) feet to any subsoil drainage system (foot drains) emptying into water.

## ARTICLE VI AGRICULTURAL ZONE

### Section A Purpose:

While land uses in these districts are intended to be primarily agricultural, limited residential uses and commercial uses relating chiefly to agriculture shall be permissible.

### Section B Permitted Uses:

Except as provided by this Ordinance or subsequent amendments, no building or structure, or occupied or land or premises occupied, in whole or in part, for other; than one (1) or more field crops, fruits, pasture, wood lot, farm forestry, plant nurseries and green houses, livestock but not including non-domestic fur-bearing animals. Detached one (1) family dwelling, including a private garage for passenger automobiles not exceeding a three (3)-car capacity.

### Section C Special Uses that can be approved by Planning Commission:

Agricultural related business, including sale and service of farm machinery, veterinary services, animal clinics and hospital, churches, public, parochial, and private schools public and private athletic grounds (not operated as a commercial enterprise and at least ten (10) acres in size, public parks, etc.).

### Section D Accessory Uses:

Uses, building and structures customarily and clearly incidental to any primary use or use by special approval.

### Section E Minimum Yard Setback and Land Requirements:

Every building or structure hereafter erected under Section B and C above shall be set back not less than forty (40) feet from the front lot line, or highway right-of-way, as the case may be; shall have side yards on each side no less than twenty-five (25) feet in width; and shall be located on a parcel of land not less than five (5) acres in area.

### Section F Minimum Floor Area:

A single-family dwelling shall contain a minimum living area of seven hundred twenty (720) square feet. Floor space area shall be measured on the outside perimeter. Exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the wall are below outside ground grade except that such finished areas may be included if one wall is entirely above the grade-line of the lot and adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from such finished living quarters



## ARTICLE VII FOREST—RECREATIONAL ZONE

### Section A Purpose:

This district is intended to promote the proper use, enjoyment, and conservation of the water, land topographic and forestland resources of the Township particularly adapted in general to recreational and forestry uses.

### Section B Permitted Uses:

Except as provided by this Ordinance or subsequent amendments, no building or structure, or part thereof shall hereafter be erected, altered, used or occupied, or land or premises occupied, in whole or in part, for other than one (1) or more of the following uses: legal harvesting of any native crop, parks, playgrounds, camping, hunting and fishing, summer cottages and permanent dwellings.

A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet such principal and not nearer to the side lot line than the width of the side yard required on the lot for greater than that of the main building.

Section C Retail Commercial Enterprises Relating Primarily to Recreational Activities: mines, quarries and gravel pits; camps and clubs for recreational use; individual trailers complying with regulations covering trailers by special permit (Article III, Section X); private landing fields.

### Section D Accessory Uses:

Building and structures customarily and clearly incidental to any primary use or use by special approval.

### Section E Minimum Land Requirements: Dwelling:

Every dwelling hereafter erected shall be located on a lot or parcel of land not less than twenty one thousand seven hundred eighty (21,780) square feet in area, one hundred (100) foot frontage, and have access to a public highway.

### Section F Minimum Floor Area: Dwelling:

Every dwelling hereafter erected shall provide not less than seven hundred twenty (720) square feet of floor area, at the ground level, exclusive of any attached accessory building or structures.

### Section G Minimum Setback and Yard Requirements:

Every building hereafter erected, including all attached structure thereto, be set back not less than forty (40) feet from the front lot line or road right-of-way, as the case may be, and shall have side yards on each side not less than twenty (20) feet in width.

## ARTICLE VIII RESORT- RESIDENTIAL ZONE

### Section A Purpose:

The purpose of creating resort-residential districts is to provide areas for residential homes, cottages, summer homes, and such facilities that may compliment use of the areas and to conserve water, land, and provide safe waterfront recreation and boating uses.

### Section B Permitted Uses:

Detached single family dwelling, including a private garage for passenger automobiles not exceeding a three (3) car capacity; public and privately owned parks and playgrounds; multiple-family dwelling and/or motels; private areas for recreational and educational purposes, including schools and churches. Travel trailer parks as defined herein, mobile home parks.

A detached accessory building, any portion of which is located on the side of the main building shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to, or greater than, that of the main building.

### Section C Special Uses that can be approved by Planning Commission:

Relating primarily to recreational activities, such as camps and clubs for recreational use, personal service shops, such as barbershops, laundry, dry cleaning, and the like. Individual subject to the lot requirements of a single-family home within the district, provided that each Manufactured Home contains no less than seven hundred twenty (720) square feet of gross floor area, exclusive of any attachable or expandable sections. The design and construction of any new buildings in this zone must be compatible in design and materials with other buildings within the neighboring area.

### Section D Minimum Land Requirements Dwelling:

Every dwelling hereafter erected shall be located on lot or parcel of land not less than twenty one thousand seven hundred eighty (21,780) square feet in area, and having not less than one hundred (100) feet frontage, shall be located not less than forty (40) feet from the front lot line, fifty (50) feet from the waterfront, or thirty (30) feet on a high bank; shall have sides. yards on each side not less than seven (7) feet. Wells and septic shall conform to state specifications.

### Section E Minimum Floor Area:

A single-family dwelling shall contain a minimum first floor area of seven hundred and twenty (720) square feet. Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished areas may be included if one (1) wall is entirely above the grade-line of the lot and adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from such finished living quarters. The design and construction of any new buildings in this zone must be compatible in design and materials with other buildings within the neighboring area.

## ARTICLE IX COMMERCIAL ZONE

### Section A Purpose:

The purpose of creating a general commercial zone is to provide areas, which include the sale of commodities or performance of service for the entire community, and to provide an area eventually free of mixed uses.

### Section B Permitted Uses:

No building or structure, or part thereof shall hereafter be erected, altered, used or occupied, or land or premises used or occupied, in whole or in part, other than the following uses: retail stores and shops offering chiefly new merchandise when conducted entirely within buildings having a roof and four (4) walls, but not excluding antique shops; personal service shops, such as barbershops, beauty shops, tailoring, shoe repair, laundry, dry-cleaning and the like; business and professional offices, bank, radio and TV shops, plumbing shops, restaurants, multiple dwelling, such as motels and apartment houses. Every apartment complex, hereafter erected, must have a minimum of five hundred sixty (560) square feet of living area per apartment.

A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to, or greater than, that of the main building.

### Section C Special Uses that can be approved by Planning Commission:

Gasoline and oil service stations; public garages; automobile sales and services including used car lots, but not the storage, processing or sale of used auto parts or of objects commonly referred to as junk; drive-in food and drink establishments; veterinary service and hospitals, but not including kennels, commercial, recreational and amusement enterprises. Churches and other related religious buildings, including use of tents or other temporary structure. Primary and secondary schools, nursery schools, museums, libraries. Publicly owned parks and playgrounds with customary buildings. Hospitals, clinics, convalescent homes and similar facilities for human care. Building and structures customarily and clearly incidental to any use or use by special approval. Other similar uses not specifically stated.

### Section D Commercial Setback and Yard Requirements:

No building or structure nor the enlargements of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained:

1. Front setback: There shall be a minimum front setback of seventy-five (75) feet according to the requirement of Article III, Section Q. Where there are adjacent commercial uses with a lesser front yard there shall be equal to that of the average of all existing commercial uses within four hundred (400) feet on either side of the site.
2. Side yard: there shall be no side yard requirements in this district except that where a building is not constructed to the property line there shall be maintained ~ minimum side yard of the ten (10) feet for fire protection purposes. Where a commercial zone abuts a residential zone on the side, a side yard of at least twenty- five (25) feet must be maintained.

3. Rear yard: there shall be a rear yard of at least twenty-five (25) feet except that where commercial zone abuts a residential zone in the rear a minimum of fifty (50) feet must be maintained with a buffer strip.

Section E Parking:

Adequate off-street facilities must be provided for all uses in this district. (Article III. section BB)

Section F Sidewalks:

When any new improvements are to be put into place in any location within the Fairview Limit, sidewalks are to be installed in the street lawn next to the roadway.

Section G Buffer Strip Requirements:

Whenever premises in this district are adjacent to a different district, there shall be a line buffer strip between the two (2) districts of a minimum of one (1) foot for each ten (10) feet of frontage of the premises required. The area set aside for a buffer strip shall be landscaped with plants that will provide an effective screening at all seasons of the year.

## ARTICLE X INDUSTRIAL ZONE:

### Section A Purpose:

The purpose of creating an industrial zone is to serve the general industrial needs of the community.

### Section B Permitted Uses:

Light machine and fabrication shop, ice cream and dairy products plants, bakery and confectionery plants, produce storage facilities, boat, cabinet and furniture manufacturing, chemical, plastics, electronics and pharmaceutical manufacturing, provided that the same shall be of such character as not to cause the omission of offensive odors or violate EPA Standards, machine shops, metal fabrication, printing shops, punch press operations, tool and die shops

A detached accessory building, any portion of which is located on the side of the building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard require on the lot for the main building and shall maintain a front setback equal to, or greater than, that of the main building.

### Section C Special Uses that can be approved by Planning Commission:

The Planning Commission may permit the following uses in the district when located at least four hundred (400) feet from any residential district, and as based upon the evidence presented, it finds that such use will not become hazardous, noxious or offensive: bulk storage of petroleum products, metal reduction and rolling mills. Any principal use judged by the Planning Commission and/or the EPA and/or the DEQ. not to be or become hazardous, noxious, or offensive, not otherwise provided for in this Ordinance.

Adult businesses/entertainment and/or anything pertaining to same must be located in an industrial zone, one (1) mile from schools, churches, residential areas, children's camps, and parks with guidelines and approval of the Planning Commission.

### Section D General Conditions:

All permitted uses shall be conducted solely within a completely enclosed building unless such uses normally require such to be conducted in other than an enclosed building, in which case, such uses shall be approved by the Planning Commission.

### Section E Setback and Yard Requirements:

1. Setback: There shall be maintained in the district a front setback of at least fifty (50) feet measured from the street right-of-way line.

2. Rear yard: There shall be maintained a rear yard of at least twenty-five (25) feet except where such district abuts on the rear of a residential district, in which case a rear yard of at least fifty (50) feet shall be maintained.

3. Side yard: A side yard of at least ten (10) feet in width. Where this district abuts a different district a buffer strip is required.

Section F Buffer Strip Requirements:

Whenever premises in this district are adjacent to a different district, there shall be a line buffer strip between the two (2) districts of a minimum of one (1) foot for each ten (10) feet of frontage of the premises required. The area set aside for a buffer strip shall be landscaped with plants that will provide an effective screening at all seasons of the year.

Section G Off-Street Parking:

Adequate off-street parking facilities must be provided for all uses in this district.

Section H Sidewalks:

When new improvements are to be completed within the Fairview Limit, sidewalks are to be installed in the street lawn next to the roadway in Industrial Zones

## ARTICLE XI SINGLE-FAMILY RESIDENTIAL

### Section A Purpose:

The purpose of creating a single-family residential zone is to provide the most desirable residential characteristics attributed to a single-family district but allowing certain retail business activities in home or adjacent buildings.

### Section B Permitted Uses:

A single family dwelling on each lot including home occupations which do not alter the residential character of the district; such as dressmaking, real estate and insurance sales, bookkeeping and accounting services, etc., when engaged in by a resident entirely within this dwelling or in accessory building or structure with the use of not more than one (1) non-residing employee. Such use shall show no external evidence of such use except one (1) non-illuminated sign not exceeding five hundred (500) square inches in area for advertising such use and not obstruct from the residential character of land.

### Section C Special Uses that can be approved by Planning Commission:

Public and private schools and colleges, which may include on campus dormitories, parks and playgrounds, libraries, museums, art galleries and similar uses approved by the Planning Commission when owned and operated by a governmental agency. Fifty (50) feet side and rear yards are required if the property abuts any residentially zoned lots. Private non-profit schools and colleges subject to the conditions stipulated above, and said colleges subject to the conditions stipulated above and said private schools shall not include trade school(s), business colleges or private schools operated as commercial enterprises. Parks, playgrounds, community centers, and facilities therein, owned and operated by a governmental agency or non-profit neighborhood group. Churches provided the building or structure is at least fifty (50) feet from any other residentially zoned lot. A detached accessory building not more than twelve (12) feet or one (1) story in height subject to the following conditions:

1. Said accessory building shall not be located closer to a sideline than that allowed for a principal building.
2. A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.

### Section D Height Regulations:

No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is lesser.

Section E Area Regulations:

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement:

1. Front yard: There shall be a front setback of not less than thirty (30) feet.
2. Side yard: There shall be side yards of at least ten (10) feet each except on corner lots where a side yard of at least twenty- five (25) feet shall be maintained on the street side.
3. Rear yard: There shall be a rear yard of not less than fifty (50) feet measured from the rear lot line. All lots in this district shall have a minimum frontage of one hundred (100) feet and the minimum lot size shall be twenty one thousand seven hundred eighty (21,780) square feet.

Section F Minimum Floor Area:

Each single-family dwelling shall contain a minimum living area of seven hundred twenty (720) square feet. Floor space area shall be measured on the outside perimeter exclusive of breezeway and garage. No area shall be considered as living area where more than four (4) feet of the walls are below outside ground grade except that such finished area may be included if one (1) wall is entirely above the grade line of the lot and adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access to and from such finished living quarters.



## ARTICLE XII ADMINISTRATION:

### Section A Certificate of Approval: All Zones:

Before proceeding with the erection, moving, or use of any building, structure, or premises subject to the provisions of this Ordinance, the owner shall first apply for a certificate of approval from the Zoning Administrator, application shall be made in duplicate upon forms provided by the Township and shall be accompanied by:

1. An acceptable description of the location of the premises;
2. Evidence of ownership of all property to be covered by certificate and;
3. A blueprint or pen and ink sketch to approximate scale showing:
  - a. The shape, area and dimensions and intended use of the premises.
  - b. The kind, dimensions and location of the building or structure to be erected or moved on the premises not including all yard dimensions and accessory building, if any.
  - c. The location and type of sewage disposal system and water supply facilities.

### Section B Limitations of Certificate:

1. Any certificate under which no work is done within one (1) year of issue shall expire by limitations but shall be renewable upon re-application and payment of the original fee, subject, however, to any provisions of Ordinance or law then in effect.

2. The Zoning Administrator shall have power to revoke any certificate in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing of the liability for voiding action before revocation.

### Section C Certificate of Compliance:

The erection of every building or structure subject to the provisions of this Ordinance shall be subject to one (1) inspection when excavation for foundation is complete and building lines are established. The property owner shall notify the building inspector of Oscoda County

### Section D Fees:

All fees and zoning fines as established by the Township Board shall; be paid to the Township Clerk, who shall place the same in the Township General fund. No certificate of approval or permits, if paid by check, shall be valid until the check has cleared the bank. Any zoning fine paid by check, if returned for any reason, shall be deemed as an added violation.

#### Section E Board of Appeals:

1. Powers: The duties and powers of the Board of Appeals shall include the following:
  - a. Hear and decide upon appeals made from determination of the Zoning Administrator acting under the terms of the Ordinance.
  - b. Render, upon written request, interpretations of the provisions of the Ordinance.
  - c. Grant Variances and/or Use Variances on appeal with respect to any provisions of this Ordinance if the same causes practical difficulties or undue hardship in conforming to the strict letter of the Ordinance, to the end that the spirit of the Ordinance is observed, equity achieved, substantial justice done, provided however, that this provision shall not be construed as permitting the Board to amend the Ordinance, or change any use of property under guise of a variance.
2. Procedures:
  - a. The Board of Appeals shall adopt rules of procedures in accordance with the provisions of Section 19 to 22 inclusive of the Township Rural Zoning Act, 184 of 1943, as amended.
  - b. All requests for variances, appeals or conditional use permits, shall be filed with Zoning Administrator, accompanied by a fee established by the Township board, to be deposited in the Township general fund to assist in defraying the cost of processing applications.
  - c. All appeals shall be made within thirty (30) days after the date of any decision constituting the basis for appeal. The Board of Appeals shall return a decision within thirty (30) days after the request for appeals has been filed and heard, unless additional time is agreed upon by all parties concerned.
  - d. No application for variance or special exceptions which have been denied shall be resubmitted within six (6) months from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

#### Section F Violations:

Buildings and structures erected, partially erected, not structurally sound, a public health or safety hazard, altered, moved or converted, or any use of land or premises carried on in violation of any provisions of this Ordinance are hereby declared to be nuisances per se and may be abated in Circuit Court, if Circuit Court-mediation is sought. The Zoning Administrator and/or Zoning Enforcement Officer shall inspect each alleged violation and shall order correction in writing to the owner of the premises, of all conditions found to be in violation.

#### Section G Proceedings:

The Township Boards and the Planning Commission, the Zoning-Administrator, Zoning Enforcement Officer or any owner of real estate, affected by the violation may institute the proceedings to prevent, enjoin, abate or remove unlawful erection, alteration, maintenance, use or violation. The rights and remedies provided herein are cumulative, or in addition to all other remedies provided by law.

Section H Civil Infraction:

(1) A person, company, business who violates any provision of this Ordinance is responsible for a civil infraction, subject to payment of a civil fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each violation

(2) Repeat offenses under this Ordinance shall be subject to increased fines as provided by this Section, below. As used in this Section, "repeat offense" means a second (or any subsequent) violation of the same requirement or provision of this Ordinance committed by a person, company, business within any ninety (90) day period and for which the person, company, business admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Ordinance shall be as follows:

(a) The fine for any offense that is a first repeat offense shall be not less than two hundred-fifty (\$250.00) dollars, plus costs.

(b) The fine for any offense that is a second offense, or any subsequent repeat offense, shall be not less than five hundred (\$500.00) dollars each plus costs.

(3) Each day on which any violation of this Ordinance continues constitutes a separate offense subject to separate sanctions.

(4) ***The Zoning Enforcement Officer is hereby designated*** as the authorized Township official to issue civil infraction citations for violations of this Ordinance, as provided by Comins Township Zoning Ordinance #4.

(5) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

### ARTICLE XIII VALIDITY

#### Section A Validity:

Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

At a Regular Meeting held September 27, 2005, the Board of Comins Township, Oscoda County, Michigan ordains:

That Ordinance No. 4, being Comins Township Zoning Ordinance be adopted and becomes effective from and after October 13, 2005.

Comins Township Board

By \_\_\_\_\_

Tavia Chicha, Supervisor  
Assessor  
Zoning Administrator