



# **Oscoda-Wurtsmith Airport**

## **Zoning Ordinance**

Includes Change 1, Change 2, Change 3 and Change 4

Oscoda-Wurtsmith Airport  
Joint Airport Zoning Board  
3961 East Airport Drive  
Oscoda, Michigan 48750  
(989) 739-1111

# ZONING ORDINANCE

Oscoda-Wurtsmith Airport, Iosco County, Michigan

THE OSCODA-WURTSMITH JOINT AIRPORT ZONING BOARD HEREBY ORDAINS AS FOLLOWS: An Ordinance, in accordance with and under the authority of relevant Michigan statutory law, MCLA 259.431, Ex. Siess, and as amended, so as to provide for the establishment of, a zoning ordinance, in districts and in sections, as reflected in the articles as set forth herein, and to govern the land use and/or the Oscoda-Wurtsmith Airport Authority regulations, and to best manage the natural resources all, in the public health, welfare and safety. This Ordinance regulates property owned or under the control of the Oscoda-Wurtsmith Airport only, with the exception of Article IV, as well as the general law relating to tall structures and hazards. This Ordinance is in addition to any other land use regulation as set forth in Lease BCA-WUR-12-94-1203 (commonly referred to as the “Prime Lease”), executed on December 29, 1994, and as further amended, between the Oscoda-Wurtsmith Airport Authority and the United States of America. Nothing in this ordinance, however shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of the public health, safety and welfare.

TABLE OF CONTENTS

ZONING ORDINANCE..... i

TABLE OF CONTENTS..... ii - iv

ARTICLE I - APPLICATION AND SCOPE.....1

    Section 1.1 Application and Scope .....1

ARTICLE II - DEFINITIONS..... 2-7

ARTICLE III - SIGNS.....8

    Section 3.1 Intent .....8

    Section 3.2 General Provisions .....8

        Section 3.2.1 Definitions..... 8-9

        Section 3.2.2 Permits and Fees .....9

        Section 3.2.3 Prohibited Signs ..... 11-12

    Section 3.3 Special Conditions .....13

    Section 3.4 Sign Exceptions ..... 13-14

ARTICLE IV - HAZARDS .....15

    Section 4.1 Objective .....15

    Section 4.2 Hazard Area .....15

    Section 4.3 Hazards .....15

    Section 4.4 Airport Hazard Area .....15

    Section 4.5 Airport Zoning Plans.....15

    Section 4.6 Legal Height Limitations .....15

    Section 4.7 Unlawful Land Use .....16

    Section 4.8 Existing Non-Conforming Objects .....17

    Section 4.9 Alterations to Non-Conforming Land Use .....17

    Section 4.10 Approach Standards .....17

        Section 4.11 Heights Requiring Permits.....17

    Section 4.12 Application for Permits.....17

    Section 4.13 Permit Procedures .....18

    Section 4.14 Amateur Radio Facilities .....18

ARTICLE V - ZONING ORDINANCE DISTRICTS, MAP AND USE PROVISIONS .....19

    Section 5.1 Establishment of Districts .....19

    Section 5.2 Zoning Districts Map .....19

    Section 5.3 Districts .....19

        Section 5.3.1 Airfield District..... 19-20

        Section 5.3.2 Aviation Support District..... 20-21

        Section 5.3.3 Industrial District ..... 23-24

    Section 5.4 Access to the Airport from Off Airport Sites.....25

    Section 5.5 Protest Petitions .....25

    Section 5.6 Conditional Zoning ..... 25-29

ARTICLE VI - SPECIAL LAND USE PERMITS, VARIANCES, MISCELLANEOUS	
APPEALS AND SPECIAL EVENT PERMITS .....	30
Section 6.1 Intent, Purpose, and Approval .....	30
Section 6.2 Uses and Districts .....	30
Section 6.3 Requirements and Standards.....	30
Section 6.4 Application for Special Land Use Permit and/or Request for Variance, or Request for Miscellaneous Appeal .....	31
Section 6.5 Permits; Suspensions; Revocation .....	31
Section 6.6 Approval of Special Use Permits, Allowance of Variance, and Allowance of Miscellaneous Appeals .....	32-33
Section 6.7 Expiration of Special Land Use Permits, Variances, and Miscellaneous Appeals .....	34
Section 6.8 Re-application.....	34
Section 6.9 Special Event Permits .....	34
Section 6.10 Administrative Deferral .....	34
Section 6.11 Required Fees.....	34
Section 6.12 Hearings for Special Uses and Variances .....	34
Section 6.13 Publication in Newspaper .....	35
Section 6.14 Notification .....	35
ARTICLE VII - SITE PLAN REVIEW PROCEDURES .....	36
Section 7.1 Application.....	36-37
Section 7.2 Required Data .....	37-38
Section 7.3 Standards for Approval.....	38-39
Section 7.4 Revocation of Site Plan Approval and Final Site Plan Review .....	39-40
Section 7.5 Performance Guarantees .....	40
Section 7.6 Administrative Deferral .....	40
Section 7.7 Required Fees.....	40
ARTICLE VIII - NONCONFORMING USES AND STRUCTURES .....	41
Section 8.1 Intent and Purposes .....	41
Section 8.2 Nonconforming Uses of Land.....	41-42
Section 8.3 Nonconforming Structures.....	42
Section 8.4 Nonconforming Uses of Land and Structures.....	42-43
Section 8.5 Repairs and Maintenance.....	43
Section 8.6 Special Land Uses Are Not Nonconforming Uses .....	43
ARTICLE IX - WIND ENERGY SYSTEMS .....	44
Section 9.1 Purpose & Intent .....	44
Section 9.2 General Provisions .....	44
Section 9.2.1 On-Site Wind Energy Systems and Anemometer Tower .....	44-45
Section 9.2.2 Definitions.....	45-48
Section 9.2.3 Additional Restrictions .....	48-49
Section 9.2.4 Siting and Design Requirements Regarding Small Structure-Mounted Wind Energy Turbine (SSMWET) and Small Tower-Mounted Wind Energy Turbine (STMWET) .....	49-51

Section 9.2.5 Permit Application Requirements.....	51-52
Section 9.2.6 Safety Requirements .....	52-53
Section 9.2.7 Signal Interference .....	53
Section 9.2.8 Decommissioning .....	53-54
Section 9.2.9 Siting and Design Requirements Regarding Medium Wind Energy Turbine (MWET) and Large Wind Energy Turbine (LWET) .....	54-57
Section 9.2.10 Safety Requirements .....	57-58
Section 9.2.11 Signal Interference .....	58
Section 9.2.12 Decommissioning .....	58-60
Section 9.2.13 Site Plan Requirements .....	60-63
 ARTICLE X - PENALTIES .....	 64
Section 10.1 Penalties .....	64
Section 10.2 Violations .....	64
Section 10.3 Sanctions .....	64
Section 10.4 Authorized Officials.....	64
Section 10.5 Progression of Penalties .....	64-65
Section 10.6 Public Nuisance Per Se .....	65
 ARTICLE XI - ORDINANCE ADMINISTRATION .....	 66
Section 11.1 Zoning Administrator as Administrative Agency.....	66
Section 11.2 Board of Appeals .....	66-67
Section 11.3 Appeals to Circuit Court .....	67
Section 11.4 Permits .....	67
 ARTICLE XII - ENVIRONMENTAL .....	 68
Section 12.1 Storm Water Management .....	68
Section 12.2 Groundwater Protection .....	68
Section 12.3 Hazardous Materials .....	68
Section 12.4 Fuel Storage Tanks .....	68
Section 12.5 Soil Removal; Excavation; Filling.....	68
 ARTICLE XIII - MISCELLANEOUS .....	 69
Section 13.1 Validity and Severability Clause .....	69
Section 13.2 Federal Laws (Part 77, 14 C.F.R. 77.1 et seq.).....	69
Section 13.3 Airport Rules and Regulations.....	69
Section 13.4 Leases/Subleases.....	69
Section 13.5 Roads.....	69
Section 13.6 Amendments .....	70
Section 13.7 Effective Date of Ordinance .....	70

## ARTICLE I - APPLICATION AND SCOPE

### Section 1.1 Application and Scope:

It is not intended that the application or scope of this ordinance repeal, abrogate, annul or in any other 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; provided, however that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations, upon the erection or use of land and buildings, or upon the height or bulk of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces that are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern and apply. Only those uses as set forth within this Ordinance are permitted within the districts as so designated. Uses not expressly listed are prohibited. Further, the requirements of this Ordinance are and shall be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction imposing greater requirements. Any conflict between the Airport Zoning Ordinance text and any accompanying chart shall be resolved by the provisions of the text.

## ARTICLE II - DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows or as otherwise provided for in this ordinance.

**Above Mean Sea Level:** Denotes elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

**Aeronautical Activity:** Any activity that involves, makes possible, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations.

**AGL:** Above Ground Level.

**Agriculture:** Farms and general farming, including horticulture, floriculture, farm forestry and other similar enterprises or uses, but no farm shall be operated for the disposal of garbage, sewage, rubbish, offal, or as rendering plants or for the slaughtering of animals.

**Air Operations Area (AOA):** Restricted area of the Airport, either fenced or posted, where aircraft are parked or operated, or operations not open to the public are conducted, areas include, but are not limited to, the aircraft ramps, aprons, taxiways, runways, unimproved land attributed to the taxiways and runways, safety clear areas, areas beneath the terminal building and contiguous areas delineated for the protection and security of aeronautical activity.

**Aircraft:** Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

**Airport Certification Manual:** A document required by the Federal Aviation Regulation Part 139 detailing the Airport's requirements as contained in FAR Part 139.

**Airport Hazard:** Means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

**Airport Hazard Area:** Means any area of land or water, or both, lying within a ten mile radius from the established center of the Airport in which an airport hazard might exist if not prevented by this Ordinance.

**Airport Layout Plan (ALP):** The plan of an airport showing the layout of existing and proposed airport facilities.

**Airport Zoning Act:** Refers to Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

**Apron or Ramp:** Those areas of the Airport within the AOA designated for the loading, unloading, servicing, or parking of aircraft.

**Billboard:** A manufactured outdoor structure advertising an establishment, merchandise, service, entertainment which are not sold, produced, manufactured or furnished at the property on which the structure is located. A billboard is mounted on a frame that is either freestanding or attached to a building.

**Building:** Any structure, either temporary or permanent, having a roof and used or built for shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

**Building, Accessory:** A building, the use of which is clearly incidental to that of the main building or to the use of the land.

**Commercial Activity:** Means to provide or offer to provide goods, services or entertainment in return for financial remuneration or remuneration in kind or a promise of financial remuneration or remuneration in kind or to accept or agree to accept financial remuneration or remuneration in kind for the provision of goods, services or entertainment.

**Commission:** Means the Michigan Aeronautics Commission, or any successor thereto established by law.

**Communication Tower:** A radio, telephone or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**Concessionaire:** An individual, company or other entity authorized by the Airport through a lease or contract to undertake and profit by a specified activity including but not limited to a gift shop, restaurant, car rental agency, etc.

**Courtesy Vehicle:** Vehicles provided by private companies, hotels, motels or operators off-Airport parking and car rental facilities to pickup customers and guests and others, and/or deliver said customers and guests or others to the Airport.

**Easement:** A legal right held by one person to use the property of another.

**Engine Testing:** The operation of any aircraft engine above idle speed for observation, maintenance or repair purposes.

**Fire Arm Sales and Delivery:** The selling of fire arm devices in accordance with all state and federal laws, regulations and guidelines. Includes on-site registration, transfer of ownership and custody of fire arms to customers.<sup>4</sup>

---

<sup>4</sup> This text has been added or amended with Change 4 amendments

**Fixed Base Operation (FBO):** Any person or business entity who, or which, undertakes or conducts any commercial aeronautical activity or service on the Airport. This definition includes, but is not limited to, the following: flight training, aircraft rental, aircraft sales, aircraft charter or air taxi, airframe and power plant repair, aircraft line service and certain specialized activities and being authorized to conduct such a business through licensing by the Oscoda-Wurtsmith Airport Authority Board.

**Greenbelt:** An open area of unoccupied land covered by natural and indigenous shrubs, trees and designed or maintained in the natural condition.

**Hazardous Materials:** A substance or material in a quantity or form that may pose an unreasonable risk to health or safety, or property when stored, transported, or used in commerce as defined by the U.S. Department of Transportation or the Environmental Protection Agency (EPA).

**Internet Marketing & Sales:** Marketing and selling of retail and wholesale merchandise (also known as 'E-Commerce' activity) - - that is then shipped via mail or commercial parcel service carrier to the Customer. The merchandise may or may not have been manufactured on site.<sup>4</sup>

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use or purpose for which they were manufactured.

**Land Use Permit:** A document issued by the Zoning Administrator certifying that an individual is operating in accord with the Zoning Ordinance and giving the right to proceed with securing a building permit as long as the action is as stated on the permit.

**Lot:** Land described in a recorded plat or by metes and bounds description, occupied, or to be occupied, by a principal building or buildings and accessory buildings, or utilized for the principal use or uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.

**Movement Area:** Runways, taxiways, associated safety areas and other areas of an airport which are used or intended to be used for taxiing or hover taxiing, air taxiing, takeoff and landing of aircraft.

**MSL:** Mean Sea Level

**Non-Conforming Building:** A building or portion thereof; existing at the effective date of this Ordinance or amendments thereto and that does not conform to the provisions of this Ordinance relative to height, bulk, area or yards for zoning districts in which it is located.

**Non-Conforming Use:** A use or portion thereof, existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of this Ordinance relative to permitted principal uses or conditional land uses for the zoning district in which it is located.

**Parking Space:** An area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**Person:** Means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Political Subdivision:** Means any county, city, village or township of this state, and any other political subdivision, public corporation, authority, or district in this state which is or may hereafter be authorized by law to construct, enlarge, improve, maintain, equip, operate and regulate airports.

**Professional Services:** Means those services that are rendered by individuals that can only provide such service as a result of holding a higher education degree and/or a state license that is applicable and/or associated with a learned professional service that would be offered. Examples of professional services are engineering, architecture, doctor, and lawyer.<sup>1</sup>

**Public Building:** Buildings that are financed largely by public funding and are available for public uses, as distinguished from buildings that are government financed but are intended for private use such as public housing.

**Retail Sales:** Retail sales are sales that are necessary or incidental to one of the other principal or special permitted uses within any one of the three districts of the Airport Authority.<sup>1</sup>

**Right of Way:** A legal right of passage over another person's property which can be land occupied or used by public utilities, railroads or public roads, streets or highways.

**Rooftop Windmills:** Also identified herein as Small Structure-Mounted Wind Energy Turbine (SSMWET). Are any windmills that are located on top of any roof or any building or structure. It shall include, but not be limited to, any structure-mounted, wind-energy conversion system that converts wind-energy into power of any sort, inclusive of electricity, through any means whatsoever (also including but not limited to a wind generator). This definition, by way of interpretation, shall be subject to all of the provisions contained in not only Article Nine (9), but also all other provisions of this ordinance.<sup>4</sup>

---

<sup>1</sup> This text has been added or amended by Change 1

<sup>4</sup> This text has been added or amended by Change 4

**Runway:** An improved surface area reserved exclusively for the landing and take-off of aircraft.

**Setback:** The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

**Sign, Advertising:** A sign which advertises goods, services, facilities, or events and may include identification

**Sign, Height Maximum:** Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

**Sign Height Minimum:** Shall be measured from grade or sidewalk to the lowest edge of the sign surface - or its projecting structure.

**Special Use Permit:** A permit issued by the Zoning Administrator and/or Joint Zoning Board to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in this Ordinance.

**Structure:** Any object constructed or installed by man, including but without limitation, buildings, towers (including communication towers), smokestacks, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

**Technical Services:** These technical services must provide uses relating to electronics, computers, communications, and technology. Technical services may include, but not be limited to, implementation, trouble call repair services, equipment sales, and etc., as well as the testing and training for computer software applications and health care.<sup>1</sup>

**Tree:** Any object of natural growth.

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

**Use, Accessory:** A use which is subordinate to and serves a principal building or principal use: is subordinate in purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same parcel as the principal building or principal use served with the exception of such accessory off-street parking facilities as are permitted to locate on the same zoning lot with the building or use served.

**Use, Principal:** The main use to which the premises are devoted and the principal purpose for which the premises exists.

**Variance:** A modification of the provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

## ARTICLE III - SIGNS

### Section 3.1 Intent:

The Airport finds that signs and other visual outdoor advertising tends to promote commerce, welfare and safety, and are related to the health, safety, and/or general welfare of the zoned area, and that the preservation of the existing character of the area requires regulation of signs and of other visual outdoor advertising. The Airport finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of safety, welfare and commerce in the Airport, may lead to poor identification of facilities, may have an adverse effect upon the existing aesthetic character of the Airport and may cause deterioration of the zoned area. Therefore, the purpose of this section and the subsections hereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health, welfare and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent areas; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a facility; to keep signs within a reasonable scale with respect to the buildings and/or facilities to which they relate; and further, to prevent off-premise signs from conflicting with business, commercial, public, and aviation related land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the Airport.

### Section 3.2 General Provisions:

#### Section 3.2.1 Definitions:

**Sign** - A sign is any announcement, declaration, display, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

1. Awning Sign: A sign which is painted or attached directly to an awning.
2. Billboard: A sign, other than off premise directional, real estate, or political signs, which does not pertain to the principal use of the premises on which it is located.
3. Changeable Message Sign: A sign which by its description or nature allows for the periodic changing of sign copy.

4. Construction Sign: A sign used by contractors and lending institutions pertaining to new or remodeled structures.
5. Directional Sign: A sign identifying the exit(s) and entrance(s) of premises and containing only the name or logo of the premises or directional information thereto.
6. Directory Sign: A sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
7. Free Standing Sign: A sign, the principal support of which is independent of any building.
8. Marquee Sign: A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.
9. Off Premises Sign: A sign which directs attention to a use, business, commodity, service or activity not conducted, sold or offered upon the premises where the sign is located.
10. Political Sign: A sign relating to the election of a person or persons to public office or relating to political party or relating to a matter to be voted upon at an election called by a public body and temporary in nature.
11. Roof Sign: Any sign which is attached to a building and any part of which extends more than one (1) foot above the top line of the building silhouette.
12. Sign, Accessory: A sign which pertains to the principal use of the premises.
13. Sign, Non Accessory: A sign which does not pertain to the principal use of the premises.

#### Section 3.2.2 Permits and Fees:

1. **Permits:** No person shall erect, place, structurally alter, paint or add to any sign, nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof, or addition thereto, or paint a sign on any structure, primary or otherwise, without first obtaining a permit to do so in the manner hereinafter provided unless said sign is otherwise exempted. Additionally, no permit is assignable, and any change in owner and/or occupant, shall require a need to procure a new permit in accordance with this section. Permits will only be issued to the property owner, or, with proper documentation, a lessee. Permits will remain valid for a period of two years, subject to renewals. Approval of size and location of signs shall be at the discretion of the Zoning Administrator subject to the guidelines of the Joint Zoning Board, if any. The administrative fee shall be set by the Oscoda-Wurtsmith Airport Authority.

No signs shall be allowed, unless there is a permit issued, pursuant to the provisions of this ordinance.

- A. Application for Sign Permits shall be filed with the Zoning Administrator and shall contain or have attached the following information:
- (1) Name, address and telephone number of the applicant.
  - (2) Location of building, structure or lot to which the sign is to be attached or erected.
  - (3) Position of the sign in relation to nearby buildings, structures and property lines.
  - (4) One drawing of the plans, specifications and method of construction and attachment to the building or in the ground.
  - (5) Name, address, and telephone number of the person, firm, corporation or association erecting the structure.
  - (6) Liability insurance certificate with One (1) Million Dollars coverage.
  - (7) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable rules and regulations of the Oscoda-Wurtsmith Airport Authority and/or State of Michigan.
  - (8) At the discretion of the Zoning Administrator, when the public safety requires, the drawing, plans and specifications required with the application shall bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit.
  - (9) Oscoda-Wurtsmith Airport Authority liability waiver.
2. **Insurance:** All persons placing, displaying or maintaining any sign shall keep in force and provide upon demand a General Liability Policy, or proof thereof, in an amount of One (1) Million Dollars to cover the exposure or provide proof that said persons are financially capable of self insurance. If deemed necessary the Airport shall be listed as an additional insured on this policy with a ten (10) day written notice of intent to cancel.
3. **Liability:** The Oscoda-Wurtsmith Airport Authority shall assume no liability whatsoever to the extent that a sign may or may not be structurally sound and/or a danger to the public.
4. **Court Orders:** If any owner, occupant or other person in charge of any premises fails or refuses to permit free access and entry to the premises under his/her control or part thereof, with respect to which an inspection authorized by this Article is sought to be made, the Zoning Administrator may, upon a showing that probable cause exists for an inspection and for the issuance of an Order directing compliance with the requirements of this Article, petition and obtain such Order from a court of competent jurisdiction. Failure to comply with such an Order shall constitute a violation of this Article.

### Section 3.2.3 Prohibited Signs:

Unless otherwise permitted by any other provision of this Article, no sign shall be constructed, erected, or maintained:

1. Which purports to be, or is an imitation of, or resembles an official traffic sign or signal or which bears the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words used in traffic control.
2. Which, by reason of its size, location, context, coloring or manner of illumination may be confused with or construed as a traffic control sign; or which either hides from view any approved traffic or street sign signal, confuses or misleads traffic, obstructs vision necessary for traffic safety, or distracts from visibility of traffic signs.
3. Which consists of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or elements creating sound, except seasonal decorations and community event signs.
4. Which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsation, or by action of normal wind currents, other than for the conveyance of non commercial information which requires periodic change. Electronic running copy is exempt from this part.
5. Which incorporates in any manner any flashing or moving lights.
6. Which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
7. Which obstructs the ingress to or egress from required door, window, fire escape, or other required exit way.
8. Which is unlawfully installed, erected, or maintained.
9. Which consists or is part of an outdoor merchandise display not screened from public streets or adjacent residential property.
10. Which overhang or extend into dedicated public right of way without the written consent of the governmental unit having jurisdiction.
11. Which is a roof or marquee sign.
12. Which is a portable sign, except where otherwise provided for.

13. Which is not expressly permitted by this Article or which violates any provision thereof.
14. Which is mounted on a vehicle parked on private property or within public right of way, when such vehicle is parked for the purpose of display and is unlicensed or otherwise not intended for road use on a regular, business related, basis.
15. Which is not expressly permitted by this Article to be placed in the public right of way.
16. Which have concrete foundations or other solid anchoring devices that project above the surface of the ground (other than that part of the foundation used to support the sign and add ornamentation, becoming part of the overall sign structure) and located so as to constitute a safety hazard to vehicular or pedestrian traffic. The Zoning Administrator and/or Joint Zoning Board may rule on the hazard potential of any proposed sign structure and shall prohibit such sign or a modification upon finding the presence of a safety hazard.
17. Which advertise a use that no longer occupies the premises, and has not so occupied its premises for six (6) months.
18. Which shall block another sign, except with prior approval of the Zoning Administrator.
19. Which are affixed to trees, rocks, shrubs, fences, utility poles and/or natural features other than natural materials brought to the site to be part of said sign.
20. All billboards are disallowed because of the unique nature of this area being primarily an airport.
21. Which advertise garage sales.
22. Off premises signs, which at the discretion of the Oscoda-Wurtsmith Airport Authority, directional signs shall be allowed, by the Airport Authority, which may or may not be off premises in nature.
23. Non-profit (IRS Code 501c) organizations advertising special events, shall be allowed, subject to approval by the Zoning Administrator and/or Joint Zoning Board as long as the permits are provided for and the signs are placed no sooner than two weeks before the scheduled event. At the discretion of the Oscoda-Wurtsmith Airport Authority Board, all fees may be refunded, unless said organization fails to remove said signs within forty-eight (48) hours after the scheduled event.

### Section 3.3 Special Conditions:

1. Prior to the erection or structural alteration of a sign, a land use (zoning) permit shall be secured from the Zoning Administrator. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Zoning Administrator so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding or monument signs, a site development plan revealing the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Zoning Administrator.
2. Illumination of signs shall be directed or shaded so as not to interfere with the vision of persons on adjacent highways or property, or would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport
3. No sign, except those maintained by the Airport, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
4. All site plans submitted in accordance with Article VII shall identify the location(s), height, type, and size of all existing and proposed signs.
5. Signs shall contain no wording, symbol, figure, or similar form expressing obscene, immoral, pornographic, or otherwise offensive and objectionable reference.

### Section 3.4 Sign Exceptions:

In order to allow greater flexibility in property and use signing, the Joint Zoning Board may permit signs, by Special Use Permit, that:

1. Exceed the number of signs permitted when the parcel borders more than one public and/or private road and the sign is placed directly in front of the building wall which faces each road, or farther from the intersection line than the wall.
2. Exceed the sign area permitted for the following reasons: Deep use setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use.
3. Exceed the height permitted in those instances where a taller sign is necessary to overcome natural conditions (topography, vegetation, etc.) to serve highway travelers or compensate for large sites and deep building setbacks.

In granting sign exceptions, the Joint Zoning Board shall consider the impact of each sign on adjoining districts, scenic views, out of character skyline intrusions, and obstruction to signs or uses on adjoining properties. The purpose of the sign and its applicability to uses that serve tourists or passerby motorists, together with other criteria used in granting special use permits, shall be considered in granting or denying a sign exception.

## ARTICLE IV - HAZARDS

### Section 4.1 Objective:

The principal objective of this Article is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

### Section 4.2 Hazard Area:

This Ordinance establishes regulations on land within a ten (10) mile radius of the Oscoda-Wurtsmith Airport. This Ordinance establishes a huge air bowl with a maximum height limitation of 500 feet above the established elevation of the airport at the outer edge. The height limitations of this Ordinance become less severe as the distance from the airport is increased. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. The Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids, or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would create or cause undesirable effects that may interfere with the operation of aircraft.

### Section 4.3 Hazards:

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

### Section 4.4 Airport Hazard Area:

An airport hazard area is established, which area or zone consists of all the lands within Alcona and Iosco Counties lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally 10 miles (see attached Sheets 2 & 3) from the established center of the usable landing areas of the airport, known as the airport reference point. The boundaries of the hazard areas are shown on the airport zoning exhibits numbered 1 through 5, which maps are attached and made a part of this ordinance.

### Section 4.5 Airport Zoning Plans:

The height limitations shown on the attached airport zoning plans are imposed on the lands in the airport hazard areas, the same being based upon the elevations above mean sea level at the ends

of the respective airport runways and the established elevation of the airport, which elevations are shown on sheets 2 thru 4 of the zoning plans.

#### Section 4.6 Legal Height Limitations:

No person may erect or maintain any structures to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps and/or exhibits, which are made a part of this ordinance by this reference thereto. Furthermore, with these height restrictions as set forth within this section and article, referencing the same height restrictions in Section 4.11 of this ordinance, as well as those zoning district maps as referenced in Section 5.2 of this ordinance. These structures shall include the planting and/or allowance of any tree to grow to a height in excess of the limitations prescribed by the terms of this ordinance, and the attached maps, as referenced immediately above, or to establish any use of lands contrary to the provisions of this ordinance.

#### Section 4.7 Unlawful Land Use:

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any airport hazard area which:

1. Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
2. Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
3. Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
4. Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.
5. Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
6. Would attract birds.
7. Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Michigan Bureau of Aeronautics and/or Federal Aviation Administration.

#### Section 4.8 Existing Non-Conforming Objects:

The Ordinance does not affect existing structures, trees or other non-conforming uses existing in the airport hazard area on the effective date of this Ordinance, unless the Zoning Administrator determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed. The definition of abandon shall be the same as that definition used by each respective local land use zoning agency.

#### Section 4.9 Alterations to Non-Conforming Land Use:

The provisions of Section 4.6 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming land uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

#### Section 4.10 Approach Standards:

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on sheets 2 thru 4 of the zoning exhibits, as attached, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits, the Zoning Administrator will arrive at proper height limitations by interpolating between contours shown on the zoning exhibits.

#### Section 4.11 Heights Requiring Permits:

To effectively administer the Ordinance, the Joint Zoning Board hereby establishes application heights which are below the allowable height limits of the Ordinance. This is done to make it easier for the local Zoning Boards and the general public to decide whether an application for permit must be filed with the Zoning Administrator. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application. The established application heights are: 50' within 6.32 miles of airport, and 100' from 6.32 mi. to 10 miles. The heights as referenced within this section, relate to those height limitations as set forth on Section 4.6, and incorporates those zoning maps and other exhibits as mentioned in section 5.2 of this zoning ordinance.

#### Section 4.12 Application for Permits:

Applications for permits shall be made to the Zoning Administrator in three (3) copies upon forms furnished by the Zoning Administrator. The Zoning Administrator shall, within 15 days from the application, determine whether the height limitations as designated by the airport zoning maps and this Ordinance, would or would not be violated if the application were granted and shall at that time grant or deny the application. The Zoning Administrator shall advise applicant of its action within three (3) days after the action has been taken. The issuance of a

permit shall not be construed to permit a use that violates Section 4.7 of this Ordinance or any general zoning Ordinance or regulations of any political subdivision applicable to the same area.

Section 4.13 Permit Procedures:

Persons desiring to create new uses, or to change existing uses, must file an application for a permit if the proposal involves objects that exceed 50' within 6.32 miles of the airport or exceed 100' between 6.32 miles and 10 miles from the airport or in any case where an object may be in violation of Section 4.7 of this ordinance.

Section 4.14 Amateur Radio Facilities:

Amateur radio towers/antennas are subject to the limitations as set forth in this ordinance, unless specifically exempted by federal law. The intent of this section is to insure that all amateur communication activities, be regulated so as to insure the safety and health of the public, but not be so restrictive as to preclude such communications.

## ARTICLE V - ZONING ORDINANCE DISTRICTS, MAP AND USE PROVISIONS

### Section 5.1 Establishment of Districts:

The geographic area of the Oscoda-Wurtsmith Airport is hereby divided into the following Zoning Districts:

- A-1 Airfield District
- A-2 Aviation Support District
- I Industrial District

### Section 5.2 Zoning Districts Map:

The boundaries of these districts are hereby defined and established as shown on a map entitled, "Zoning Land Use Plan", which accompanies this ordinance, and which, with all explanatory matter, is hereby made a part of this Ordinance. The official Zoning Map shall be identified by the Signatures of the Oscoda-Wurtsmith Joint Airport Zoning Board Chairman and attested to by the Zoning Administrator, and containing the following words; "This is to certify that this is the Official Zoning Map of the Oscoda-Wurtsmith Airport adopted on this the 21<sup>st</sup> day of March, 2000."

### Section 5.3 Districts:

#### Section 5.3.1 Airfield District:

1. Intent and Purpose: To preserve this property for Airport purposes and to allow for protection of the airspace required for safe and efficient aircraft operations.
2. Principal Uses:
  - A. Runways, Taxiways, Aircraft Parking Aprons;
  - B. Takeoff, landing, ground movement of aircraft, and support activities;
  - C. Installation, operation and maintenance of aviation navigation systems, aviation weather collection and dissemination systems, airfield lighting systems, and aviation communication systems.
3. Special Uses:
  - A. Air Traffic Control facilities;
  - B. Roads;
  - C. Vehicle testing;
  - D. Special Events as approved by the Oscoda-Wurtsmith Airport Authority.
4. Additional Special Use Requirements: <sup>1</sup>

---

<sup>1</sup> This text has been added or amended by Change 1

A. Performance Standards for Industry: It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perception of humans, and/or that may be hazardous to humans or human activity.<sup>1</sup>

1. **Odor:** The emission of noxious odorous matter in such quantities as to be readily detectable at any point along property boundary lines or that a public nuisance or hazard beyond property boundary lines, is prohibited.<sup>1</sup>
2. **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the provision of essential services.<sup>1</sup>
3. **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operations from direct view from any point along the lot line, except during the period of construction of the facilities to be used or occupied.<sup>1</sup>
4. **Light:** Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use. However, if the source or angle of light is pursuant to any airport, local, state or federal law, or regulation or policy, then this limitation shall not apply.<sup>1</sup>
5. **Smoke, Dust, Dirt and Fly Ash:** All emissions shall comply with Michigan's Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, and rules promulgated hereafter.<sup>1</sup>
6. **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.<sup>1</sup>
7. **Screening Devices:** Greenbelt, walls, fences, berm, or other screening devices in addition to those in Section 6.13 may be required by the Zoning Administrator.<sup>1</sup>

#### Section 5.3.2 Aviation Support District:

1. Intent and Purpose: To provide those airport services and facilities necessary and/or desirable for the operation of passenger and cargo air carriers, as well as commercial and private aircraft operations.
2. Principal Uses:
  - A. Aircraft instrument repair;
  - B. Aerial ambulance;
  - C. Aerial survey, photography and mapping;
  - D. Aircraft rental;
  - E. Aircraft salvage;

---

<sup>1</sup> This text has been added or amended by Change 1

- F. Aircraft parking/storage;
- G. Avionics repair;
- H. Flight training;
- I. Manufacturer of aircraft components and accessories;
- J. Propeller repair;
- K. Aircraft engine repair or overhaul, and testing (in accordance with Airport Rules and Regulations);
- L. Sale of pilot and aircraft owners' supplies;
- M. Aircraft sales;
- N. Aircraft overhaul and repair;
- O. Airport Administrative and Maintenance Facilities;
- P. Airport Authority Operated Public Facilities;
- Q. Parking of vehicles, to be allowed for all employees of businesses located within the airport and those with bonafide business — all others by permit only.
- R. Professional Services.<sup>1</sup>
- S. Retail Sales that are necessary or incidental to one of the other principal or special permitted uses within any one of the three districts of the Airport Authority.<sup>1</sup>
- T. Research and Development.<sup>1</sup>
- U. Internet Marketing and Sales - as defined within Article II, herein.<sup>4</sup>

3. Special Uses:

- A. Any use allowed in the A-1, Airfield District;
- B. Storage and dispensing of aviation fuels;
- C. Aircraft charter, air taxi, and scheduled air carrier services;
- D. Aviation museums;
- E. Aircraft painting;
- F. Air Cargo, Freight, and Package facilities;
- G. Crop spraying and agricultural aviation;
- H. Passenger handling facilities, including appropriate retail concessions;
- I. Rental of passenger automobiles;
- J. Education and training facilities related to the general purposes of this district;
- K. Overnight occupancy and institutional feeding in facilities which currently exist and were designed to accommodate such;
- L. Special Events as approved by the Oscoda-Wurtsmith Airport Authority;
- M. Owner/Company managed cafeterias operated exclusively for employees;
- N. Fixed Base Operations in accordance with Airport Minimum Standards in effect at the time.
- O. Roof Top Windmills, Wind Energy Systems, Wind Energy Turbines and other wind energy appurtenances, in accordance with Article IX herein, shall not be

---

<sup>1</sup> This text has been added or amended by Change 1

<sup>4</sup> This text has been added or amended by Change 4

allowed absent procuring a ‘Special Land Use Permit’ per the procedures of this Ordinance.<sup>4</sup>

4. Accessory Uses:

- A. Greenbelts, Walls and Fences.
- B. Entry control facilities.

5. Additional Special Use Requirements:<sup>1</sup>

A. Performance Standards for Industry: It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perception of humans, and/or that may be hazardous to humans or human activity.<sup>1</sup>

- 1. **Odor:** The emission of noxious odorous matter in such quantities as to be readily detectable at any point along property boundary lines or that a public nuisance or hazard beyond property boundary lines, is prohibited.<sup>1</sup>
- 2. **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the provision of essential services.<sup>1</sup>
- 3. **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operations from direct view from any point along the lot line, except during the period of construction of the facilities to be used or occupied.<sup>1</sup>
- 4. **Light:** Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use. The source or the angle of the lights, shall not unreasonably interfere with any lawful use of surrounding properties. However, if the source or angle of light is pursuant to any airport, local, state or federal law, or regulation or policy, then this limitation shall not apply. However, if the source or angle of light is pursuant to any airport, local, state or federal law, or regulation or policy, then this limitation shall not apply.<sup>1</sup>
- 5. **Smoke, Dust, Dirt and Fly Ash:** All emissions shall comply with Michigan’s Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, *and rules promulgated hereafter.*<sup>1</sup>
- 6. **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.<sup>1</sup>
- 7. **Screening Devices:** Greenbelt, walls, fences, berm, or other screening devices in addition to those in Section 6.13 may be required by the Zoning Administrator.<sup>1</sup>

---

<sup>4</sup> This text has been added or amended by Change 4

### Section 5.3.3 Industrial District:

1. Intent and Purpose: To provide a source of revenue and improved economic conditions so as to contribute to the cost of operation and maintenance of the Oscoda-Wurtsmith Airport. Property and facilities will be leased on a non-exclusive and non-discriminatory basis for manufacturing, assembly, storage and/or warehousing.
2. Principal Uses:
  - A. Storage and/or warehousing;
  - B. Manufacture of corrugated cardboard or wood shipping containers;
  - C. Manufacture of automobile tube assemblies;
  - D. Manufacture of paper goods;
  - E. Machining and fabrication of metal goods;
  - F. Engineering and manufacture of industrial control panels;
  - G. Assembly of medical transport kits;
  - H. Business generally associated with manufacturing and assembly;
  - I. Warehousing for wholesale and retail distribution off airport property.
  - J. Transient housing for contractors, employees and their family members, while such contractors or employees are working for or doing business with companies and/or agencies that are located on property owned and or under the control of the Oscoda-Wurtsmith Airport Authority, Inc.<sup>1</sup>
  - K. Parks. A tract and/or parcel of land designated and used by the public for active and/or passive recreation. Such park areas shall also include the possibility of running, jogging, and/or bicycle trails.<sup>1</sup>
  - L. Sign Companies;<sup>1</sup>
  - M. Vending Machine Companies;<sup>1</sup>
  - N. Bottled Gas/Bulk and Liquid Petroleum Bulk Storage;<sup>1</sup>
  - O. Truck Storage - Temporary;<sup>1</sup>
  - P. General Storage, including but not limited to recreational vehicles and boats;<sup>1</sup>
  - Q. Heavy Vehicle Maintenance Operations;<sup>1</sup>
  - R. Technical Services (including but not limited to data storage and retrieval).
  - S. Internet Marketing and Sales - as defined within Article II, herein.<sup>4</sup>
3. Special Uses:
  - A. Any use allowed in the A-2, Aviation Support District;
  - B. Fuel storage;
  - C. Manufacture and storage of loaded conventional and tear gas ammunition and components;
  - D. Non-profit organizations primarily engaged in educational/research pursuits; Agricultural activities;

---

<sup>1</sup> This text has been added or amended by Change 1

<sup>4</sup> This text has been added or amended by Change 4

- F. Mini-warehouses;
- G. Communication towers which are in compliance with the height restrictions specified on the exhibits to this ordinance.
- H. Manufacturing not listed as a principal use.
- I. Fire Arm Sales and Delivery – as defined within Article II, herein.<sup>4</sup>
- J. Roof Top Windmills, Wind Energy Systems, Wind Energy Turbines and other wind energy appurtenances, in accordance with Article IX herein, shall not be allowed absent procuring a ‘Special Land Use Permit’ per the procedures of this Ordinance.<sup>4</sup>

4. Additional Special Use Requirements:<sup>1</sup>

- A. Performance Standards for Industry: It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perception of humans, and that may be hazardous to humans or human activity.<sup>1</sup>
  - 1. **Odor:** The emission of noxious odorous matter in such quantities as to be readily detectable at any point along property boundary lines or that a public nuisance or hazard beyond property boundary lines, is prohibited.<sup>1</sup>
  - 2. **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the provision of essential services.<sup>1</sup>
  - 3. **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operations from direct view from any point along the lot line, except during the period of construction of the facilities to be used or occupied.<sup>1</sup>
  - 4. **Light:** Exterior lighting shall be so installed that the surface of the source of light shall be so arranged as far as practical to reflect light away from any residential use.<sup>1</sup>
  - 5. **Smoke, Dust, Dirt and Fly Ash:** All emissions shall comply with Michigan’s Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, and rules promulgated hereafter.<sup>1</sup>
  - 6. **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.<sup>1</sup>
  - 7. **Screening Devices:** Greenbelt, walls, fences, berm, or other screening devices in addition to those in Section 6.13 may be required by the Zoning Administrator.<sup>1</sup>

---

<sup>1</sup> This text has been added or amended by Change 1

<sup>4</sup> This text has been added or amended by Change 4

#### Section 5.4 Access to the Airport from Off Airport Sites:

According to the Federal Aviation Administration, generally permitting access to the airport from non-airport adjacent land (so called “thru-the-fence” operations) is discouraged, because of the regulatory problems associated with permitting aviation activities on or from adjacent non-airport property. However, the FAA does recognize the advantages of being able to offer a variety of proposals to prospective tenants and the reluctance of some tenants to develop on lease held property. Therefore, the following policy will apply for these “thru-the-fence” operations.

1. The Airport’s basic obligation is to make available the landing area and airport public facilities to licensees, tenants, and patrons for use in common with others so authorized. In granting access to these common use facilities by off-site tenants, the Airport will ensure its capability to control the airport and to carry out its commitments to the Federal Government.
2. To operate and maintain the common airport use facilities, the Airport is obligated to impose fees for their use to make the airport as self sustaining as possible. A use agreement and/or permit establishing necessary controls, restrictions, and a fee structure so as to further the intent and purposes of this zoning ordinance, and the rules & regulations of this airport, must be effected with all off-site owners or occupants prior to permitting them access to the airport. This agreement will require off-site owners or occupants, among other things, to conform in all respects to the airport security requirements, operational requirements, and applicable airport minimum standards, as well as appropriate Federal provisions concerning exclusive rights, non-discrimination and affirmative action.

#### Section 5.5 Protest Petitions:

As it relates to any proposed amendment to this zoning ordinance, same shall be subject to a protest petition, as allowed by law, and as generally provided for in Act 110, of the Public Acts of 2006.<sup>2</sup>

#### Section 5.6 Conditional Zoning:

1. **REQUIREMENTS** It is the desire of the Oscoda-Wurtsmith Airport Authority, under certain circumstances, in order to serve the best interest of said Authority, for property owners and/or developers, in seeking to utilize said property contained within the Authority’s boundaries, for purposes otherwise consistent with said zoning ordinance, to amend the ordinance, to accomplish a rezoning of same, contingent upon said property owners and/or that property owners successor in interest, and/or developers, agreeing to abide and fulfill certain conditions agreed to between the Authority and said property owner and/or developer.<sup>2</sup>

---

<sup>2</sup>This text has been added or amended by Change 2

## **2. APPLICATION AND OFFER OF CONDITION**

A. Said property owner and/or developer shall file an application with the Authority, stating the reasons rezoning is sought, a list of conditions it is willing to agree to, a legal description of said property, along with a survey if requested, a complete name of all persons having an interest in said property affected by said rezoning, as well as any other information reasonably requested on behalf of said Authority, so that same can be reviewed previous to Zoning Administrator review and recommendation, and, subsequently, previous to any board approval.<sup>2</sup>

B. If and when approval is granted by said Authority board of trustees, it shall be in a form so as to be recordable at the Iosco County Register of Deeds, including but not limited to a statement of the conditions, a legal description of the property, a copy of any relevant drawing, notarized signatures of all that are to be subject to and bound by the conditions of said property.<sup>2</sup>

C. Further, previous to the zoning request as generally provided for herein being approved by the Authority board, the Zoning Administrator shall render a recommendation upon same. The Zoning Administrator shall hold not less than one public hearing, with notice being given in two publications in a newspaper of general circulation in the area, with the first to be printed not more than thirty (30) days nor less than twenty (20) days; and the second not more than eight (8) days before the date of the hearing. Further, not less than twenty (20) days notice of the time and place of the hearing shall also be given by mail to each utility servicing said area, and each railroad operating within said district within the affected district. Said affidavit of mailing shall be maintained with Authority records. Notice shall also be given to all persons owning real property and/or occupants of structures within three hundred (300) feet of the area sought to be rezoned. Said notice shall be delivered either personally or by mail to the respective owners and tenants at the address given in the last tax assessment roll. This notice shall be mailed not less than eight (8) days before said date, stating the time, date, place and purpose of said hearing. Previous to said hearing, the applicant shall provide drawings, and all other materials as may be reasonably requested by said Zoning Administrator, in order to facilitate a recommendation thereon.<sup>2</sup>

D. The Zoning Administrator shall transmit the approved meeting minutes containing said recommendation, to the board. The board may hold additional hearings, and publish same not more than fifteen (15) days, nor less than five (5) days before said hearing, or decide not to have any additional hearings whatsoever. The final decision on all re-zoning requests shall be with the Authority board of trustees.<sup>2</sup>

E. Within seven (7) days after publication of a Zoning Ordinance, a registered elector residing in the portion of the Authority outside the limits of cities and villages may file with the Zoning Administrator a notice of intent to file a petition. If a notice of intent is filed, then within

---

<sup>2</sup> This text has been added or amended by Change 2

thirty (30) days following the publication of the Zoning Ordinance, a petition signed by a number of registered electors residing in the portion of the Authority outside the limits of cities and villages equal to not less than fifteen percent (15%) of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Authority may be filed with the Zoning Administrator requesting the submission of an ordinance or part of an ordinance to the electors residing in the portion of the Authority outside the limits of cities and villages for their approval. Upon the filing of a notice of intent, the ordinance or part of the ordinance adopted by the board shall not take effect until one of the following occurs: (a) The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed within that time; (b) If a petition is filed within thirty (30) days after publication of the ordinance, the Zoning Administrator determines that the petition is inadequate; and, (c) If a petition is filed within thirty (30) days after publication of the ordinance, the Zoning Administrator determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the portion of the Authority outside the limits of the cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Authority board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.<sup>2</sup>

3. **RELEVANT TIME PERIODS FOR USE AND/OR REVERSION OF ZONING** Unless a time is set forth in the conditions referenced above, said time-frame shall be one (1) year. Furthermore, if in fact the conditions as set forth above are not attained by the property owner and/or developer, or other responsible party, said zoning shall revert to its status immediately previous to the conditions being approved.<sup>2</sup>

4. **MISCELLANEOUS**

A. Nothing contained in this ordinance shall prohibit the Authority from being able to re-zone any or part of the land that is within the Authority.<sup>2</sup>

B. Furthermore, said Authority shall be able to reasonably request reimbursement for all costs associated with any approval as set forth above, and same shall be paid as a precondition of any approval of said rezoning.<sup>2</sup>

C. Any applicant desiring to make the request to rezone as provided for herein, shall deposit with the Authority the sum of Five Hundred Dollars and 00/100 (\$500.00) to be refundable, in whole and/or in part, contingent upon costs of publishing and mailing of notices, publishing and mailing of any decision to rezone, as well as being partially and/or wholly

---

<sup>2</sup> This text has been added or amended by Change 2

responsible for any attorney fees or surveying costs incurred by said Authority, inclusive of the deposit as referred to immediately above.<sup>2</sup>

5. **DEFINITIONS** The word “persons” or “person” as used in this ordinance means a natural person and also includes corporations, partnerships and associations and their officers and officials existing and are authorized to exist under the laws of the State of Michigan or of any other state or any foreign country. Additionally “persons” may include either one of several, or all tenants of said property and/or renters of same, or people in temporary possession and/or control of any real estate and/or any item of personal property creating a violation of the provisions of this ordinance.<sup>2</sup>

6. **PENALTY**

A. The Oscoda-Wurtsmith Airport Authority may enforce this ordinance by way of civil infraction, as herein provided, or any amendment thereto, as well as any action as allowed by law, including but not limited to any action in either the District and/or Circuit Court of the County of Iosco, State of Michigan, and/or in the appropriate court of federal jurisdiction, all as the circumstances may warrant.<sup>2</sup>

B. In addition to any and all other penalties as provided herein, that any fines, costs, and/or other fees assessed shall be applied by the Authority against the Authority tax rolls for purposes of collection as would any other amounts of monies as otherwise taxed, including but not limited to any assessment of interest, administrative costs or other fees associated therewith.<sup>2</sup>

7. **ABATEMENT** It is the duty of the person who creates, causes, allows, suffers or permits the existence of a nuisance, to abate the same. The term “abate” or “abatement” shall include demolition removal, repair, maintenance, construction, reconstruction, replacement and reconditioning of structures, appliances, appurtenances or equipment; and it shall also include removal, transportation, buying, disposal and treatment of refuse, manure or other substance or media capable of causing obnoxious odors or of attracting or breeding flies, and the application of chemicals, insecticides or other substances or the use of mechanical means to control, eradicate and eliminate the nuisance conditions, including screen-belts of trees and fences.<sup>2</sup>

8. **ENFORCEMENT** The chairman is hereby authorized to enforce this ordinance, and he/she may delegate the enforcement to any administrative official or employee of the Authority. The Authority may seek abatement of a nuisance and such other relief as may

---

<sup>2</sup> This text has been added or amended by Change 2

be obtained by civil proceedings in court. This is in addition to and not in derogation of prosecutions for violations of this ordinance.<sup>2</sup>

9. **SEVERABILITY** The various sections, parts, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.<sup>2</sup>

10. **CONFLICTING LAWS** If any term of this ordinance conflicts with any previous ordinance, this ordinance shall prevail. Unless otherwise provided for herein, any section of any previous ordinance shall remain in full force and effect.<sup>2</sup>

11. **EFFECTIVE DATE** This ordinance shall become effective on the 21<sup>st</sup> day of July, 2007. At a regular meeting of the Oscoda-Wurtsmith Airport Authority Board of Trustees held on the 21<sup>st</sup> day of June, 2007, adoption of foregoing ordinance was moved by John Swise, and supported by Larry Zucal.<sup>2</sup>

---

<sup>2</sup> This text has been added or amended by Change 2

## ARTICLE VI - SPECIAL LAND USE PERMITS, VARIANCES, MISCELLANEOUS APPEALS AND SPECIAL EVENT PERMITS

### Section 6.1 Intent, Purpose, and Approval:

It is the intent and purpose of these provisions for the granting of variances, miscellaneous appeals, special land uses, and Special Event Permits, to provide for flexibility in each zoning district for uses which, when properly treated will be compatible with the permitted uses in the district. The initial approval of all special land use permits shall be within the discretion of the Airport Joint Zoning Board. Appeals resulting from the decision of the Airport Joint Zoning Board shall be to the Zoning Board of Appeals. All variances shall be considered by the Zoning Board of Appeals. Special use permits, if there is an appeal, shall be to the Airport Joint Zoning Board. Approval of Special Event Permits shall be within the discretion of the Oscoda-Wurtsmith Airport Authority. Any further appeals from any body mentioned herein, shall thereafter, be to Circuit Court, as provided by law.

### Section 6.2 Uses and Districts:

The uses subject to and permitted in a district are listed in Article 5. Only those special land uses and/or variances and/or miscellaneous appeals therefrom, specifically identified on the district sheet, may be considered by the Joint Zoning Board and/or the Zoning Board of Appeals, or other relevant body, for inclusion in the district in which the lot, plot, or parcel is located.

### Section 6.3 Requirements and Standards:

When considering a request for either a variance and/or special land use permit, or miscellaneous appeal from any part of this zoning ordinance, the Joint Zoning Board and/or Zoning Board of Appeals, shall inquire of any relevant source, any relevant information, and consider the following items:

1. Whether the proposed development is in general agreement with the approved Airport Master Plan and Airport Layout Plan, and will not impede the planned future development of the airfield.
2. Whether the proposed development meets all the design standards of the zoning ordinance and other applicable local codes, regulations, or ordinances.
3. Whether the density or use characteristics of the proposed development are detrimental or could be considered to be significantly detrimental to adjacent properties and land used.
4. Whether the proposed development would place an extreme burden on the airport's essential public services and facilities.

5. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent available vehicular and/or pedestrian circulation facilities.
6. Whether the proposed uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
7. The Joint Zoning Board may require changes or modifications in the proposed special land use to conform to the above standards and may impose reasonable conditions pursuant to Section 6.6, as amended.

Section 6.4 Application for Special Land Use Permit and/or Request for Variance, or Request for Miscellaneous Appeal:

1. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of one (1) inch to one hundred (100) feet with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Airport to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance and/or pursuant to the prime lease, that the Airport presently has with the United States government.
2. The original of each application shall be signed by the applicant and sworn to before a notary public. Two (2) confirmed copies shall be filed with said original.

Section 6.5 Permits; Suspensions; Revocation:

In the event a special land use permit, variance and/or miscellaneous appeal, applicant violates the terms of this Ordinance or conditions previously imposed by the Airport Authority Board, the Zoning Administrator shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail to the last known address, and provided further that the permit holder shall have the right to request an appeal to a suspension within three (3) business days, and such suspension to be heard by the Airport Authority Board within thirty (30) days after receipt of such request. If it shall appear to the Airport Authority Board from the facts presented that the special land use permit, variance allowance, or allowance of miscellaneous appeal, applicant and/or permit holder has been committing the violation as charged, then the Airport Authority Board shall revoke said permit. In the event of the revocation of a special land use permit, variance, or allowance of

miscellaneous appeal, for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Airport Authority Board, based on the standards of this Ordinance and conditions previously imposed by the Airport Authority Board.

#### Section 6.6 Approval of Special Use Permits, Allowance of Variance, and Allowance of Miscellaneous Appeals:

1. The Zoning Administrator and/or Joint Zoning Board, and/or the Zoning Board of Appeals, whichever body is the relevant body, shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets all the following standards and requirements:
  - A. Will be harmonious with and in accordance with the general objectives of the Airport Master Plan and Airport Layout Plan, and will not impede the planned future development of the airfield.
  - B. Will be designed, constructed, operated, maintained, in harmony with existing and the intended character of the general vicinity and so that such use will not change the essential character of that area.
  - C. Will not be hazardous, disturbing or distracting to existing or future neighboring uses.
  - D. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  - E. Will be served adequately by necessary public services and utilities, such as highways, streets, drainage structures, sanitary sewers, water, police, and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - F. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  - G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
  - H. Will be consistent with the intent and purposes of this Ordinance in general, and Article VII, basis for approval (for site plans) in particular.
  - I. To enhance for the benefit of the citizens of the Oscoda-Wurtsmith Airport Authority, as well as the State of Michigan, the additional consideration in each zoning decision, as to how said decision addresses the need for food, fiber, energy and other natural

resources, where residences shall be located, what provisions are to be made for recreation, and where industry and trade services and other such uses are to be located.<sup>2</sup>

2. If the facts regarding the special use permit, allowance of variance, or allowance of miscellaneous appeal, being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, then the relevant body shall not grant any special consideration either by way of special use, variance, or the granting of a miscellaneous appeal.

In approving a special use permit, or allowance for a variance and/or a miscellaneous appeal, the Joint Zoning Board or the Zoning Board of Appeals, may impose such reasonable conditions of use as it deems necessary to protect the best interests of the Airport and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare still not be infringed upon.

The Joint Zoning Board and/or the Zoning Board of Appeals may deny, approve, or approve with conditions, a request for special use permit approval. The action on a special use permit shall be incorporated in a statement containing the conclusions relative to the special use permit under consideration which specifies the basis for the decision and any conditions imposed. Any decision rendered by the zoning board of appeals shall contain a written statement of not only their findings, but also reasons supporting each finding.<sup>2</sup>

3. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of either the Joint Zoning Board and/or the Zoning Board of Appeals, whichever is the relevant body, and the tenant. The zoning administrator shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A special condition use permit, and/or variance, and/or miscellaneous appeal, shall be issued by the relevant body, and same shall forward a copy of the permit to the owner/applicant and zoning administrator. The zoning administrator shall not issue a building permit until he has received a copy of the relevant approval in question, and as approved by the relevant body.

4. The special use permit and/or variance, and/or miscellaneous appeal review, shall be concurrent with any review of the proposed site plan. A site plan is mandated with all requests for special use permits, variances, and miscellaneous appeals.

---

<sup>2</sup> This text has been added or amended by Change 2

Section 6.7 Expiration of Special Land Use Permits, Variances, and Miscellaneous Appeals:

Any permit and/or allowance allowed hereunder, shall become null and void, and all fees forfeited unless construction and/or use is commenced and completed within twelve (12) months of the date of issuance of the concerned permit, except that the zoning board of appeals, and/or joint zoning board, and/or zoning administrator, may upon its discretion, upon application by the owner and/or applicant, for good cause shown, provide for up to a six month extension.

Section 6.8 Re-application:

No application for any permit as provided for herein, which has been denied, wholly or in part, by any relevant body as further provided for herein, shall be submitted until the expiration of one year or more from the date of such denial, except on the grounds of newly discovered evidence or changed conditions.

Section 6.9 Special Event Permits:

Special Events are uses of Oscoda-Wurtsmith Airport property which are temporary in nature. Application for Special Event Permits shall be made to the Oscoda-Wurtsmith Airport Authority Board, through the Airport Manager. The Airport Authority Board will consider Special Events based on their compatibility with other airport activities, availability of property and facilities, safety, and benefit to the airport and community at large.

Section 6.10 Administrative Deferral:

In those instances where the Zoning Administrator or Deputy Zoning Administrator have approval or disapproval authority, the Zoning Administrator or Deputy Zoning Administrator may defer an approval or disapproval decision to either the Joint Airport Zoning Board, in instances of Special Land Use Permits, or the Zoning Board of Appeals on all other matters.

Section 6.11 Required Fees:

Fees for review of any application for any permit as set forth herein, shall be established by the Oscoda-Wurtsmith Airport Authority Board.

Section 6.12 Hearings for Special Uses and Variances:

Pursuant to MCL 125.3103 (being the new “Zoning Enabling Act”) there shall be a fifteen (15) day notice period given for said hearings.<sup>2</sup>

---

<sup>2</sup> This text has been added or amended by Change 2

Section 6.13 Publication in Newspaper:

Notice of the hearings shall be published in a newspaper in general circulation one (1) time in advance of the fifteen (15) day notice period mentioned immediately above.<sup>2</sup>

Section 6.14 Notification:

All property owners of record, as well as all occupants of all structures within three hundred (300) feet regardless of whether or not the property is within the jurisdictional confines of the Oscoda-Wurtsmith Airport Authority shall be notified of any hearing as mentioned herein.<sup>2</sup>

---

<sup>2</sup> This text has been added or amended by Change 2

## ARTICLE VII - SITE PLAN REVIEW PROCEDURES

### Section 7.1 Application:

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any structure in any zoning district, or a change of ownership of any particular structure and/or property, either by way of assignment, lease, or otherwise, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Zoning Administrator and/or Joint Zoning Board in accordance with the requirements of this Article:
  - A. Site plan reviews are required for all permitted principal uses and structures in all zoning districts and special land uses in all zoning districts.
  - B. When proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Joint Zoning Board. The Zoning Administrator may conduct an administrative review provided both of the following are true:
    - (1) No variances to the Ordinance are required.
    - (2) The proposed new construction will not increase the total existing building area by more than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.
  - C. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Joint Zoning Board. The Zoning Administrator may conduct an administrative review provided all of the following are true:
    - (1) No variances to the ordinance are required.
    - (2) Such use is conducted within a completely enclosed building, and further, is a use allowed within the relative zoning district.
    - (3) Re-occupancy does not create additional parking demands beyond ten (10) percent of that which exists.
    - (4) Re-occupancy will not substantially alter the character of the site.
  - D. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any

ordinance, regulation or development standard. The Zoning Administrator shall notify the Joint Zoning Board of all site plans in the process or scheduled for administrative review.

- E. At the Zoning Administrator's discretion a site plan may be referred to the Joint Zoning Board for review and approval/disapproval procedures.

#### Section 7.2 Required Data:

1. No building or structure shall be erected, moved, enlarged, or substantially altered, nor shall any work be started on such structures or buildings until a site plan review application and site plan have been submitted to and approved by the Zoning Administrator and/or Joint Zoning Board.
2. Each submittal for site plan review shall be accompanied by seven (7) copies each of an application and site plan. The application shall at a minimum include the following information:
  - A. The applicant's name, address, and phone number in full.
  - C. A signed statement that the applicant is the owner and/or sublessee of the property or officially acting on the owner's behalf.
  - D. The name and address of the owner and/or sublessee of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
  - E. The address of the sublessee of the property in question.
  - F. Project title.
  - G. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the ordinance.
  - H. Name and address of the developer (if different from the applicant).
  - I. Name and address of the engineer, architect and/or land surveyor.
  - J. A vicinity map drawn at a scale of 1" = 2,000' with north point indicated.
  - K. The gross and net acreage of all parcels in the project.
  - L. Land use, zoning classification and existing structures on the subject parcel and adjoining parcels.

- M. Project completion schedule/development phases.
3. In lieu of the site plan data requirements enumerated above, the following information is required for those site plans receiving administrative review solely as a result of building re-occupancy or minor improvement.
- A. An accurate description of the subject property.
  - B. A description of the proposed use including number of employees and new hires, nature of the proposed use, floor plan sketch, and other general information describing the use.
  - C. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.
  - D. A description of existing and proposed landscaping, sidewalks, and other site amenities.
  - E. A description of buffering (i.e., berm, walls, greenbelt) between the use and adjacent residential properties both existing and proposed.
  - F. A description of site ingress and egress both existing and proposed.
  - G. Any other information as required by the Zoning Administrator which will assist in the evaluation the new use.

### Section 7.3 Standards for Approval:

A site plan shall be reviewed and approved by the Zoning Administrator and/or Joint Zoning Board upon finding that the following conditions are met.

1. That the proposed use will not be detrimental to the adjacent properties or the surrounding area.
2. That there is a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.
4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.

5. That as many natural landscape features as possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. That the plan for soil erosion control, storm water discharge, wells, and septic systems have been approved by appropriate public agencies.
9. The Zoning Administrator and/or Joint Zoning Board may further require landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
10. In approving a site plan, the Zoning Administrator and/or Joint Zoning Board may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Zoning Administrator and/or Joint Zoning Board may recommend that escrow money be placed with the Airport so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Airport Authority Treasurer.
11. Where the Airport has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Airport plan.
12. All new construction must meet setback restrictions of fifteen feet (15') minimum from the rear and side property boundary lines so as to allow access for safety vehicles and equipment.<sup>1</sup>

#### Section 7.4 Revocation of Site Plan Approval and Final Site Plan Review:

1. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Zoning Administrator and/or Joint Zoning Board shall give the applicant notice of site plan approval revocation at least ten (10) days prior to review of the violation by the Joint Zoning Board and the Zoning

---

<sup>1</sup>This text has been added or amended by Change 1

Administrator shall issue a stop work order. After conclusion of such review, the Zoning Administrator and/or Joint Zoning Board shall revoke its approval of the development if the Zoning Administrator and/or Joint Zoning Board feels that a violation in fact exists and has not been remedied prior to such hearing.

2. The approval by the Zoning Administrator and/or Joint Zoning Board of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Joint Zoning Board may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

#### Section 7.5 Performance Guarantees:

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Joint Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Oscoda-Wurtsmith Airport Authority covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Oscoda-Wurtsmith Airport Authority Treasurer to ensure faithful completion of the improvements. Upon completion of all conditions and improvements by applicant, the Oscoda-Wurtsmith Airport Authority or other person, said monies shall be returned.

#### Section 7.6 Administrative Deferral:

In those instances where the Zoning Administrator or Deputy Zoning Administrator have approval or disapproval authority, the Zoning Administrator or Deputy Zoning Administrator may defer an approval or disapproval decision to either the Joint Airport Zoning Board, in instances of Special Land Use Permits, or the Zoning Board of Appeals on all other matters.

#### Section 7.7 Required Fees:

Fees for the review of site plans shall be established by the Oscoda-Wurtsmith Airport Authority Board.

## ARTICLE VIII - NONCONFORMING USES AND STRUCTURES

### Section 8.1 Intent and Purposes:

It is the intent of this Ordinance to permit the continuance either of a lawful use of any building or land existing at the effective date of this Ordinance, even though that use is not presently provided for within the zoning districts as set forth herein. However, it is also recognized, that in the future, non-conforming uses and/or structures may develop and therefore this procedure is set forth herein to provide for those particular instances.

It is recognized that such uses are incompatible with the permitted uses within the district involved, and it is the intent of the Ordinance not to encourage the survival of these non-conforming uses and structures, yet not to infringe upon any constitutional right that same may have developed at law, therefore, these non-conforming uses and structures shall be subject to the conditions and requirements as set forth herein.

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 construction has been diligently undertaken. 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 to prepare for rebuilding, such demolition or removal shall not be deemed an actual construction, provided that work shall be diligently carried on until completion of the building involved, and in a timely manner.

### Section 8.2 Nonconforming Uses of Land:

1. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
  - B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance; and,
  - C. If such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

2. This provision of this Ordinance not only includes non-conforming uses and or structures as of the effective date of this Ordinance, but any other non-conforming use or structure developed subsequent thereto.

#### Section 8.3 Nonconforming Structures:

1. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, building height, setbacks, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structure may be enlarged or altered in a way that increases its nonconformity.
  - B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
  - C. Should such structure be moved any distance for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
2. This provision of this Ordinance not only includes non-conforming uses and or structures as of the effective date of this Ordinance.

#### Section 8.4 Nonconforming Uses of Land and Structures:

1. If a lawful use of a structure, or of land and structure in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
  - C. If no structural alterations are made, any nonconforming use of a structure, or land and structure in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals, either by general rule or by specific case, finds that the proposed use is equally appropriate or more

appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Administrator or Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or land and structure in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- D. Any structure, or land and structure in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - E. When a nonconforming use of a structure, or land and structure in combination, is discontinued or ceases to exist for six (6) consecutive months or for a total of eighteen (18) months during any three (3) year period, the structure, or land and structure in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
  - F. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
2. This provision of this Ordinance not only includes non-conforming uses and or structures as of the effective date of this Ordinance, but any other non-conforming use or structure developed subsequent to the effective date of this Ordinance.

#### Section 8.5 Repairs and Maintenance:

Any repairs and/or maintenance to said premises shall only be for those repairs that are necessary for the continuation of said business, and shall not result in an enlargement and/or an expansion on the scope and/or type of business activity conducted therein. If there has been a destruction of the building, and/or the ability to use said building, which exceeds 50% thereof, then said building and/or use shall not be allowed to be reestablished, However, if this is found to be an invalid restraint by any competent Court of law, then, and in that instance, said reuse of these premises, shall be to the most limited extent as allowed by law.

#### Section 8.6 Special Land Uses Are Not Nonconforming Uses:

Any special land use which is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use.

## ARTICLE IX – WIND ENERGY SYSTEMS<sup>3</sup>

### Section 9.1 Purpose & Intent:

The purpose of this Ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
- B. To allow for the wind energy or on site use and/or utility grid wind energy systems.
- C. To strike an appropriate balance between the need for clean renewable energy resources and the necessity to preserve and protect the health, safety, welfare and quality of life of the public by minimizing the potential adverse impacts of a WET.
- D. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

Wind energy systems shall be an allowed use within the industrial district.

### Section 9.2 General Provisions:

#### Section 9.2.1 On-Site Wind Energy Systems and Anemometer Tower:

An On-site Use wind energy system is a special use in the Industrial District and shall meet the following standards:

- A. Designed to primarily serve the needs of the home, farm, or small business.
- B. Shall have a Tower Height of not more than one hundred twenty (120) feet and comply with Federal Aviation Regulations and restrictions.
- C. Property Set-back: The distance between an On-site Use wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the tip of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

---

<sup>3</sup> Article IX Wind Energy Systems has been added in its entirety by Change 3

- D. **Sound Pressure Level:** On-site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
  
- E. **Construction Codes, Towers, & Interconnection Standards:** On-site Use wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
  
- F. **Safety:** An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Section 9.2.2 Definitions:

**Ambient Sound Level:** is the amount of background noise at a given location prior to the installation of WET(s) which may include, but not limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Anemometer:** is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a location.

**Anemometer Tower:** means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM.

**ANSI:** means the American National Standards Institute.

**Condominium Development:** is defined as a development that is created under the Condominium Act.

**dB:** means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel:** means the unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Decommissioning:** is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.

**IEC:** means the International Electrotechnical Commission.

**ISO:** means the International Organization for Standardization.

**Large Wind Energy Turbine (LWET):** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate capacity that identifies the maximum kilowatts.

**Lease Unit Boundary:** means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.

**Medium Wind Energy Turbine (MWET):** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not exceed one hundred and twenty (120) feet.

**Nacelle:** refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

**Net-Metering:** is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

**Occupied Building:** is a residence, school, hospital, church, public library, government building, business, or other building used for public gatherings.

**On Site Wind Energy System:** means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

**Operator:** is the entity responsible for the day-to-day operation and maintenance of the Wind Energy Turbine (WET).

**Owner:** is the individual or entity, including their respective successors and assigns, that have an equity interest or own the Wind Energy Turbine (WET) in accordance with this ordinance.

**Rooftop Windmills:** also identified herein as Small Structure-Mounted Wind Energy Turbine (SSMWET), are any windmills that are located on top of a roof, any building or structure. It shall include, but not be limited to, any structure-mounted, wind-energy conversion system that converts wind-energy into power of any sort, inclusive of electricity, through any means whatsoever (also including but not limited to a wind generator). This definition, by way of interpretation, shall be subject to all of the provisions contained in not only Article Nine (9), but also all other provisions of this ordinance.<sup>4</sup>

**Rotor:** means an element of wind energy that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**Rotor Diameter:** is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

**Shadow Flicker:** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

**Small Structure-Mounted Wind Energy Turbine (SSMWET)** also known as ‘Rooftop Windmills: converts wind energy into power of any sort, inclusive of electricity, through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure’s roof, walls, or other elevated surface.<sup>4</sup>

**Small Tower-Mounted Wind Energy Turbine (STMWET):** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

---

<sup>4</sup> This text added or amended with Change 4

<sup>4</sup> This text added or amended with Change 4

**Sound Pressure:** means an average rate at which sound energy is transmitted through a unit area in a specified direction; the pressure of the sound measured at a receiver.

**Sound Pressure Level:** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Structure:** is any building or other structure, such as a municipal watertower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

**Total Height:** is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Turbine (WET).

**Tower:** is a freestanding monopole that supports a Wind Energy Turbine (WET).

**Utility Grid Wind Energy System:** means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER, electric substation. A UTILITY GRID WIND ENERGY SYSTEM is designed and built to provide electricity to the electric utility grid.

**Wind Energy System:** means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.

**Wind Energy Turbine (WET):** is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

**Wind Site Assessment:** means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

#### Section 9.2.3 Additional Restrictions:

1. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.
2. Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems 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 listed in the local unit of government's Plan.

3. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.
4. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.
5. Decommissioning: A Zoning Administrator approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.
6. Complaint Resolution: A Zoning Administrator approved process to resolve complaints from nearby residents concerning the construction or operation of the project.
7. Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae or 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 wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

Section 9.2.4 Siting and Design Requirements Regarding Small Structure-Mounted Wind Energy Turbine (SSMWET) and Small Tower-Mounted Wind Energy Turbine (STMWET):

1. "Upwind" turbines shall be required.
2. Visual Appearance
  - a) A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black).

The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.

b) A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

c) SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.

3. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower), and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
4. Noise: Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
5. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
6. Guy Wires: Guy wires shall not be permitted as part of the SSMWET or STMWET.
7. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
  - a) Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - b) Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
  - c) Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a road.

- d) Quantity: No more than three (3) SSMWETs shall be installed on any parcel of property.
  - e) Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
8. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
- a) Height: The Total Height of a STMWET shall not exceed one hundred (100) feet.
  - b) Location: The STMWET shall only be located in a rear yard of a property that has an occupied building.
  - c) Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
  - d) Other Setbacks: The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
  - e) Quantity: No more than one (1) STMWET shall be installed on any parcel of property.
  - f) Electrical System: All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

Section 9.2.5 Permit Application Requirements:

1. Name of property owner(s), address, and parcel number.
2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-

motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.

3. The proposed type and height of the SSMWET or STMWET to be constructed; including the manufacturer and model product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
4. Documented compliance with the noise requirements set forth in this Ordinance.
5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
6. Proof of applicant's liability insurance.
7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
8. Other relevant information as may be reasonably requested.
9. Signature of the Applicant.
10. In addition to the Permit Application Requirements previously listed, the SSMWET Application shall also include the following:
  - a) Total proposed number of SSMWET's.
11. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include the following:
  - a) A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

#### Section 9.2.6 Safety Requirements:

1. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding,

and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

3. A clearly visible warning sign or signs regarding voltage shall be placed at the base of the SSMWET or STMWET.
4. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

#### Section 9.2.7 Signal Interference:

1. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, satellite, or emergency communication systems.
2. Any SSMWET or STMWET that interferes with any Airport communication systems must immediately cease operation until such interference can be resolved to the Zoning Administrator's reasonable satisfaction.

#### Section 9.2.8 Decommissioning:

1. The SSMWET or STMWET Owner(s) or Operator(s) shall, complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Zoning Administrator may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
2. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Zoning Administrator may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the Zoning Administrator for the cost of decommissioning each SSMWET or STMWET.
3. In addition to the Decommissioning Requirements listed previously, the STMWET shall also be subject to the following:

a) Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed.

b) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

Section 9.2.9 Siting and Design Requirements Regarding Medium Wind Energy Turbine (MWET) and Large Wind Energy Turbine (LWET):

1. “Upwind” turbines shall be required.
2. The design of MWET or LWET shall conform to all applicable industry standards.
3. Visual Appearance:
  - a) Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET or LWET.
  - b) Each MWET or LWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
  - c) Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).
4. Vibration: Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
5. Shadow Flicker: The MWET or LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.

6. Guy Wires: Guy wires shall not be permitted as part of the MWET or LWET.
7. Electrical System: All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
8. In addition to the Siting and Design Requirements listed previously, the MWET shall also be subject to the following:
  - a) Location: If an MWET is located on an agricultural, commercial, industrial, or public property that has an Occupied Building, it shall only be located in the rear yard.
  - b) Height: The Total Height of a MWET shall not exceed one hundred and twenty (120) feet.
  - c) Ground Clearance: The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty (50) feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
  - d) Noise:
    - i. Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed, at any time, the lowest ambient sound level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
  - e) Quantity: No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included in the parcel.
  - f) Setback and Separation:
    - i. Occupied Building Setback: The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.

ii. Property Line Setbacks: With the exception of the location of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.

iii. Public Road Setbacks: Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.

iv. Communication and Electrical Lines: Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of MWET, as measured from the base of the Tower, determined from the existing power line or telephone line

v. Tower Separation: MWET/tower separation shall be based on industry standard and manufacturer recommendation.

9. In addition to the Siting and Design Requirements listed previously, the LWET shall also be subject to the following:

a) Ground Clearance: The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground (at the highest point of the grade level within one hundred and twenty [120] feet of the base of the tower).

b) Noise:

i. Noise emanating from the operation of a LWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed, at any time, the lowest ambient sound level plus 5 dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.

c) Quantity: The number of LWETs shall be determined based on setbacks and separation.

d) Setback and Separation:

i. Occupied Building Setback: Each LWET shall be set back from the nearest Occupied Building that is located on the same parcel as the LWET a minimum of two (2) times its Total Height, or five hundred (500) feet, as measured from the base of the Tower, whichever is greater.

ii: Property Line Setbacks: With the exception of the location of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET.

iii. Wind Energy Overlay District Setbacks: Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base of the Tower.

iv. Public Road Setbacks: Each LWET shall be set back from the nearest public road a minimum distance no less than two hundred (200) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

v. Communication and Electrical Lines. Each LWET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than two hundred (200) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined from the existing power line or telephone line.

vi. Tower Separation: Turbine/tower separation shall be based on industry standards and manufacturer recommendation.

e) Access Driveway: Each LWET shall require the construction of a private road to offer an adequate means by which any emergency vehicle may readily access the site in the event of an emergency. All private roads shall be constructed to the Iosco County and/or the Charter Township of Oscoda's private road standards.

#### Section 9.2.10 Safety Requirements:

1. If the MWET or LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

2. The MWET or LWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to MWETs or LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
4. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
5. Each MWET or LWET shall have one sign, not to exceed two (2) square feet in area posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
  - a) Warning high voltage
  - b) Manufacturer's and owner/operators name
  - c) Emergency contact numbers (list more than one number)
6. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

Section 9.2.11 Signal Interference:

1. The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
2. Any MWET or LWET that interferes with any Airport communication systems must immediately cease operation until such interference can be resolved to the Zoning Administrator's reasonable satisfaction.

Section 9.2.12 Decommissioning:

1. The MWET or LWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or LWET, and for a good cause, the Zoning Administrator may grant a reasonable extension of time. Each MWET or

LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).

2. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other associated facilities removed. Any foundation shall be removed. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
3. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Oscoda-Wurtsmith Airport Authority will not be assumed to take ownership of any access road unless through official action of the Oscoda-Wurtsmith Airport Authority Board.
4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
5. In addition to the Decommissioning Requirements listed previously, the MWET shall also be subject to the following:
  - a) If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above. If the established deadline is not met, the Zoning Administrator may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the Zoning Administrator for the cost of decommissioning each MWET.
6. In addition to the Decommissioning Requirements previously listed, the LWET shall also be subject to the following:
  - a) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). When determining this amount, the Zoning Administrator may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Zoning Administrator after the first year of operation and every fifth year thereafter.

- b) The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than one hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posed and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the Zoning Administrator.
- c) Decommissioning Funds shall be in the form of a performance bond made out to the Oscoda-Wurtsmith Airport Authority.
- d) A condition of the bond shall be notification by the bond company to the Zoning Administrator when the bond is about to expire or be terminated.
- e) Failure to keep the bond in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, the Zoning Administrator may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
- f) The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Zoning Administrator concurs that decommissioning has been satisfactorily completed, or upon written approval of the Zoning Administrator in order to implement the decommissioning plan.
- g) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the Zoning Administrator may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Zoning Administrator shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Zoning Administrator may take such action as necessary to implement the decommissioning plan.

Section 9.2.13 Site Plan Requirements:

1. Site Plan Drawing: All applications for a MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensions, displaying the following information:
  - a) Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.

- b) Location and height of all proposed MWETs and LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET or LWET.
  - c) Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Zoning Administrator.
2. Site Plan Documentation: The following documentation shall be included with the site plan:
- a) The contact information for the Owner(s) and Operator(s) of the MWET or LWET as well as contact information for all property owners on which the MWET or LWET is located.
  - b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
  - c) Identification and location of the properties on which the proposed MWET or LWET will be located.
  - d) In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET or LWET.
  - e) The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
  - f) Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
  - g) Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
  - h) Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
    - i) A registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.

- j) Anticipated construction schedule.
- k) A copy of the maintenance and operation plan, including anticipated scheduled and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.
- l) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
- m) Proof of applicant's liability insurance.
- n) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off grid-systems shall be exempt from this requirement.
- o) Other relevant information as may be requested by Zoning Administrator to ensure compliance with the requirements of this Ordinance.
- p) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
- q) A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedule that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.
- r) The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
- s) The Zoning Administrator reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
- t) Signature of Applicant.
- u) In addition to the Site Plan Requirements listed previously, the LWET shall be subject to the following:

- i. A site grading, erosion control and storm water drainage plan shall be submitted to the Zoning Administrator prior to issuing a special use permit for an LWET. At the Zoning Administrator's discretion, these plans may be reviewed by the Oscoda-Wurtsmith Airport Authority's engineering firm. The cost of this review shall be the responsibility of the applicant.
- ii. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.
- iii. A statement indicating what hazardous materials will be used and stored on the site.
- iv. A study assessing any potential impacts on the natural environment, including, but not limited to, assessing the potential impact on endangered species, wetlands, and fragile ecosystems. The study shall conform to state and federal wildlife agency recommendations based on local conditions.

## ARTICLE X - PENALTIES

### Section 10.1 Penalties:

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be punished by a fine of not more than \$100.00. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

### Section 10.2 Violations:

Any violation of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Board of Appeals or the Airport Authority Board issued in pursuance of this Ordinance can be corrected by way of the Airport civil infraction procedure as herein established, in addition to any of the other remedies as set forth in other sections of the ordinance, and shall be an Airport Infraction. A violation includes any act which is prohibited, or made or declared to be unlawful, or an offense, by this Ordinance and any omission or failure to act where the act is required by this Ordinance.

### Section 10.3 Sanctions:

The sanction for any violation of this Ordinance which is an Airport civil infraction shall be a civil fine as provided in Section 9.5 of this Ordinance, plus any costs, damages, expenses and other sanctions as authorized under Act 236 of the Public Acts of 1961, as amended.

### Section 10.4 Authorized Officials:

The Zoning Administrator or the Deputy Zoning Administrator are the Airport Officials authorized to issue Airport civil infraction citations and Airport civil infraction violation notices for violations of this Ordinance.

### Section 10.5 Progression of Penalties:

#### 1. General

- A. A person, corporation or firm who, as a result of violating any Ordinance Violation which provides a prescribed period of time to correct the violation to the satisfaction of the authorized Airport official who issued the notice.
- B. A person, firm or corporation who fails to comply with the Notice of Violation, shall be responsible for one of the following:
  - (a.) Being ticketed and found responsible for a civil infraction of the ordinance, with payment of a fine of \$100.00 for each day the violation continues, plus maximum

costs of \$500.00, (plus being cited for additional infractions if in fact the violation continues, being in addition to those fines and costs set forth above), or

- (b.) Being subject to criminal actions, and being found guilty of a criminal misdemeanor, and facing possible imprisonment for up to ninety days in jail and having to pay all costs of criminal prosecution.
- (c) In addition to the above, the Airport may pursue a Circuit Court and/or District Court restraining order, and for further violation of said restraining order, incarceration in the County jail until compliance of the violation is obtained, plus payment of all costs or prosecution.

**Section 10.6 Public Nuisance Per Se:**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## ARTICLE XI - ORDINANCE ADMINISTRATION

### Section 11.1 Zoning Administrator as Administrative Agency:

The Airport Manager and/or the Assistant Airport Manager is designated the Zoning Administrator charged with the duty of administering and enforcing this Ordinance. The Zoning Administrator shall act as the “administrative agency” referred to in the Airport Zoning Act. The duties of the Zoning Administrator shall include those of issuing permits as provided below, but the Zoning Administrator shall not have or exercise any of the powers or duties delegated to the Board of Appeals. The Zoning Administrator is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. The Zoning Administrator may adopt such rules of procedure as may be necessary in connection with the administration and enforcement of this Ordinance.

### Section 11.2 Board of Appeals:

The Board of Appeals shall consist of five (5) members, each to be appointed for a term of three (3) years and until his/her successor is appointed and qualified, one of whom shall be designated as chairman and one of whom shall be designated as vice-chairman, which appointments shall be made by the Joint Airport Zoning Board. The Oscoda-Wurtsmith Airport Authority has the authority conferred to it by way of this Ordinance, to make recommendations as to individuals to be considered for a position on the Zoning Board of Appeals.

1. Rules and Procedures: The Board of Appeals shall adopt rules concerning its organization and procedure, including appeal forms, and other authorized matters, consistent with the provisions of the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to, providing a reasonable period of time from which appeal may be taken to it from an action of the Zoning Administrator. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine, and notice of all meetings shall be given to all members. An annual meeting shall be held during the month following the anniversary date of this Ordinance. The Chair, or in his or her absence the Vice-Chair, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, then so indicating, and the Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Board and shall be a public record.
2. Powers: The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulation, decision or determination made by the Zoning Administrator under the powers conferred upon it by this Ordinance.
3. Who May Appeal: Any person, including the governing body of any political subdivision, aggrieved by any decision of the Zoning Administrator made in the administration of this Ordinance, may appeal to the Board of Appeals.

4. Appeal Procedure: All appeals from actions of the Zoning Administrator shall be taken within the time and in the manner provided by the rules of the Board of Appeals, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds of appeal. The Zoning Administrator shall promptly transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed within, that by reason of the facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or irreparable damage to property. In that case, proceedings shall not be stayed otherwise than by order of the Board and on due cause shown. The Board shall fix a time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board may, in conformity with the provisions of this Ordinance, reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.

#### Section 11.3 Appeals to Circuit Court:

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court of the County of Iosco as provided in Section 30 of the Airport Zoning Act.

#### Section 11.4 Permits:

Pre-conditions for permits may be requested by the Zoning Administrator and/or the Deputy Zoning Administrator, to include but not be limited to the following:

1. Engineering Reports and/or Designs;
2. Architectural Drawings;
3. Site Plans;
4. Copies of Insurance Policies;
5. Copies of Financial data and/or Organizational Data regarding Applicant;
6. Payment of all required fees.

## ARTICLE XII - ENVIRONMENTAL

### Section 12.1 Storm Water Management:

All users must comply with the requirements of the Oscoda-Wurtsmith Airport Storm Water Pollution Prevention Plan and Permit.

### Section 12.2 Groundwater Protection:

All ground water sources shall be protected in accordance with state and federal law, and property leases between the Oscoda-Wurtsmith Airport Authority and tenants.

### Section 12.3 Hazardous Materials:

No person shall, without prior permission from the Airport Manager, keep, transport, handle, or store at, in or upon the Airport, any cargo of explosives or other hazardous articles as defined by federal or state statute which are barred from lading in, or for transportation by civil aircraft in the United States under the current provisions of Part 103 of the Federal Aviation Regulations or by any other competent authority. Compliance with said Part 103 shall not constitute or be construed to constitute a waiver of the required notice or an implied permission to keep, transport, handle, or store such explosives or other dangerous articles at, in, or upon the Airport. Advance notice of at least 24-hours shall be given the Manager to permit full investigation and clearances for any operation requiring a waiver of this rule.

### Section 12.4 Fuel Storage Tanks:

No tenant or other person shall install, maintain, or permit to be installed or maintained fuel storage tanks on the Airport without the express written approval of the Manager and must be installed and maintained in accordance with all federal, state and local laws, regulations and ordinances.

### Section 12.5 Soil Removal; Excavation; Filling:

No tenant or other person shall remove soil, excavate, or fill on the Airport without the express written approval of the Manager. The Airport has a "Miss Dig" permit application which must be completed and approved prior to any excavation.

## ARTICLE XIII - MISCELLANEOUS

### Section 13.1 Validity and Severability Clause:

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

### Section 13.2 Federal Laws (Part 77, 14 C.F.R. 77.1 et seq.):

The airport zoning ordinance is not intended to conflict with existing federal approach protection laws. All occupants, users and owners must comply with all Federal Aviation Administration rules and regulations.

### Section 13.3 Airport Rules and Regulations:

It shall be appropriate subject matter, for the “Airport Rules and Regulations”, to also govern land use as is also additionally governed herein. This Ordinance does not pre-empt the ability of the Oscoda-Wurtsmith Airport Authority, by its ruling body, to be able to engage in governing land use, by way of rules and regulations, and further, specifically empowers that body to be able to do so, however, if there is a conflict between the rules and regulations and/or the provisions of this ordinance, the rules and regulations shall prevail.

### Section 13.4 Leases/Subleases:

This Ordinance does not infringe on the Oscoda-Wurtsmith Airport Authority Board of Directors’ sole and exclusive power and jurisdiction to approve or disapprove leases and/or subleases with potential airport tenants.

### Section 13.5 Roads:

As it concerns road closures, it shall be the sole and exclusive power and jurisdiction of the Oscoda-Wurtsmith Airport Authority Board, to determine which roads are to remain open and/or closed either by way of ownership of same, and/or making requests to the relevant governing body, including but not limited to the Iosco County Road Commission and/or Oscoda Township for road closure. Additionally, such exclusive power and jurisdiction shall also relate to the standards to which said roads are to be maintained and/or repaired, including but not limited to snow removal. Further, it shall be the exclusive power and jurisdiction of the Oscoda-Wurtsmith Airport Authority, to determine whether or not to construct and/or open roads, and/or changing their locations.

Section 13.6 Amendments:

This Ordinance, and the regulations prescribed herein, may be amended by the Joint Zoning Board.

Section 13.7 Effective Date of Ordinance:

The effective date of this Ordinance is May 22, 2000.

The effective date of Change 1 is November 5, 2003.

The effective date of Change 2 is July 21, 2007.

The effective date of Change 3 is July 1, 2009

The effective date of Change 4 is September 2, 2010

Approved,

\_\_\_\_\_  
Carolyn Brummund, Chairman  
Oscoda-Wurtsmith Joint Zoning Board

\_\_\_\_\_  
Gary W. Kellan  
Zoning Administrator