# TABLE OF CONTENTS

**ARTICLE I    PURPOSE OF ZONING**
Section 101    Purpose ............................................................................. 1  
Section 102    Short Title ........................................................................ 2  

**ARTICLE II   DEFINITIONS**
Section 201    Construction of Language ....................................................... 1  
Section 202    Definitions ........................................................................... 2  
Section 203    Undefined Terms ................................................................. 11  

**ARTICLE III  ZONING DISTRICTS AND MAP**
Section 301    Establishment of Districts ....................................................... 1  
Section 302    Zoning Map ........................................................................ 1  
Section 303    Replacement of Official Zoning Map ..................................... 1  
Section 304    Interpretation of the Zoning Map .......................................... 1  
Section 305    Application of District Regulations ...................................... 2  
Section 306    Scope of Provisions ............................................................... 2  
Section 307    Conflicting Regulations ........................................................ 3  
Section 308    District R1: Residential .......................................................... 3  
Section 309    District RR-1: Rural Residential District ............................... 4  
Section 310    District SD: Seasonal Dwelling ............................................ 4  
Section 311    District RP: Resource Production District ............................ 5  

**ARTICLE IV    GENERAL REGULATIONS**
Section 401    Height and Placement Regulations ....................................... 1  
Section 402    Exemptions ........................................................................ 2  
Section 403    Zoning District Boundary Setback Regulations ..................... 2  
Section 404    Accessory Uses and Structures ............................................ 2  
Section 405    Minimum Floor Area Requirements ..................................... 2  
Section 406    Off-Street Parking Requirements ........................................... 3  
Section 407    Required Off-Street Spaces .................................................. 4  
Section 408    Site Plan Approval Requirements ......................................... 4  
Section 409    Applicability of Landscape Requirements .............................. 4  
Section 410    Required Planting Screens ..................................................... 4  
Section 411    Planting Screen Specifications .............................................. 4  
Section 412    Parking Lot Planting ............................................................. 4  
Section 413    Mineral Extraction Regulations ............................................. 5  
Section 422    Requirements for Private Roads ............................................. 7  
Section 423    Wireless Communication Facilities and Attached Wireless  
                Communication Facilities ........................................................... 8  
Section 424    Outdoor Wood-Fired Boiler, Stove, or Furnace ........................ 11  
Section 425    Tilden Township Wind Energy Overlay District and Wind Energy  
                Conversion Facilities ............................................................... 11  
Section 426    Small Wind Energy Conversion Systems (SMALL WECS) ........ 17
ARTICLE V  SITE PLAN REVIEW
Section 501  Intent.................................................................................................................. 1
Section 502  Data Required in Application ............................................................................... 1
Section 503  Review Procedures ............................................................................................... 2
Section 504  Standards for Site Plan Approval ........................................................................... 2

ARTICLE VI  CONDITIONAL USE PERMITS
Section 601  Intent.................................................................................................................. 1
Section 602  Application Procedure .......................................................................................... 1
Section 603  Conditions and Approvals .................................................................................... 1
Section 604  General Standards ............................................................................................... 2
Section 605  Conditions and Safeguards ................................................................................... 3
Section 606  Appeals .................................................................................................................. 4

ARTICLE VII  NONCONFORMING USES AND STRUCTURES
Section 701  Intent.................................................................................................................. 1
Section 702  Procedure for Obtaining Class A Designation and Conditions .......................... 1
Section 703  Regulations Pertaining to Class A Nonconforming Uses and Structures ............ 1
Section 704  Revocation of Class A Designation ..................................................................... 1
Section 705  Class B Nonconforming Uses and Structures ...................................................... 1
Section 706  Nonconforming Lots ............................................................................................ 2
Section 707  Appeals ................................................................................................................ 2

ARTICLE VIII  SIGNS
Section 801  Intent.................................................................................................................. 1
Section 802  Enlargement of Signs ........................................................................................... 1
Section 803  Signs Permitted in the Single Family Residential District, R-1 ............................ 1
Section 804  Signs Permitted in Industrial Districts, I .............................................................. 1
Section 805  Exemptions from Sign Regulations ..................................................................... 2
Section 806  Temporary Signs ................................................................................................ 3
Section 807  Nonconforming Signs ........................................................................................ 3
Section 808  Obsolete Signs .................................................................................................... 4
Section 809  Tourist Directional Signs ...................................................................................... 4
Section 810  Sign Illumination ................................................................................................ 4

ARTICLE IX  ADMINISTRATION AND ENFORCEMENT
Section 901  Administration .................................................................................................... 1
Section 902  Administrative Standards and Procedures ............................................................. 1
Section 903  Zoning Administrator .......................................................................................... 3
Section 904  Zoning Compliance Permits ............................................................................... 3
Section 905  Duties of Zoning Administrator ......................................................................... 4
Section 906  Special Zoning Orders Book and Map ................................................................. 4
Section 907  Notice of Violation ............................................................................................... 5
Section 908  Fees ..................................................................................................................... 5
ARTICLE X TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1001 Designation ........................................................................................................................................ 1
Section 1002 Changes and Amendments ............................................................................................................... 1

ARTICLE XI ZONING BOARD OF APPEALS

Section 1101 Establishment of Zoning Board of Appeals ...................................................................................... 1
Section 1102 Procedures .......................................................................................................................................... 1
Section 1103 Duties and Powers .............................................................................................................................. 1
Section 1104 Administrative Review ...................................................................................................................... 2
Section 1105 Variances .......................................................................................................................................... 2
Section 1106 Appeals ........................................................................................................................................... 3

ARTICLE XII INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES AND EFFECTIVE DATE ...... 1

Section 1201 Interpretation and Conflict .................................................................................................................. 1
Section 1202 Severability .......................................................................................................................................... 1
Section 1203 Vested Right ....................................................................................................................................... 1
Section 1204 Penalties and Remedies ...................................................................................................................... 2
Section 1205 Effective Date ..................................................................................................................................... 2

ZONING MAP
ARTICLE I
PURPOSE OF ZONING

Section 101 Purpose
An Ordinance to establish zoning districts and regulations governing the development and use of land within Tilden Township, in accordance with the provisions of Act 110, Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

A. Promoting and protecting the public health, safety, and general welfare;

B. Protecting the character and the stability of the forest, residential, recreational, commercial and industrial areas within Tilden Township and promoting the orderly and beneficial development of such areas;

C. Providing adequate light, air, privacy and convenience of access to property;

D. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health;

E. Lessening and avoiding congestion on the public highways and streets;

F. Providing for the needs of agriculture, recreation, housing, commerce and industry in future growth;

G. Protecting the public and adjacent uses from fire, explosion, noxious fumes or orders, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

H. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

I. Enhancing social and economic stability in the Township;

J. Enhancing the aesthetic desirability of the environment throughout the Township; and
K. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title
This Ordinance shall be known and may be cited as the Tilden Township Zoning Ordinance, Marquette County, Michigan.
ARTICLE II
DEFINITIONS

Section 201 Construction of Language
The following rules of construction shall apply to the text of this Ordinance:

A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the Ordinance, shall be construed and understood according to such peculiar and appropriate meaning.

B. The particular shall control the general.

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

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

E. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.

F. The word "building" includes the word "structure", and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.

G. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

H. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.

I. The word "lot" includes the words "plot" and "parcel".

J. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
   1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
   2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
   3. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.
K. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

L. Whenever a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

M. In computing a period of days, the first day is excluded and the last day is excluded. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions
For the purpose of this Ordinance, words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

1. **Accessory**: A use or structure both subordinate and incidental to a principal use or structure.

2. **Adult Foster Care Facility**: A governmental or nongovernmental establishment that provides foster care to adults. Includes facilities and foster care family home for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. This definition includes other provisions and limiting appearing in MCL 400.703.

3. **Alley**: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

4. **Apartment**: A dwelling unit in a “dwelling, multiple-family" as defined herein.

5. **Attached Wireless Communication Facilities**: Any wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

6. **Building**: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced (fire) wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.

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

8. **Clinic**: A location where medical or dental care is furnished to persons or animals on an outpatient basis by licensed doctors, dentists, or veterinarians.

9. **Club**: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

10. **Co-location**: Means the location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Township.

11. **Commercial Vehicle**: Any vehicle so registered or required by the State to be registered as a vehicle used for commercial purposes.

12. **Conditional Use Permit (CUP)**: Pursuant to the Zoning Ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site. CUPs require a public hearing and if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. **Approval of a CUP is not a change in zoning.**

13. **Conveyance**: an instrument or deed transferring a title of property.

14. **District**: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.

15. **Driveway**: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

16. **Dwelling, Single-Family**: A structure, including modular housing units, but excluding mobile homes, designed or used for residential occupancy by one family.

17. **Dwelling, Two-Family**: A structures containing two dwelling units each designed for residential occupancy by one family.

18. **Dwelling, Multiple-Family**: A building containing three or more dwelling units each designed for residential occupancy by one family, including condominiums.

19. **Dwelling Unit**: One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
20. **Easement:** The legal right to use property owned by another for specific purposes or to gain access to another property. The easement may be for a portion or all of the property and can be deemed as under, on, or above said property.

21. **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.

22. **Family:** An individual or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

23. **Family Day-Care Home:** A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

24. **Farm:** A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.

25. **Floor Area Ratio:** Intensity measured as a ratio, derived by dividing the total floor area of a building by the base site area.

26. **Floor Area, Usable:** For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the heated, living area of the building, measured from the interior faces of the exterior walls, excluding private garages.
27. **Garage:** A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repair or other services performed. Nothing in this definition is intended to prohibit an occupant of premises from repairing or servicing his/her personal vehicle.

28. **Group Day-Care Home:** A private home licensed or registered under Public Act 116 of 1973, in which more than six (6) but not more than twelve (12) adults or minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during the year. A group day care home does not include facilities offering nursing services, congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities.

29. **Ground Coverage Ratio:** The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot except garages and carports and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six inches above grade.

30. **Height:** The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the wall or other structural elements intersect the ground.

31. **Home Occupation:** An occupation or profession customarily carried on by an occupant of a dwelling unit, which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

32. **Hotel:** A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, and motels, but not including hospitals and nursing homes.

33. **Kennel, Commercial:** Any activity involving the permanent or temporary keeping or treatment of more than three (3) domestic pets, including adult dogs or cats, or any combination of such animals exceeding three (3) in number, other than ordinary agricultural activities.

34. **Landscaped Open Space:** Undeveloped land area maintained and covered with live vegetation.

35. **Lot:** Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street. (See Diagram – A)
36. **Lot Area:** The total horizontal area within the lot lines of a lot.

37. **Lot, Corner:** A lot which has at least two contiguous sides abutting upon a street for their full length. (See Diagram A)

38. **Lot, Depth of:** The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

39. **Lot, Interior:** A lot other than a corner lot. (See Diagram A)

40. **Lot Line(s):** Any of the lines bounding a lot as defined herein. (See Diagram A)
   a. **Front Lot Line:** In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal, the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
   b. **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
   c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
41. **Lot of Record**: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Marquette County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Marquette County, Michigan, prior to the adoption of this Ordinance.

42. **Lot, Through**: A double frontage lot, not a corner lot, having a street for both front and rear lot lines. (See Diagram A)

43. **Lot, Width**: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines. (See Diagram A)

44. **Master Plan**: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

45. **Mineral**: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, and uranium.

46. **Mining**: A part or all parts of the process involved in the extraction, processing, and transportation of minerals.

47. **Mobile Home**: A structure designed or used for residential occupancy built upon or having a frame or chases to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.

48. **Nonconforming Building (Nonconforming Structure)**: A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

49. **Nonconforming Lot**: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.
50. **Nonconforming Use**: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

51. **Nuisance**: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:
   a. noise;
   b. dust;
   c. smoke;
   d. odor;
   e. glare;
   f. fumes;
   g. flashes;
   h. vibration;
   i. objectionable effluent;
   j. noise of a congregation of people, particularly at night;
   k. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

52. **Nursery School (Child-Care Center)**: A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five (5) or more minors.

53. **Off-Premises Sign**: A sign which directs attention to a business, commodity, service, activity or product sold, conducted, or offered off the premises where the sign is located.

54. **On-Premises Sign**: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

55. **Operator**: An owner, lessee, or manager, having mineral rights, engaged in or preparing to engage in mining operations with respect thereto for the production of mineral products.

56. **Outdoor Wood-Fired Boiler, Stove, or Furnace**: A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals. Said devices are also known as outdoor stoves, outdoor boilers, and outdoor furnaces which are used to provide heat and/or hot water to any associated structure.
57. **Principal Building**: Any building or structure that adheres to the principal use for which that lot or parcel is zoned.

58. **Principal Use**: The main use to which the premises are devoted and the principal use for which the premises exist.

59. **Public Buildings**: Schools, government offices, libraries and other public buildings and structures; public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; scenic and historic sites.

60. **Public Utility**: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, electricity, sewage disposal, communication, telephone, transportation or water.

61. **Quarry**: Any excavation or demolition or combination thereof for the purpose of removing sand, gravel, rock, pit-run, or other sub-surface material.

62. **Reclamation Plan**: A plan for reconditioning or rehabilitation of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to, the control of erosion and the prevention of land or rock slides and air and water pollution.

63. **Retail Sales**: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

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

65. **Road, Private**: Any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the public and is not maintained by the public.

66. **Seasonal Dwelling**: A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

67. **Setback**: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
68. **Setback, Front**: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line. On lots or properties abutting a public road or highway the front setback line is established from the road Right of Way.

69. **Setback, Rear**: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

70. **Setback, Side**: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

71. **Shared Driveway**: A driveway that is shared by adjacent property owners that is privately owned and maintained.

72. **Sign**: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and materials without lettering placed behind a store window are, not signs or parts of signs.

73. **Site Plan**: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

74. **Solar Panel**: A panel designed to absorb the sun's rays for generating electricity or heating.

75. **State Licensed Residential Facility**: A structure constructed for residential purposes that are licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

76. **Structure**: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, free-standing signs and satellite dishes, and not including sidewalks, drives, patios and utility poles.

77. **Variance**: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
78. **Wind Energy Conversion Facility (WECF) or Wind Energy Facility**: An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other building accessories to such facility, whose main purpose is to supply power to off-site customers.

79. **Wind Energy Overlay District**: Districts created by the Tilden Township Board of Trustees, upon receiving a recommendation of the Planning Commission, by identifying specific areas best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

80. **Wind Turbine**: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of Section 418 if it both has a total height greater than 100 feet and nameplate capacity of greater than 100 kilowatts.

81. **Wireless Communication Facilities**: Means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities.

82. **Yards**:  
   a. **Yard, Front**: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.  
   b. **Yard, Rear**: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.  
   c. **Yard, Side**: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

83. **Zoning Administrator**: The Township Board’s authorized representative charged with the responsibility of administering this Ordinance.

84. **Zoning Compliance Permit**: A permit issued by the Zoning Administrator or authorized person to a party intending to initiate any work or change any use of property in the Township.

**Section 203 Undefined Terms**  
Any term not defined herein shall have the meaning of common or standard use.
ARTICLE III
ZONING DISTRICTS AND MAP

Section 301 Establishment of Districts
For the purpose of this Ordinance, Tilden Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

- R-1  Residential District
- RR-1 Rural Residential District
- SD  Seasonal Dwelling District
- MR  Mineral Resource District
- RP  Resource Production District

Section 302 Zoning Map
The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the map entitled "Official Zoning Map of Tilden Township, Marquette County, Michigan" which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: "This is to certify that this is the Official Zoning Map of Tilden Township Zoning Ordinance adopted on the day of , 20__." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map, such changes approved by the Township Board together with an entry on the Official Zoning Map showing the date and official action taken.

The Township Clerk shall keep the official copy of the map. It shall be available for public inspection and shall be the final authority as to the zoning status of any property within the Township.

Section 303 Replacement of Official Zoning Map
In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 304 Interpretation of the Zoning Map
Where, due to the scale, lack of detail or illegibility of the Zoning Map in Section 302, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such
interpretation to the Zoning Board of Appeals. In interpreting the zoning map or deciding any appeal, the following standards shall apply:

A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the Zoning Map.

B. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale shown thereon.

D. If after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Tilden Township as well as all other relevant facts.

Section 305 Application of District Regulations
The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Board of Zoning Appeals shall have power in passing upon appeals, in accordance with Article IX herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions
A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

B. Uses are permitted by right only if specifically listed as principal permitted uses in the various Zoning Districts. Where not specifically permitted, uses are thereby prohibited unless construed to be similar to an expressly permitted use by the Zoning Board of Appeals of Tilden Township.

C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 307 Conflicting Regulations
Wherever any provision of this Ordinance imposes more strident requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 308 District R1: Residential District
A. Intent: The R1, Residential District is created to establish and preserve quiet neighborhoods for single family dwellings and mobile homes, free from other uses except those which are both compatible with and convenient to the residents of such a district.

B. Principal Permitted Uses:
1. Any governmental or proprietary function conducted by any governmental agency, except such uses as constitute a nuisance in the place where conducted
2. Class I Home Occupation
3. Family day-care homes
4. Mobile homes
5. Single-family dwellings
6. State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions.
7. Two-family dwellings

C. Permitted Accessory Uses: Accessory buildings and uses customarily incidental to any of the above permitted uses.

D. Conditional Uses Permitted by Permit: The following uses of land and structures may be permitted in this District, by application for and the issuance of a Conditional Use Permit as provided for in Article VII. Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width, and so located, site planned and designed as to avoid undue noise and other nuisance and dangers.
1. Adult Foster Care Facility
2. Class II Home Occupation
3. Churches
4. Group Day-Care home, shall be granted if consistent with standards in Section 604.
5. Private parks
6. Public utility substations
7. Schools
8. Swimming pools and similar recreational facilities
9. Unlighted golf courses.

**Section 309 District RR-1: Rural Residential District**

**A. Intent:** The RR-1, Rural Residential District is intended for the establishment and preservation of an alternative residential environment in accessible rural areas in moderately low densities.

**B. Principal Permitted Uses:**
1. Any governmental or proprietary function conducted by any governmental agency, except such uses as constitute a nuisance in the place where conducted
2. Churches
3. Class I Home Occupation
4. Family day-care home
5. Mobile homes
6. Parks
7. Schools
8. Single family dwellings
9. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions.

**C. Permitted Accessory Uses:** Accessory buildings and uses customarily incidental to any of the above permitted uses.

**D. Conditional Uses Permitted by Permit:** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VI.
1. Adult Foster Care Facility
2. Agricultural production, including the raising or growing of forages and sod crops, grains and feed crops, dairy and dairy products
3. Class II Home Occupation
4. Group Day-Care home, shall be granted if consistent with standards in Section 604
5. Kennel, commercial
6. Outdoor wood burners
7. Portable saw mills
8. Public utility substations
9. The keeping of chickens for personal use, shall be granted if consistent with requirements in Section 415
10. The keeping of livestock and horses on lots of 3 acres or more may be permitted provided that livestock be housed, fenced, or otherwise restrained a minimum of 300 feet from any front lot line; including breeding and grazing but excluding fur farms, feed lots, broiler plants, and similar commercial poultry operations
11. Wind energy system
12. Wireless communication towers.
Section 310 District SD: Seasonal Dwelling

A. **Intent:** The SD, Seasonal Dwelling District is intended to establish and maintain for seasonal use those areas with frontage on inland lakes and rivers which because of their natural characteristics and accessibility are suitable for development.

B. **Principal Permitted Uses:**
   1. Seasonal dwellings

C. **Permitted Accessory Uses:** The following are permitted accessory uses:
   1. Accessory buildings and uses customarily incidental to any of the above permitted uses.

D. **Conditional Uses Permitted by Permit:** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VI.
   1. None

Section 311 District MR: Mineral Resource District

A. **Intent:** The MR, Mineral Resource District is intended to provide for mineral extraction and other industrial activities on large, contiguous tracts of land where such use will not be incompatible with adjacent residential, commercial or other uses.

B. **Principal Permitted Uses:**
   1. Extractive processing
   2. Fabricating, assembling or processing products or materials
   3. Forestry
   4. Manufacturing
   5. Mining activities.

C. **Permitted Accessory Uses:** The following are permitted accessory uses:
   1. Any structural or mechanical building or use customarily incidental to the permitted principal use.

D. **Conditional Uses Permitted by Permit:** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VI.
   1. Principal uses of:
      a. Resource Production District
   2. Principal and conditional uses of:
      a. Any district abutting the Mineral Resource District
   3. Conditional uses must meet requirements for the conditional use and:
      a. Do not conflict with mining or the need for mining and,
      b. The conditional use granted may cease in favor of mining.
Section 311 District RP: Resource Production District

A. Intent: The RP, Resource Production District is intended to establish and maintain for low intensity use those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry, and recreational uses.

B. Principal Permitted Uses:
1. Class I Home Occupation
2. Crop cultivation, pastures or orchards
3. Growing and harvesting of timber and bush fruit
4. Parks
5. Seasonal dwellings
6. Stables
7. Trails
8. Winter sports facilities.

C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory buildings and uses customarily incidental to any of the above permitted uses.

D. Conditional Uses Permitted by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VI.
1. Campgrounds
2. Class II Home Occupation
3. Day camps
4. Hunting and shooting preserves on lots of 160 acres or more
5. Mineral extraction may be permitted subject to the same conditions as outlined in Section 413
6. Outdoor wood burners
7. Portable saw mills
8. Public utility substations provided that no such operations shall be established within ¼ mile of any existing residence not on the premises
9. Residential use on lots of 10 acres or more
10. Resorts and lodges which are offered for rent or lease to persons other than the owners of the premises on lots of 40 acres or more
11. Wind energy system
12. Wireless communication towers.
ARTICLE IV
GENERAL REGULATIONS

Section 401 Height and Placement Regulations
Except as otherwise specifically provided in this Ordinance, no structure shall be erected or
maintained between any lot line and the pertinent set back distance listed below and no
structure shall be erected or maintained which exceeds the height limit specified below. Where
there is no rear lot line as otherwise defined herein, the required rear setback distance shall be
measured from a line through the point on the lot most distant from the front lot line of the
same lot, which line shall be perpendicular to a line from said point to the closest point on any
front lot line. If there is more than one such line, the rear setback shall be maintained from only
one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of
being parallel, but not extending to their intersection, no rear setback is required. The side
setback requirement applies to a side lot line and also any lot line which is neither a front, rear,
nor side lot line.

<table>
<thead>
<tr>
<th>District</th>
<th>Front</th>
<th>Side*</th>
<th>Rear</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential R1</td>
<td>25’</td>
<td>6’</td>
<td>15’</td>
<td>30’</td>
</tr>
<tr>
<td>Rural Residential RR-1</td>
<td>25’</td>
<td>15’</td>
<td>15’</td>
<td>30’</td>
</tr>
<tr>
<td>Seasonal Dwelling SD</td>
<td>30’</td>
<td>10’</td>
<td>30’</td>
<td>30’*A</td>
</tr>
<tr>
<td>Resource Production RP</td>
<td>30’</td>
<td>30’</td>
<td>30’</td>
<td>*A</td>
</tr>
<tr>
<td>Mineral Resource MR</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

A. The height of a structure shall not exceed the horizontal distance from the structure to
any lot line.

B. A garage not exceeding 14 feet in height may be located within 6 feet of a side lot line.

Minimum Lot District | Minimum Lot Size | Width (A)
---------------------|------------------|---------
Single Family Residential R1 | 10,000 sq. ft. | 100'    |
Rural Residential RR-1       | 5 acres          | 250'    |
Seasonal Dwelling SD         | 20,000 sq. ft   | 100'    |
Resource Production RP       | 40 acres         | None    |
Mineral Resource MR          | None             | None    |

A. Lot width shall be measured at front setback line.

B. In Districts, Single Family Residential R-1, Rural Residential RR-1, Resource Production
RP, minimum lot size and lot width regulations do not apply to any nonconforming
parcel of land shown as a lot in a recorded plat, or described in a deed or land contract
executed and delivered prior to the effective date of this ordinance.
Section 402 Exemptions
The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

Section 403 Zoning District Boundary Setback Regulations
On lots in MR, Mineral Resources District, no structure shall be created or maintained within 30 feet of the boundary of any R-1, Single Family Residential District. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Section 404 Accessory Uses and Structures
Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:
A. Customary home occupations are permitted as an accessory to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance.
B. Solar Energy Panels: Ground-mounted solar energy panels shall observe all applicable requirements for an accessory building. Roof or wall-mounted panels shall be mounted either flat against the surface or shall not project more than four (4) feet outward from the surface measured from the surface where so affixed to the furthest outward projection of the panel.

Section 405 Minimum Floor Area Requirements
Every dwelling unit shall have a floor area of not less than 600 square feet, provided, however, that not more than 120 square feet thereof may consist of storage space, at least six feet, six inches high in a fully enclosed accessory building on the same lot, but if such accessory building is a garage or car port, such space must be fully partitioned from the area usable for motor vehicle storage. No crawl space or area under a mobile home shall be used for any storage purpose whatever and every such crawl space or area under a mobile home shall be fully enclosed by a weatherproof material and any ventilators shall be screened.

Section 406 Off-Street Parking Requirements
Except in the RP, Resource Production District there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be as shown in the following lists:

<table>
<thead>
<tr>
<th>USE</th>
<th>SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single and two family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Rooming houses, fraternities, sororities,</td>
<td>4 times maximum lawful number of</td>
</tr>
<tr>
<td>dormitories, convalescent homes</td>
<td>occupants</td>
</tr>
</tbody>
</table>
Hotels

1.2 per sleeping room in addition to spaces required for restaurant facilities

Mobile home subdivisions

2 per mobile home

Churches, theaters, facilities for spectator sports, auditoriums, concert halls

35 times the seating capacity

Barber shops and beauty parlors

2 plus 1.5 per chair

Doctor's and dentist's offices

1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist

Warehouses

1 per 500 sq. ft. of floor area

For uses not specifically listed above, the requirements listed below are applicable:

Offices

1 per 300 sq. ft. of floor space

Other commercial and industrial uses

.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than one half shall be disregarded and any fraction of one half or more shall require one space. Required off-street parking shall be provided on the lot to which it pertains. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. The following minimum design standards shall be observed in laying out off street parking facilities:

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Aisle Width</th>
<th>Parking Stall Length</th>
<th>Curb to Curb</th>
</tr>
</thead>
<tbody>
<tr>
<td>0° to 15°</td>
<td>9 ft</td>
<td>12 ft</td>
<td>23 ft</td>
<td>30 ft</td>
</tr>
<tr>
<td>16° to 37°</td>
<td>10 ft</td>
<td>11 ft</td>
<td>19 ft</td>
<td>47 ft</td>
</tr>
<tr>
<td>38° to 57°</td>
<td>10 ft</td>
<td>13 ft</td>
<td>19 ft</td>
<td>54 ft</td>
</tr>
<tr>
<td>58° to 74°</td>
<td>10 ft</td>
<td>18 ft</td>
<td>19 ft</td>
<td>61 ft</td>
</tr>
<tr>
<td>75° to 90°</td>
<td>10 ft</td>
<td>24 ft</td>
<td>19 ft</td>
<td>63 ft</td>
</tr>
</tbody>
</table>

Section 407 Required Off-Street Spaces

Loading spaces required under this section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 sq. ft. and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 sq. ft. shall be
provided with off-street loading space. An additional off-street loading space shall be required for every additional 20,000 sq. ft. of floor area or fraction thereof.

**Section 408 Site Plan Approval Requirements**
No person shall commence any use or erect or enlarge any structure, except single family homes, mobile homes, seasonal dwellings, duplexes, and structures accessory thereto, without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this section, and no use shall be carried on, no structure erected or enlarged, and no other improvements or construction undertaken except as shown upon an approved site plan.

**Section 409 Applicability of Landscape Requirements**
The provisions of the following five sections are applicable to every lot with respect to which a zoning compliance permit is required.

**Section 410 Required Planting Screens**
In the Mineral Resources (MR) District, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Single Family Residential R-1 District, a planting screen of sufficient length to obscure the view thereof from the adjoining district shall be required except where the view is blocked by a change in grade or other natural or manmade features. Where, because of intense shade or soil conditions the planting screen cannot be expected to thrive, an opaque fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

**Section 411 Planting Screen Specifications**
All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One or more of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case:

<table>
<thead>
<tr>
<th>Plant</th>
<th>Distance Apart</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forsythia</td>
<td>3 feet</td>
</tr>
<tr>
<td>Lilac</td>
<td>3 feet</td>
</tr>
<tr>
<td>Privet</td>
<td>1 feet</td>
</tr>
<tr>
<td>Arbor Vitae</td>
<td>4 feet</td>
</tr>
<tr>
<td>Pfitzer</td>
<td>4 feet</td>
</tr>
<tr>
<td>Scotch Pine</td>
<td>5 feet</td>
</tr>
</tbody>
</table>

Substitution of other plant materials shall be permitted only upon certification by the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.
**Section 412 Parking Lot Planting**
Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. However, all plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where so located so as to create no hazard to drivers or pedestrians. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American Elm, seed-bearing locusts, and box elders.

**Section 413 Mineral Extraction Regulations**
Mineral extraction is the extraction and/or processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium and/or other materials. No mineral extraction shall take place until the operator has complied with Section 311 and Article V of this ordinance. If any of the following information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required to be submitted to any State or Federal agency, a copy of such document may be submitted, in place of the following appropriate sections, so long as it contains all information required herein.

A. The following planning documents shall be transmitted to the Zoning Administrator accompanied by a cover letter with the notarized signature of the applicant or the applicant's authorized agent:
1. The site plan, based on the requirements as stated in Article V.
2. Proposed location, area extent, estimated depth of excavation, and a time table for the preceding.
3. Proposed location of waste dumps, tailing ponds, sediment basins, stock piles, and other permanent or temporary facilities used in mining.
4. Description of general ground water conditions and the possible impact of mining operations upon adjacent ground water levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
   a. A narrative description outlining the estimated life span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation: effect on ground water flow; proposed travel routes to be used to transport the mined material to processing plants or markets, and the proposed steps to be taken to relieve adverse effects.
b. A narrative description of the social and economic impact on Tilden Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the existing road system that might be required by the proposed operation.

c. Proof of required state and federal permits or affidavit of application for state and federal permits relating to pollution control.

d. Sight barriers, if required, shall be provided along all boundaries of the mining operation which are adjacent to public roadways and all developed areas. These barriers shall be so constructed as to screen the mining operation from view and protect individuals from injury. The following techniques may be used, but not limited to the following screening methods:

   i. Buffer zone: An area of sufficient depth to screen the operation from view.

   ii. Earth berms: Earth berms, constructed a height of at least 6 feet above the mean elevation of the center line of the public highway adjacent to the mining property, or 6 feet above the general level of terrain along property lines. These berms shall have slopes not in excess of 1 foot vertical to 4 feet horizontal, and shall be planted with trees and shrubs.

   iii. Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows bug sufficient to provide effective screening when mature.

   iv. Fencing: Inconspicuous solid fences or masonry walls constructed to a height of 6 feet or more.

6. Reclamation Plan: A reclamation plan unless the operator has obtained or has filed an affidavit that he has submitted an environmental plan for state approval pursuant to Act No. 92 of the Public Acts of 1970, as amended, and placed the affidavit on file with the Planning Commission, that includes a copy of the reclamation plan, map, and description showing:

   a. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses. Description of topsoil stripping, and conservation during storage and replacement. Banks shall be sloped for all mineral extraction pits.

   b. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.

   c. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.

   d. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemical or materials used during the mining or processing operations.

B. Within thirty (30) days after receipt of the planning documents with cover letter, the Planning Commission shall meet to review said documents. The Planning Commission
will review the planning documents, accept input from the public and at the meeting, accept or reject with explanation the planning documents.

C. Reserved for future use.

D. If a mining operation is contemplated outside the Mineral Resource District, MR, and if the operation is legally bound to apply for a Soil Erosion and Sedimentation Permit; then that permit accompanied by the documents required under Act 347, 1972 will be accepted by the Zoning Administrator as in compliance with Section 311 of this ordinance.

E. For an extraction of less than 500 cubic yards of minerals from a site of less than one (1) acre the requirements of this Section shall not apply.

Section 414 Home Occupations

A. There shall be two classes of home occupations. Class I Home Occupation shall be permitted in the R-1, RR-1 and RP districts by application and issuance of a Zoning Compliance Permit by the Zoning Administrator. Class II Home Occupation shall be authorized in the R-1, RR-1 and RP districts upon application of and issuance of a Conditional Use Permit pursuant to Article VI Conditional Use Permits.

B. Home Occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts subject to the provisions of Sections 414(C) and 414(D).

C. Class I and Class II Home Occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.

D. Class I and Class II Home Occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

E. Class I Home Occupations shall:
   1. Employ only those members of the family residing on the premises and not more than one non-occupant employee.
   2. Be conducted within the principal dwelling and utilize not more than 25 percent of the usable floor space.
   3. Permit no outdoor storage or exterior evidence of the conduct of home occupations, other than an approved sign.
   4. Permit no exterior display of merchandise produced by such home occupations.
5. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood.

6. Provide that parking generated by the conducted of such home occupation meet the requirements of Section 406.

7. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside.

8. Allow a sign, not to exceed six square feet, to advertise the home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush on the building or placed in the front of the lot or parcel. The sign location may be at the front lot line, but may not be placed so to interfere with traffic visibility. The sign shall not detract from the visual appearance of the neighborhood.

F. Class II Home Occupations may:
   1. Employ not more than two non-occupant employees.
   2. Be conducted in an accessory building not exceeding 20 feet in height, and not more than 1,200 square feet.
   3. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors.
   4. Utilize structures to store commercial vehicles which shall not exceed twice the floor area of the principal structure.
   5. Permit outdoor storage or exterior evidence of the conduct of home occupations.
   6. Permit exterior display of merchandise produced by such home occupations.
   7. Provide for an illuminated sign greater than six square feet, except in the R-1 District.

G. The Planning Commission may place additional conditions upon Class II home Occupations to assure compliance with the intent of the zoning district.

Section 415 Keeping of Chickens
Any person residing in the RR-1, Rural Residential District may keep hen chickens for personal use only and not for any business or commercial use, upon issuance of a Conditional Use Permit. Conditions for approval:

A. Roosters or male chickens and any other type of fowl or poultry are prohibited.

B. Chickens shall be maintained in a fully enclosed structure or a fenced enclosure and shall be kept in the enclosed structure or fenced enclosure at all times. An enclosed structure shall be constructed of permanent materials and shall be properly maintained.

C. Chickens shall not be kept in any location on the property other than in the rear yard.
D. No enclosed structure shall be located within any side or rear yard setback area.

E. An enclosed structure or fenced enclosure shall not be located closer than thirty (30) feet to any residential structure on adjacent property.

F. All structures and enclosures for the keeping of chickens shall be constructed and maintained so as to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure.

G. All structures and enclosures for the keeping of chickens shall be kept in safe and sanitary conditions.

H. All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.

I. Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to Laying Chickens, as amended, except as otherwise provided in this ordinance.

Section 416 Requirements for Private Roads

A. All lots in all zoning districts shall be located and have frontage on a public road or on a Township-approved private road. Any lot of record created before the effective date of this Ordinance without any frontage on a public street or an approved private road shall not be occupied on a year-round basis without access to a street provided by an easement or other right-of-way not less than sixty-six (66) feet wide.

B. A private driveway that accesses a Township-approved private road, a county or state road, may service up to four (4) separate parcels. If a private driveway is proposed to serve more than four (4) parcels, then the private driveway must meet the requirements of a private road under this Ordinance.

C. All private roads shall meet the standards of a public road as required by the Marquette County Road Commission. Property owners with lots on existing approved private roads shall be encouraged to improve their roads to meet the Marquette County Road Commission standards, in order that the road be accepted as a public road and become part of the Marquette County public road system. A performance bond, in an amount established in the Township Schedule of Fees, will be required to cover the cost of certification by a licensed professional engineer that the private road meets required County Road Commission standards.

D. Applications for private road approval must be received at least 45 days prior to the meeting date at which said road shall be considered for approval.
E.  Camps and seasonal housing units may be located on private roads and easements created for such use, however, these housing units may not be occupied more than on a seasonal basis.  Future access easements should be 66 feet in width to provide for the development of a public road in the future.  For the purpose of this covenant seasonal road, private road, right-of-way, easements and/or any unapproved access of 300 feet of more are considered one in the same.

F.  No private road shall be constructed within the Township unless it is in compliance with this Ordinance.  Private roads shall not be dedicated to the Township and private roads shall not be maintained by the Township.

G.  Plans for a private road shall be submitted to the Township Planning Commission along with the Site Plan for review.  Materials submitted with the Site Plan shall include:
1.  A legal description and survey of all properties to be served by the private road.
2.  A legal description and survey of the proposed private road easement.
3.  Drawing showing the existing and proposed structures, roads, drives, drains and other significant physical features on the property.
4.  Engineering plans for the proposed private road shall comply with Section 504 of this Ordinance.
5.  The construction plans shall including the following drawing:  Typical cross section and drainage layout.
6.  A proposed maintenance agreement.

H.  No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote and a permit has been issued by the Zoning Administrator.

Section 417 Wireless Communication Facilities and Attached Wireless Communication Facilities

A.  Tilden Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.

B.  Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
1.  Facilitate adequate and efficient provisions for wireless communication facilities.
2.  Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
3.  Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
4.  Promote the public health, safety and welfare.
5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.

C. Location Requirements. Communications towers are permitted by conditional use permit in the RR-1, MR and RP Districts.

D. It is the policy of Tilden Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township’s interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.

E. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:

1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.

2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.

3. The site shall have legal documented access to a public road.

4. All support structures must be set back from all property lines a distance equal to its height plus fifty (50) feet.

5. Where an attached wireless communication facility is proposed on the roof of a building or if the equipment enclosure is proposed as a roof appliance or penthouse on the building it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.

6. One accessory building shall be permitted with a maximum of 600 square feet.

7. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.

8. All support structures must be certified by a professional engineer licensed in Michigan that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, and State of Michigan and
must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.

9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.

10. There shall be no advertising displayed on the wireless communication facility. Identification on the facility is required for emergency purposes.

11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. A six foot high fence shall surround the base of the support structure and all wire supports.

12. The base of the support structure shall not be greater than 500 square feet.

13. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

14. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.

15. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. A facility shall be considered abandoned when it has not been used for one year or more. For the purpose of this section, the removal of antennas or other equipment from the facility or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premises shall be restored with six inches of topsoil and seeded and mulched. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.

16. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.

17. Conditions and safeguards as identified in Section 605 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

Section 418 Outdoor Wood-Fired Boiler, Stove, or Furnace
Outdoor wood-fired boilers, stoves, furnaces and outdoor wood burning are permitted by conditional use permit in the RR-1, MR and RP Districts.
A. Conditions for approval:
   1. Lots of 5 acres or larger;
   2. A setback of 30 feet from any and all lot/property lines, easements and right-of-ways;
   3. A setback of 400 feet from any existing residence on neighboring lots;
   4. Minimum chimney height of 8 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 500 feet, whichever is higher;
   5. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned and no outdoor wood burning boiler or appliance may be used as a waste incinerator;
   6. Unit shall not be located in the front yard;
   7. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Tilden Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

Section 419 Tilden Township Wind Energy Overlay District and Wind Energy Conversion Facilities
A. Purpose and Intent: The purpose of this Section is to designate properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Tilden Township, Michigan, to protect the health, welfare, safety and quality of life of the general public and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

B. A Wind Energy Facility Overlay District shall be considered a map amendment, wherein lands so classified shall become prequalified for a Wind Energy Facility with construction of such facility approved pursuant to Section 425 (H) Wind Energy Facility Site Plan Review, of this Section.

C. A “Wind Energy Overlay District” classification is a prerequisite to developing a Large Scale Wind Energy Facility. It is the intent of this “overlay district” to identify land eligible for commercial, large scale wind energy conversion facilities and at the same time provide for maximizing and preserving current land use activities.

D. Definitions: As used in this Section, the following terms shall have the meaning indicated:
   1. Board shall mean the Tilden Township Board of Trustees.
   2. Planning Commission shall mean the Tilden Township Planning Commission.
   3. FAA shall mean the Federal Aviation Administration.
   4. Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
   5. MET Tower shall mean a meteorological tower used for the measurement of wind speed.
6. Michigan Tall Structure Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Section by reference.

7. Wind Energy Conversion Facility (WECF) or wind energy facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other building accessories to such facility, whose main purpose is to supply power to off-site customers.

8. Wind Energy Facility Site Permit shall mean a permit issued upon compliance with the standards of this Section.

9. Wind Energy Facility Site Plan Review shall mean the process used to review a proposed Wind Energy Facility.

10. Wind Energy Overlay Districts shall mean districts created by the Tilden Township Board of Trustees, upon receiving a recommendation of the Planning Commission, by identifying specific areas best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

11. Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Section if it both has a total height greater than 100 feet and nameplate capacity of greater than 100 kilowatts.

E. Zoning: A Wind Energy Facility may be constructed on land that is designated as a Wind Energy Facility Overlay District on the official zoning map for the Township, subject to the provisions and standards of Section 425 (H) Wind Energy Facility Site Plan Review of this Ordinance.

F. Principal Or Accessory Use: A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section 425 (H) of this Ordinance. After designation as a Wind Energy Overlay District, new structures and uses within the “overlay” area shall be limited to those uses identified within Section 55 of this Ordinance.

G. Large-Scale Wind Energy Conversion Facility shall mean a wind energy conversion system which has a total height of more than 100 feet and a rated capacity of more the 100 kW. Large-scale wind energy facilities shall be permitted in a Wind Energy Facilities
Article IV – General Regulations

Overlay District classification. Wind Energy Facility Site Plan Review standards shall be used when reviewing a large-scale wind energy facility.

H. Wind Energy Facilities Site Plan Review Procedures. The following process shall be utilized when reviewing a Large-Scale Wind Energy Conversion Facility:

1. Site Plan Review Required: Wind Energy Conversion Facilities shall not be located, constructed, erected, altered or used without first obtaining a Wind Energy Facilities Permit pursuant to this Section. The Wind Energy Facilities Site Plan must be reviewed and approved by the Tilden Township Planning Commission pursuant to standards contained herein. A site plan which does not fully comply with the standards of this Section shall be submitted to the Board of Trustees for further review and possible approval. Modifications of development standards shall be based on a recommendation by the Planning Commission that said modification is in the best interest of the Township and the applicant. Where modification of a standard is requested, the Board of Trustees shall hold a public hearing prior to consideration of a modified site plan. An applicant proposing a Wind Energy Facility must submit the following site plan materials:

   a. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property and vehicular access;

   b. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures;

   c. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;

   d. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet;

   e. Anticipated construction schedule; and

   f. Description of operations, including anticipated regular and unscheduled maintenance.

I. Application Fee: An applicant for a Wind Energy Facility shall remit an application fee to the Township, if applicable in the amount specified in the fee schedule adopted by resolution of the Ishpeming Township Board of Trustees. This schedule shall be based on the cost to the Township for the review, which may be adjusted from time to time.
J. Application Materials: The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility. A site plan which differs from these standards can be approved only upon the review of the Planning Commission and the approval of the Board of Trustees that the modification is in the best interest of the Township and applicant.

1. AVIAN ANALYSIS: The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.

2. VISUAL APPEARANCE: (Lighting, Power lines) The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
   a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceed the manufacturer’s construction and installation standards.
   b. The design of the Wind Energy Facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and the existing environment.
   c. Wind Energy Facilities 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.
   d. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
   e. The electrical collection system shall be placed underground, whenever possible, within the interior of each parcel at a depth designated to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead adjacent to Township roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

3. SETBACKS, SEPARATION AND SECURITY: The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility; provided, however, that pursuant to Section 425 (H,1) of this Ordinance a reduction to the standard setbacks and separation requirements may be permitted if the intent of this Section would be better served thereby.
a. Inhabited structures: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its Hub Height or (b) one thousand (1,000) feet. A lesser setback may be approved pursuant to Section 425 (H,1) of this Ordinance if the intent of this Section would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. Where a Wind Energy Facility is located in the vicinity of a city or village, a setback of 1,000 feet from the city/village limits shall be required.

b. Property line setbacks: Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall not be subject to a property line setback unless required by the Township/County. Wind turbines and access roads shall be located so as to minimize the disruption to existing land use activity and therefore, the location of towers and access routes are encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one-half (1.5) times the Hub Height of the wind turbine, written approval from the parcel owner shall be established on the abutting parcel(s).

c. Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

d. Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.

e. Tower separation: Turbine/tower separation shall be based on industry standards, manufacturer recommendation, and the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum there shall be a separation between towers of not less than 3 times the turbine (rotor) diameter. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

4. WIND TURBINE/TOWER HEIGHT (TOTAL HEIGHT): The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the Hub Height shall be limited to 295 feet from existing grade unless modification of this maximum height is approved pursuant to Section 55.5.1 of this Ordinance. The applicant shall demonstrate compliance with the Michigan Tall Structure Act.
(Act 259 of 1959, as amended) and FAA guideline as part of the approval process.

5. **NOISE:** Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed fifty-five (55) dBA, measured from the exterior wall of any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Facility Site Permit. The applicant shall be able to provide sounds pressure level measurements from a reasonable number of sampled locations to demonstrate compliance with this standard. All applicable national standards for Wind Energy Facilities shall be implemented.

6. **MINIMUM GROUND CLEARANCE:** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.

7. **SIGNAL INTERFERENCE:** No Large-Scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Large-Scale Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

8. **SAFETY:**
   a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
   b. Wind Turbine towers shall not be climbable on the exterior.
   c. All access doors to wind turbine towers and electrical equipment shall be lockable.
   d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

K. **CERTIFICATION:** Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

L. **INSPECTIONS:** The applicant shall submit bi-annual inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices.

M. **DECOMMISSIONING:** The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township (to be utilized in the event the decommissioning
plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Tilden Township and may be provided jointly as a single instrument for multiple townships within a single wind farm.

Section 420 Small Wind Energy Conversion Systems (SMALL WECS)
Conditions for approval within all districts within Tilden Township:
A. The proposed SMALL WECS will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.

B. The primary purpose of the SMALL WECS will be to provide power of 100 kilowatts (kw) or less for the principal use of the property whereon said SMALL WECS is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a SMALL WECS designed to meet the energy needs of the principal use.

C. The SMALL WECS and its location on said properties and to limit any noise from where said SMALL WECS is located. The additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed SMALL WECS.

D. No variance shall be granted in connection with a proposed SMALL WECS to permit a height greater than 175 feet of the placement of a SMALL WECS so close to a property line as to result in any portion of the SMALL WECS at any time, whether erect or in the event the SMALL WECS should fall or be toppled, to overhand, cross or otherwise extend beyond the property line.

E. No SMALL WECS shall be located within the front yard if an alternative site is available.

F. The Planning Commission may add reasonable conditions.
G. A grant of a zoning compliance permit constitutes an agreement between the land owner and Tilden Township that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.

H. No SMALL WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits have been issued by all government agencies involved.

I. The site plan, in addition to the above, shall also show:
   1. Location of tower on-site and tower height, including blades;
   2. Underground utility lines within a radius equal to the proposed tower height, including blades;
   3. Dimensional drawings, installation and operation instructions;
4. Design date indicating the basis of design, including manufacturer’s dimensional drawings, installation and operation instructions;

5. Certification by a registered professional engineer or manufacturer’s certification that the tower’s design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes;

6. Any other information that the Zoning Administrator or the Planning Commission deems necessary.
ARTICLE V
SITE PLAN REVIEW

Section 501 Intent
No person shall commence any use or erect or enlarge any structure, except single family homes, mobile homes, seasonal dwellings, duplexes or structures thereto, without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this Article and no use shall be carried on, no structure erected or enlarged and no other improvements or construction undertaken except as shown upon an approved site plan. It is the purpose of this Article to promote the safe and orderly development of Tilden Township.

Section 502 Data Required in Application
All required site plans shall be submitted to the Zoning Administrator for approval and a fee shall be submitted in accordance with the fee schedule approved by the Township Board. Every site plan shall be submitted to the Zoning Administrator in three identical copies, certified by a registered land surveyor or professional engineer. Site plans shall be drawn on a sheet of paper measuring not more than 24 inches by 36 inches, drawn to a scale not smaller than 40 feet to the inch and certified by a registered land surveyor, professional engineer or architect. If the site plan has been prepared in digital format, a digital copy shall also be provided.

Every application shall be accompanied by the following information and data:
The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.

A. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.

B. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.

C. Natural features such as woodlots, streams, and lakes, or ponds, and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.

D. Proposed streets, driveways, parking spaces, loading spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.

E. The size and location of all existing and proposed public and private utilities and required landscaping.
F. A vicinity sketch showing the location of the site in relation to the surrounding street system.

G. A legal description of the land included in the site plan and of the loti the name, address, and telephone number of the owner, developer, and designer.

H. Any other information necessary to establish compliance with this and other ordinances.

Section 503 Review Procedures
Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other ordinances of Tilden Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Planning Commission. The Planning Commission’s decisions are appealable to the Zoning Board of Appeals.

Section 504 Standards for Site Plan Approval
A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.

C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

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

E. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
G. All loading and unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical fence consisting of structural (fenced or plant materials no less than six (6) feet in height.

H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

I. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.
ARTICLE VI
CONDITIONAL USE PERMITS

Section 601 Intent
A. Certain land uses require a flexible and equitable procedure for properly accommodating those activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Conditional use permits allow Tilden Township to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but at the same time, provide for the health, safety, convenience and general welfare of the Township's inhabitants.

B. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent land uses.

Section 602 Application Procedure
A. Any person having an interest in a property may file an application for a Conditional Use Permit.

B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

C. A completed application shall include:
   1. Site plan drawn to a readable scale and containing that information specified in Section 502.
   2. A statement with supporting evidence regarding the required findings specified in Section 504.

D. A public hearing shall be scheduled with notification as required by Section 902.

Section 603 Conditions and Approvals
A. The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public
hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Section 604.

B. If development in accordance with a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Zoning Administrator may approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.

C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.

D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 604 General Standards
A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
   1. Will be harmonious with and in accordance with the general policies of the Township or with any specific objectives of any adopted development plans;
   2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
   3. Will not be hazardous or disturbing to existing or future neighboring uses;
   4. Will not diminish the value of land, buildings, or structures in the district;
   5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and wastewater, drainage structures, refuse disposal, and/or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
   6. 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;
   7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;
   8. Will protect the public health, safety and general welfare of the community; and
9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

B. The following standards shall be used by the Planning Commission when considering Group Child Care Facilities:

1. Is located not closer than 1,500 feet to any of the following:
   a. Another licensed group day-care home.
   b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
   c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
   d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.

3. Maintains the property consistent with the visible characteristics of the neighborhood.

4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.

6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

7. Other standards as amended by state statute.

Section 605 Conditions and Safeguards

A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 604 and therefore be necessary to meet the intent and purpose of the regulations.
B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.

C. A use that is clearly temporary in nature may have time limits or periodic reviews attached as conditions of approval.

D. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.

E. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, buffers or planting screens, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

F. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
   1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
   2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.

G. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.

H. The standards in Section 604 are basic to all conditional uses as identified in this Ordinance.

Section 606 Appeals
Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.
ARTICLE VII
NONCONFORMING USES AND STRUCTURES

Section 701 Intent
Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses or structures are those which have been designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use of structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the UBS or structure does not conform. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

Section 702 Procedure for Obtaining Class A Designation and Conditions
A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The notice and hearing procedure before the Zoning Board of Appeals shall be pursuant to Section 902 of this Ordinance. The decision shall be in writing and set forth the findings and reasons on which it is based. Any conditions imposed in the granting of the Class A designation shall be attached where necessary to assure that the use of structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. No vested interest shall arise out of a Class A designation.

Section 703 Regulations Pertaining to Class A Nonconforming Uses and Structures
No Class A nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of at least eighteen months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered or enlarged in violation of any condition imposed in its designation.

Section 704 Revocation Of Class A Designation.
Any Class A designation shall be revoked following the same procedure for designation upon finding that as a result of any noncompliance of the conditions imposed when the designation was granted or any change of circumstances contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance, the use or structure no longer qualifies for Class A designation.

Section 705 Class B Nonconforming Uses and Structures
All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B nonconforming
use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.

No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 706 Nonconforming Lots
Any residential lot created and recorded prior to the effective data of this Ordinance may be used for permitted residential uses even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width, are met. If a parcel contains more than one nonconforming lot, which is contiguous and would make one or more conforming lots, then only one structure would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic system, drainage and similar public health considerations.

Section 707 Appeals
Recourse for a person considering himself aggrieved by a decision of the Planning Commission in the granting, conditional approval or denial of a particular nonconforming use application shall be to the Zoning Board of Appeals.
ARTICLE VIII
SIGNS

Section 801 Intent
It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage of the premises and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 802 Enlargement of Signs
Whenever the nearest part of any sign is set back from the nearest front lot line 50 feet or more, its area, for purposes of area restrictions of this Ordinance, shall be considered as being the percentage of the actual area shown in the following schedule:

<table>
<thead>
<tr>
<th>Set Back in Feet</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to less than 100</td>
<td>10%</td>
</tr>
<tr>
<td>100 to less than 150</td>
<td>20%</td>
</tr>
<tr>
<td>150 to less than 200</td>
<td>30%</td>
</tr>
<tr>
<td>200 to less than 250</td>
<td>110%</td>
</tr>
<tr>
<td>250 or more</td>
<td>50%</td>
</tr>
</tbody>
</table>

Section 803 Signs Permitted in the Single Family Residential District, R-1
One sign identifying each subdivision entrance, having an area not exceeding 32 sq. ft. and a height not exceeding eight feet, is permitted. During development of a subdivision or other property for a period not exceeding two years, one sign, naming the subdivision or other property, developer, contractors and subcontractors, engineers, architects, brokers, and financial institutions involved, and advertising the development, having an area not exceeding six square feet and a height not exceeding six feet, directing the public to or identifying models shall be permitted. Signs permitted by this section are exempt from the setback requirements of Section 401.

Section 804 Signs Permitted in Industrial Districts, I
Free standing (ground) signs are permitted having an area not exceeding six square feet for each ten feet or fraction of frontage, or 60 sq. ft. for each acre or fraction of an acre of the premises, whichever is larger. No sign shall have an area exceeding 100 sq. ft. Where any premises have more than one occupant, the permitted area shall be divided among them in the same proportion of floor space and outdoor uses as occupied by them. Where the premises have more than two occupants and have a name distinct from that of any occupant. An
Tilden Township Zoning Ordinance
Adopted November 13, 2012

Additional two sq. ft. of sign area for each ten feet or fraction of street frontage, with a maximum to 200 sq. ft., is permitted only for signs advertising the premises. Signs shall be subject to the height and setback rules applicable to buildings in the zoning district where located, except in the Industrial District, where the maximum height shall be 30 ft. Each premise is allowed to have one Wall (Facia) Sign having area not to exceed 30 percent of the background area used for copy. In the Industrial District, off-premises signs are also permitted and may have a maximum area of 400 sq. ft. per sign. Dual signs may have an area of 600 sq. ft. and shall be no further than 4 ft. apart. Individual signs must be at least 300 feet apart.

Section 805 Exemptions from Sign Regulations
The following signs are exempt from regulations:

A. Signs having an area of not more than two sq. ft., the message of which is limited to conveying street numbers, name of the premises, and the name of the occupant of the premises.

B. Signs having an area of not more than six sq. ft. each, the message of which is limited to warning of any danger, prohibition or regulation of the use of the property, or traffic or parking thereon, or advertising the premises for sale or rent.

C. The flag of any state or nation respectfully displayed.

D. Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises for a period not exceeding four hours or for a longer period where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one advertiser does not exceed one plus one more for each 25,000 square feet of area of the premises.

E. Church or institutional bulletin boards without interior illumination having an area not exceeding 32 sq. ft.

F. On-premises signs located inside an enclosed building and visible through a window or windows thereof where the area of such signs does not exceed 20 percent of the area of the window or windows.

G. On any election day, signs advocating or opposing a candidate for public office or a position on an issue to be determined at the election, located at least 100', and not more than 200' from any entrance to a building in which a polling place is located.

H. Signs visible only from the premises on which located or visible off the premises only through a window or windows from which they are set back at least ten feet.
I. Labels identifying the source, brand name, or manufacturer of merchandise exhibited for sale.

J. Signage indicating only the name and date of erection of a building and having an area not exceeding six square feet, and signs posted by duly constituted public authorities in pursuance of their public duties are exempt from regulation under this Ordinance.

Section 806 Temporary Signs
Temporary signs shall be authorized by the Zoning Administrator for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction, and location of such signs and the period during which authorized, upon finding by the Zoning Administrator, on the basis of written information furnished by the applicant, that the proposed sign or signs are necessary for the direction of the public and not contrary to the spirit and purpose of this Ordinance, and upon payment for each permit and renewal for each sign in an amount determined by the Township Board.

Section 807 Nonconforming Signs
A. It is intended to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. Any sign, lawfully erected as of the effective date of this Ordinance, may continue to be maintained exactly as such existed at the time when the maintenance thereof became otherwise unlawful under the provisions of this Ordinance. No sign shall be designated as Class A Nonconforming.

B. No nonconforming sign:
   A. Shall be changed to another nonconforming sign;
   B. Shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is an off-premises advertising sign, or a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.
   C. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign;
   D. Shall be re-established after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer; or
   E. Shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the reproduction cost.

F. The Zoning Board of Appeals shall permit variances from Section 807 (B) of this Article or variance permitting the erection or maintenance of a non-conforming sign only upon the grounds established by law for the granting of zoning variances as outlined in
Section 1105 or upon a finding that the granting of a variance will reduce the degree of nonconformance of an existing sign or will result in the removal of one or more lawfully nonconforming signs and replacement by a sign or signs more in keeping with the spirit, purpose, and provisions of this Ordinance.

Section 808 Obsolete Signs
It is unlawful to maintain for more than thirty (30) days any sign which has become obsolete, inappropriate or inaccurate because of discontinuance of the business, service, activity which it advertises, or for any other reason. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this Section.

Section 809 Tourist Directional Signs
In addition to the signs permitted in Sections 803, 804 and 805, off-premises signs directing motorists to facilities required by tourists, hunters and fishermen shall be permitted upon permit granted by the Zoning Board of Appeals upon finding that a substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view; provided, however, no such sign shall have an area exceeding 100 sq. ft., a height in excess of 10 feet or shall be located in any Single Family Residential R-1 District.

Section 810 Sign Illumination
No sign shall be illuminated by other than electrical means, unless specifically approved by the Zoning Administrator. All lighting for illumination of signs shall be directed away from and shall be shielded from any residential districts. Illumination shall be so arranged as to not adversely affect driver's visibility on adjacent thoroughfares. No sign except time and temperature and similar signs shall have blinking, fluttering lights, exposed bulbs, or other illuminating devices which have a changing light intensity or changing brightness of color, or any form of animation or moving devices.
ARTICLE IX
ADMINISTRATION AND ENFORCEMENT

Section 901 Administration
The administration and enforcement of this Ordinance shall be the responsibility of the Tilden Township Board. The Supervisor and Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 902 Administrative Standards and Procedures
A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Tilden Township and mailed or delivered as provided in this Section.

1. All mail, personal and newspaper notices for public hearings shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the Zoning Ordinance and proposals and applications may be examined.

2. Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
   a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
   b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Tilden Township. If the name of the occupant is not known, the term “occupant” may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or
organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.

d. Other governmental units within one mile of the property involved in the application.

3. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation shall be provided no less than fifteen (15) days before the date the application will be considered for approval.

5. Registration to Receive Notice by Mail:
   a. General: Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
   b. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must reregister biannually to continue to receive notification pursuant to this Section.

C. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:
   1. Shall base their decision upon facts presented at a public hearing;
   2. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
   3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;

5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;

6. Shall comply with all other requirements under the law; and

7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

D. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;

2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;

3. Necessary to meet the intent and purpose of the Zoning Ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and

4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

E. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 903 Zoning Administrator
The Office of Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Tilden Township Board and shall serve at its pleasure. The Zoning Administrator shall receive such compensation as the Township Board may, from time to time determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of Tilden Township. The Zoning Administrator shall administer and enforce the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator shall have no power to vary or waive Ordinance requirements.

Section 904 Zoning Compliance Permits
Hereafter, no land use shall be commenced or changed and no structure shall be erected, enlarged, or altered until the person conducting such use or erecting or enlarging, or altering such structure has obtained a zoning compliance permit from the Zoning Administrator. The
Zoning Administrator shall issue such permit upon the furnishing in writing over the signature of the applicant, such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee as established by the Township Board.

No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was at anytime subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any materially false statement in the application of any supporting document is absolutely void. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

Section 905 Duties of Zoning Administrator
A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.

D. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Board of Appeals.

E. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 906 Special Zoning Orders Book and Map
The Zoning Administrator shall keep in his office a book to be known as the Special Zoning Orders Book, in which he shall list with a brief description all variances, conditional use permits, authorizations for descriptions of Class A Nonconforming Uses or Structures, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall keep in his office a book to be known as the Special Zoning Orders Book, in which he shall list with a brief description all variances, conditional use permits, authorizations for descriptions of Class A Nonconforming Uses or Structures, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall keep in his office a book to be known as the Special Zoning Orders Book, in which he shall list with a brief description all variances, conditional use permits, authorizations for descriptions of Class A Nonconforming Uses or Structures, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall keep in his office a book to be known as the Special Zoning Orders Book, in which he shall list with a brief description all variances, conditional use permits, authorizations for descriptions of Class A Nonconforming Uses or Structures, and any terminations of any of them. Each item shall be assigned a number when entered.
Administrator shall also keep a map to be known as the Special Zoning Orders Map to indicate the locations affected by the items in the Special Zoning Orders Book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 907 Notice of Violation
A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

Section 908 Fees
The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. Neither the Tilden Township Planning Commission, nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee as required below, except that such fee shall not be required where the Township or any official or body thereof is the moving party. No permit or certificate shall be issued unless such fees have been paid in full.
ARTICLE X
TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1001 Designation
The Tilden Township Planning Commission is hereby designated the Commission as specified in Section 1, of Act 168 of the Public Acts of 1959, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Board prescribed in Section 4, of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

Section 1002 Changes and Amendments
Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more property owners to be affected by the proposed amendment.

A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.

B. Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.

C. The Township Board either enacts or rejects proposed changes as an Ordinance amendment or, if the Township Board considers amendments, changes, additions, or departures advisable to the proposed Ordinance provision, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on a proposed Ordinance provision to a property owner who has filed a written request for the same prior to the regular meeting at which the proposed amendment is to be considered. The Township Board may then adopt, by a majority vote of its membership, pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, a zoning ordinance or amendments to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission or at a hearing, and shall thereafter cause the Ordinance or amendment thereto to be published as required by law.

D. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
E. The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property;
2. A scaled map of the property, correlated with the legal description, and clearly showing the property’s location;
3. The name and address of the petitioner;
4. The petitioner’s interest in the property;
5. Date of filing with the Zoning Administrator;
6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
7. The desired change and reasons for such change.

F. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the filing date of the petition. The facts to be considered by the Planning Commission shall include, but not limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
3. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
4. Are there any significant and negative environmental impacts that would reasonably occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
5. Effect of approval of the petition on adopted development policies of the Township and other governmental units; and
6. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Tilden Township, or other civil divisions where applicable.
ARTICLE XI-ZONING BOARD OF APPEALS

Section 1101 Establishment of Zoning Board of Appeals
A. The Zoning Board of Appeals is established in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Zoning Board of Appeals will consist of three members; one shall be a member of the Township Planning Commission, and the remaining members shall be appointed by the Township Board from residents of the unincorporated area of the Township. One member may be a member of the Township Board. The term of the Planning Commission and Township Board members shall be limited to the time serving as a member of the respective board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

B. The term of office of the first members appointed shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a 3-year term.

Section 1102 Procedures
A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chair. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such times that its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indication such fact, and all of its official actions. All meetings and records shall be open to the public. Notice and minutes of all meetings shall be filed in the Office of the Township Clerk.

C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 902.

Section 1103 Duties and Powers
A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured and
substantial justice done.

B. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map, and variances.

C. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance.

Section 1104 Administrative Review
A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.

B. The Zoning Board of Appeals shall have the power to:
   1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
   2. Determine the precise location of the boundary lines between zoning districts in accordance with the guidelines of Section 304.
   3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 406 or by an analysis of the specific needs.
   4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.

Section 1105 Variances
A. The Zoning Board of Appeals shall have the power and duty to authorize a variance from the provisions of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.

B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:
   1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
   2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
   3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
   4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
C. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

D. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this Section.

E. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

F. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

H. Under no circumstance shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

I. In exercising the above mentioned powers the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance has commenced within one year after the granting of such variance.

K. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1106 Appeals
A. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers
constituting the record of the decision which is being appealed.

B. A fee shall be paid to the Township at the time of filing the notice of appeal.

C. Any party or parties may appear at the hearing in person or by agent or attorney.

D. The Zoning Board of Appeals shall decide all matters within 10 working days. The decision of the Board shall be in the form of a resolution containing the full record of its findings and determinations in each case.

E. All questions concerning the application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only by filing an appeal based on the decisions of the Zoning Administrator. Decisions of the Zoning Board of Appeals shall be considered final.

F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.
ARTICLE XII
INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES AND EFFECTIVE DATE

Section 1201 Interpretation and Conflict
In interpreting and applying the provisions of this Ordinance, they shall be held to be the
minimum requirements adopted for the promotion of the public health, safety, comfort,
convenience, prosperity and general welfare. Unless specifically provided for, it is not intended
by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing
and unrepealed provision of law or ordinance or any rules, regulations, or permits previously
adopted or issued pursuant to law relating to the use of building or land, provided, however,
that where this Ordinance imposes a greater restriction upon the use of buildings or structures
or land or upon the courtyards or other open spaces that are imposed or required by such
existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of
this Ordinance shall control.

Section 1202 Severability
This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby
declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is
adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance
shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is
adjudged unconstitutional, or invalid as applied to a particular property, building, or structure,
it is hereby provided that the application of such portion of the Ordinance to other property,
buildings, or structures shall not be affected thereby. Whenever any condition or limitation is
included in an order authorizing any Conditional Use Permit, Variance, Zoning Compliance
Permit, Site Plan approval, or designation of Nonconformance, it shall be conclusively
presumed that the authorizing officer or body considered such condition or limitation necessary
to carry out the spirit and purpose of this Ordinance or the requirement of some provision
thereof, and to protect the public health, safety, and welfare, and that the officer or Board
would not have granted the authorization to which the condition or limitation pertains except
in the belief that the condition or limitation was lawful.

If, after adoption of this Ordinance by the Township Board, a valid petition is filed with the
Township Clerk placing this Ordinance before the voters for their approval or rejection, upon
election, should this Ordinance be rejected, then the Township would automatically revert back
to the preceding Tilden Township Zoning Ordinance, Ordinance #8, adopted November 1979.

Section 1203 Vested Right
Nothing in this Ordinance should be interpreted or construed to give rise to any permanent
vested rights in the continuation of any particular use, district, zoning classification or any
permissible activities therein; and, they are hereby declared to be subject to subsequent
amendment, change or modification as may be necessary to the preservation or protection of
public health, safety, and welfare.
Section 1204 Penalties and Remedies
A. Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required or does any prohibited act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100 or imprisonment in the County Jail for not more than 30 days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

B. Uses of land and dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision or regulation of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

Section 1205 Effective Date
This Ordinance shall take effect seven days following publication of the notice of adoption in a newspaper of general circulation serving Tilden Township, in accordance with provisions and procedures of Act 110 of the Public Acts of 2006, as amended.

Adopted: November 13, 2012
Published: November 27, 2012
Effective: December 5, 2012
The information and data provided herewith has been compiled from various sources, and is used by the County of Marquette for its own general purposes. The County does not warrant or guarantee that this information and data is accurate or current, nor does the County warrant or guarantee that this information and data is fit for any particular use or purpose. More specifically, the County warns that this information and data is not intended to be, and should not be, used to determine individual ownership, lot lines, or lines of occupation with respect to real estate. Any recipient of this information and data should independently verify its accuracy before relying on it for any purpose. The County of Marquette and its officers, agents, employees, boards, and commissions shall not be liable for any inaccuracy or omission in this information and data.

Marquette County, Michigan
November 13, 2012

This Zoning Map is subject to amendments over time and Zoning Districts may be revised. Rather than exclusively relying upon the information shown on this map, the Tilden Township offices should be contacted at (906) 486-6580 for verification.

This map was prepared by Marquette County’s Resource Management and Development Department under the direction of the Tilden Township Planning Commission for the Tilden Township Board.

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**Zoning Districts**

- **MR** Mineral Resource
- **R-1** Residential One
- **RP** Resource Production
- **RR** Rural Residential
- **SD** Seasonal Dwelling