

September 26, 2022

Mayor Pro Tem Hartz opened the regular meeting of the Gaylord City Council with a prayer by Councilmember Awrey at 7:00pm on Monday, September 26, 2022. The Pledge of Allegiance followed the invocation. The meeting was held in the City Council Chambers, located at City Hall, 305 East Main Street, Gaylord, Michigan.

Members Present: Ouellette, Witt, Awrey, Ryan, and Hartz.

Motion by Witt, supported by Awrey to dispense with the reading of the minutes from the September 12, 2022 meeting and accept them as presented.

Ayes: Unanimous. Motion Carried.

Motion by Ouellette, supported by Witt to excuse Mayor Sharrard and Councilmember Wilson from tonight's meeting.

Ayes: Unanimous. Motion Carried.

Public Hearing: A public hearing regarding the Non Use Variance Request from the M32 Development Group (254 Little League Drive) opened 7:01PM. No public comments were received. The public hearing closed at 7:16PM.

Jerry Belanger, Principal of St. Mary's School contacted Chief Claeys requesting approval from council to be able to put together a homecoming parade, similar to prior years. The parade is slated to be held on Friday, October 7, 2022. A motion was made by Ouellette and supported by Ryan to approve the parade, contingent upon Mr. Belanger submitting a plan to Chief. All ayes offered and the motion carried.

Public Comment: K. Uebinger offered comments and questions regarding the new development/luxury park.

Motion by Witt, supported by Awrey to approve the Non Use Variance Request from the M32 Development Group at 254 Little League Drive.

Ayes: Unanimous. Motion Carried.

Motion by Witt, supported by Ryan to approve the second reading of the zoning ordinance changes for the proposed addition of campgrounds and RV parks.

Ayes: Unanimous. Motion Carried.

Motion by Awrey, supported by Witt to approve the OCAN Partnership Agreement.

Ayes: Unanimous. Motion carried.

Motion by Ouellette, supported by Awrey to approve and accept the bid for painting the Police Department offices from Bulldog Painting in the amount of \$8,800.00.

Ayes: Unanimous. Motion carried.

Motion by Ouellette, supported by Awrey to approve the request to add an additional date to Cars & Coffee under the Pavilion. The date is October 2, 2022.

Ayes: Unanimous. Motion Carried.

Motion by Witt, supported by Ryan to approve the request for the NMU Marching Band to perform under the Pavilion on Sunday, October 23, 2022 at 1:00 PM.

Ayes: Unanimous. Motion Carried.

Motion by Witt supported by Awrey to approve the appointment of Matt Barresi to the DDA Board.

Ayes: Unanimous. Motion Carried.

Motion by Witt, supported by Ryan to approve the Enterprise Fleet Management Proposal.

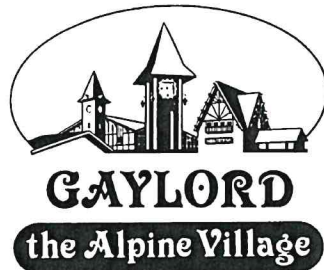
Ayes: Unanimous. Motion Carried.

No other business was presented and the meeting was adjourned at 7:30PM.

Jennifer Molski, City Clerk

Stephen Hartz, Mayor Pro Tem

CITY OF GAYLORD



ZONING ORDINANCE

"The CITY OF GAYLORD strongly encourages the use of the SWISS ALPINE MOTIF in the construction and/or renovation of all commercial buildings in the CITY OF GAYLORD to maintain, enhance and to promote "GAYLORD, THE ALPINE VILLAGE" and to symbolize the City's relationship with its sister-city, PONTRESINA, SWITZERLAND."

deck line of a mansard roof.

- N. Buildable Width - The width of the lot left to be built upon after the side yards are provided.
- O. Campground - A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.
- P. Cellar - That part of a building having more than one-half (1/2) of its height below the average grade of the adjoining ground.
- Q. Clinic - An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
- R. Club - Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
- S. Commercial Wireless Telecommunication Services - Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- T. Day Care Center - Shall include "Family Day Care Home" and "Group Day Care Home" as such three (3) terms are defined by P.A. 1973, No. 116, as amended, being MCL 722.111 et seq.
- U. District - Any section of the City of Gaylord within which the zoning regulations are uniform or various combinations thereof apply under the provisions of this Ordinance.
- V. Dwelling - A building or portion thereof designed or used primarily for residential purposes, but not including hotels, motels, boarding or lodging houses, tourist courts or tourist homes. (rev. eff. Jan. 2, 1994)
- W. Dwelling, Single-Family - A building designed for or occupied exclusively by one (1) family.
- X. Dwelling, Two Family - A building designed for or occupied exclusively by two (2) families.
- Y. Dwelling, Multiple - A building designed for or occupied exclusively by three (3) or more families.
- Z. Dwelling Unit - A room or suite of rooms used as a single-family dwelling, including bath and culinary accommodations.
- AA. Family - An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.
- BB. Filling or Service Station - Any land, building, structure or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, and excluding public garages.
- CC. Floor Area - The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages, or space in a

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- 13. noise of congregation of people, particularly at night
 - 14. passenger traffic
 - 15. invasion of nonabutting street frontage by traffic
 - 16. a burned out structure
 - 17. a condemned structure
- RRR. Nursery, Plant Materials - A space, building, or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.
- SSS. Nursery School - A daytime facility which has as its main objective a development program for preschool children and whose staff meets the educational requirements established by the State.
- TTT. Nursing Home - A home for the aged, or infirmed in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- UUU. "Outdoor Production" - Growing in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure.
- VVV. Parking Space, Off-Street For One And Two Family Dwellings - A minimum of a five (5) inches compacted gravel area not in a street or alley and having an area of not less than 180 square feet, including driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley with a five (5) inches compacted gravel driveway, not less than eight feet in width, which affords ingress and egress for an automobile.
- WWW. Parking Space, Off-Street For Three Or More Family Dwellings And All Other Structures - An area comprised of a minimum of five (5) inches compacted gravel base or three (3) inches of deep asphalt base (MSHD 4:09 specification) covered with a surface of prime and double sealcoat asphalt or two (2) inches of MSHD specification for 4:11 or 4:12 asphalt mix or an alternate of six (6) inches of concrete not in a street or alley and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a driveway constructed of the above specified materials and affords ingress and egress for an automobile without requiring another automobile to be moved.
- XXX. Porte-Cochere - A canopy attached to a building and extending over a driveway, open on all sides except for the wall of the main building.
- YYY. Premises - A lot together with all buildings and structures thereon.
- ZZZ. Planned Unit Development (PUD) - A development planned and built as a single entity which may contain a mix of housing types and non-residential uses and which is based upon an approved site plan which allows flexibility of design not available under normal zoning district requirements.
- AAAA. Recreational Unit - A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, as defined by the Public Health Code, MCL 333.12501 *et seq.*
- BBBB. Recreational Vehicle - A vehicle that is built on a single chassis. The vehicle must be designed to be self-propelled or towable by an automobile or light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. Travel trailer, motor home, camping trailer and pick-up coach are

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considered synonymous with recreational vehicles.

CCCC. Recreational Vehicle Park (RV Park) - A campground on which sites are established for occupancy by recreational vehicles as temporary living quarters for purposes of recreation or vacation.

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DDDD. Setback - The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

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EEEE. Sign - An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

FFFF. State Licensed Residential Facility - A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 287 of the Public Acts of 1972, as amended, being Sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for six (6) or less persons under twenty-four (24) hour supervision or care for persons in need of that supervision or care.

GGGG. Story - That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is not floor above, then the ceiling next above. A basement shall not be counted as a story.

HHHH. Story, Half - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartments or living quarters shall be counted as a full story.

IIII. Street - A public thoroughfare which affords the principal means of access to abutting property.

JJJJ. Street Line - A dividing line between a lot and a contiguous street.

KKKK. Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground; including, but without limiting the generality of the foregoing; advertising signs, billboards, backstops for tennis courts and pergolas.

LLLL. Structural Alteration - Any change except those required by law of ordinance, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

MMMM. Swimming Pool - Any structure with accessories, including preassembled units, which are designed and constructed for use either above or below ground level, used primarily for the purpose of recreational bathing or swimming but not including portable wading pools having a depth of less than twenty-four (24) inches.

NNNN. Temporary Use or Building - A use or building permitted by the Board of Appeals to exist during a specified period of time.

OOOO. Tourist Home/Bed And Board - An establishment used for dwelling purposes in which rooms with or without meals are offered to transient guests for compensation.

PPPP. Travel Trailer - A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

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QQQQ. Trailer - A vehicle transportable on wheels, used for living purposes and designed to stand or standing on wheels. (rev. eff. Jan. 2, 1994)

RRRR. Trailer Park or Mobile Home Court - An area where one or more trailers can be or are intended to be parked, designed or intended to be used as permanent living facilities for one or more families.

SSSS. 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. The crucial points of variance are:

- 1. undue hardship
- 2. unique circumstances
- 3. applying to property.

A variance is not justified unless all three elements are present in the case.

TTTT. Yard - An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

UUUU. Yard, Front - A yard across the full width of the lot extending from the front line of the building to the front street line of the lot.

VVVV. Yard, Rear - A yard extending the full width of the lot between a principal building and the rear lot line.

WWWW. Yard, Side - A yard on the same lot with the building between the main buildings and the adjacent side of the lot and extending from the front yard to the rear yard thereof.

IV. SECTION 4. INTERPRETATION AND CONFLICT.

The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the people of the City of Gaylord, Michigan.

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations or permits previously adopted or issued pursuant to law; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are required by other rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

V. SECTION 5. DISTRICTS.

A. In order to carry out the provisions of this Ordinance, the City of Gaylord is hereby divided into five districts which shall be known as:

- 1. R-1 Single-Family Residence District
- 2. R-2 Multiple Residence District
- 3. B-1 Central Business District
- 4. C-1 General Commercial District
- 5. C-2 Central Commercial District

the jurisdiction of the Supervisor of Wells provided for by statute. Wherever the statutes applicable to gas wells and production therefrom or where the rules established by the Supervisor of Wells or the DNR are more restrictive than these regulations, then the more restrictive regulations shall be deemed to apply. (Ord. amend. eff. July 11, 1994)

IX. SECTION 9. C-1 GENERAL COMMERCIAL DISTRICT.

A. The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations of the C-1 General Commercial District.

B. Use Regulations.

1. A building or premises shall be used only for the following purposes:
 - a. Uses permitted in R-2 District, providing requirements of that district are met.
 - b. Advertising sign or billboard, when located at least fifty (50) feet from any "R" District.
 - c. Gasoline service stations, parking or public garages, and auto, truck, trailer, and boat sales, service, storage, parts, repair, washing or painting shop provided that any outdoor storage of parts, material or damaged autos, trucks, trailers or boats shall be suitably screened or fenced or enclosed and such storage shall not be conducted within a required yard.
 - d. Auto parking or sales lots for new or used cars provided that dismantled or junked cars unfit for operation on the highways shall not be stored on the premises unless within a building.
 - e. Business or commercial schools.
 - f. Dance halls, bowling alleys, and similar places of amusement or entertainment.
 - g. Restaurants and coffee shops, including drive-in restaurants.
 - h. The office and display room of the home repair contractors such as heating, painting, roofing and decorating contractors provided the business is entirely within a completely enclosed building, there is no storage of supplies or equipment on the premises outside the building, and no more than fifty (50) percent of the gross floor area is used for processing and fabricating.
 - i. Drive-in establishments offering foods or services to customers waiting in parked automobiles.
 - j. Theaters, including outdoor or drive-in theaters.
 - k. Display rooms for merchandise to be sold at wholesale where merchandise is stored elsewhere.
 - l. Printing shops having a sales office or retail outlet on the premises and having less than 10,000 square feet of floor area.
 - m. Radio or television broadcasting stations, studios and offices.
 - n. Repair services or businesses, including repairing of bicycles, radios, television sets, and other home appliances, typewriters, watches, clocks, and shoes, having a retail outlet on the premises and having no more than 10,000 square feet of floor area.
 - o. Monument works having a retail outlet on the premises.
 - p. General service and repair establishments similar in character to uses listed herein.
 - q. Hotels and motels.
 - r. Farm implement display and sales rooms.
 - s. Tires sales and service.
 - t. Marihuana Secure Transporters and Marihuana Safety Compliance Facilities, as defined and regulated by the City of Gaylord Marihuana Ordinance and also

when approved as a Special Land Use in accordance with the application procedures and review standards for Special Land Use as set forth in Section 13 of the Gaylord Zoning Ordinance.

- u. Other retail stores and outlets similar in character to uses listed herein.
- v. Frozen food lockers.
- w. Accessory buildings and uses customarily incident to the above uses.
- x. Deleted – Ord. Amend. Eff. 01/30/05
- y. Body art facilities when granted a Special Use Permit pursuant to the procedures and standards of Section 13 of the Gaylord Zoning Ordinance.
- z. Campgrounds and RV Parks when granted a Special Use Permit pursuant to the procedures and standards of Section 13 of the Gaylord Zoning Ordinance.

C. Height Regulations.

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1. Buildings and structures shall exceed neither thirty-five (35) feet, nor two and one-half (2 1/2) stories in height, except as provided in Section 15 of this Ordinance.

D. Area Regulations.

1. Front Yard: The front yard regulations are the same as those in the R-2 District.
2. Side Yard: A five (5) foot minimum side yard shall be required for nonresidential buildings except that a seven (7) foot side yard shall be required on the side of a lot or tract adjoining a residential district. Side yards for dwellings or for properties whose building(s) are used for both residential/commercial purposes shall conform to requirements of the R-2 District. (ord. amend. eff. May 3, 1992, amend. eff. July 11, 1994)
3. Rear Yard: The rear yard regulations are the same as those in the R-2 District.
4. Minimum Lot Area and Lot Width: The lot area regulations are the same as those in the R-2 District except that no minimum lot width is required.
5. Minimum Floor Area: Every dwelling in this district shall conform to R-2 requirements and housekeeping cabins shall have not less than 300 square feet of living area.

E. Construction and Construction Materials:

- a. All buildings constructed in this district shall be in accordance with BOCA Code.
- b. The outer wall coverings of all buildings in this district shall be brick, concrete, stone, stucco or stucco-like material, tile, vinyl siding and/or wood. In addition, the same must comply with any applicable construction or building code. (ord. amend. eff. Feb. 16, 1992)

- F. Building Regulations: These are the same as in the R-2, Multiple Residence District. (amend. eff. Jan. 2, 1994)

IX.A SECTION 9.A B-1 CENTRAL BUSINESS DISTRICT.

- A. For the purpose of this Ordinance the B-1, Central Business District shall be identified as those properties which are north of First Street, south of Mitchell Street, east of the Detroit and Mackinac Railroad and west of Elm Avenue.
- B. The regulations set forth in this Section, or set forth elsewhere in this Ordinance, when referred to in this Section, are the regulations of the B-1, Central Business District.

D. Area Regulations.

1. Front Yard: Front yards for dwellings or for properties whose building(s) are used for both residential/commercial purposes shall conform to requirements of the R-2 District. No front yard is required for all other buildings. (ord. amend. eff. July 11, 1994)
2. Side Yard: Side yards for dwellings or for properties whose building(s) are used for both residential/commercial purposes shall conform to requirements of the R-2 District. A five (5) foot minimum side yard is required for all other buildings. (ord. amend. eff. May 3, 1992, amend. eff. July 11, 1994)
3. Rear Yard: Rear yards for dwellings or for properties whose building(s) are used for both residential/commercial purposes shall conform to requirements of the R-2 District. A five (5) foot minimum rear yard is required for all other buildings, except that a rear yard of twenty-five (25) feet shall be required on the rear of a lot abutting upon a residential district. (ord. amend. eff. May 3, 1992, amend. eff. July 11, 1994)
4. Lot Area Per Family: Every building hereafter erected or structurally altered for dwelling purposes shall comply with the R-2 District requirements.
5. Minimum Floor Area: Every dwelling shall have a minimum ground floor area of 720 square feet of living area.

E. Construction and Construction Materials:

- a. All buildings constructed in this District shall be in accordance with the BOCA Code.
- b. The outer wall coverings of all buildings in this district shall be brick, concrete, stone, stucco or stucco-like material, tile, vinyl siding and/or wood. In addition, the same must comply with any applicable construction or building code. (ord. amend. eff. Feb. 16, 1992)

F. Off-Street Parking: Off-street parking spaces shall be provided in accordance with requirements for specific uses set forth in Section 12 of this Ordinance.

G. Building Regulations: These are the same as in the R-2, Multiple Residence District. (amend. eff. Jan. 2, 1994)

XI. **SECTION 11. M-1 MANUFACTURING DISTRICT.**

A. The regulations set forth in this Section or set forth elsewhere in this Ordinance, when referred to in this Section are the regulations in the M-1 Manufacturing District.

B. Use Regulations.

1. A building or premises may be used for any purpose, except that:
 - a. No building shall be erected, converted, reconstructed, or structurally altered for residential purposes, except that each individual permitted use may provide accommodations for one resident watchman or caretaker.
 - b. The following uses are subject to special permit in accordance with the procedures and under the conditions set out in Section 13 of this Ordinance.
 - (1) Distillation of bones.
 - (2) Fat rendering.

- (3) Junk and salvage yards.
- (4) Manufacture of the following;
 - (a) Cement, lime, gypsum, plaster of Paris.
 - (b) Explosives.
 - (c) Fertilizer.
 - (d) Glue.
 - (e) Stockyard, feeding pen.
 - (f) Slaughter of animals.
 - (g) Tannery, curing of raw hides.
 - (h) Wool pulling or scouring.
 - (i) Chemicals.

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- (5) Marihuana Establishments and Marihuana Facilities, excepting Marihuana Provisioning Centers, as those terms are defined and regulated by the City of Gaylord Marihuana Ordinance.

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 (k) -- Trailer park. ¶
 (l) -- Sanitary landfills and dumps. ¶

- (6) Trailer Park.
- (7) Oil refinery.
- (8) Sanitary landfills and dumps.
- (9) Campgrounds and RV Parks.

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c. Deleted – Ord. Amend. Eff. 01/30/05

C. Height Regulation.

- 1. Buildings and structures shall exceed neither 100 feet, nor eight (8) stories in height except as provided in Section 15 of this Ordinance.

D. Area Regulations.

- 1. Front Yard: Except as hereinafter provided in Section 15, the front yard regulations are the same as those in the C-1 District.
- 2. Side Yard: No side yard is required except on the side of a lot abutting an "R" District, in which case there shall be a side yard of not less than five (5) feet.
- 3. Rear yard: Except as hereinafter provided in Section 15, there shall be a rear yard having a depth of fifteen (15) feet.

- E. Off-Street Parking: Off-street parking spaces shall be provided in accordance with requirements for specific uses set forth in Section 12 of this Ordinance.

X1.A. SECTION 11A. PUD-PLANNED UNIT DEVELOPMENT DISTRICT

A. Intent.

- 1. This section provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this section to authorize the consideration and use of Planned Unit Development regulations for the following purposes:
 - a. To encourage the use of land in accordance with its character and adaptability.
 - b. To promote the conservation of natural features and resources.
 - c. To encourage innovation in land use planning and development.

Deciduous ornamental tree:	2" caliper
Evergreen tree:	7' height
Deciduous shrub:	2' height
Upright evergreen shrub:	2' height
Spreading evergreen shrub:	18" spread

2. Minimum Standards for Berms:
 - a. Wherever a berm is used to meet the minimum requirements of this section, it shall have a minimum height of three feet and a maximum height of five feet above grade.
 - b. Berms shall be constructed so as to maintain side slopes not-to-exceed a one foot vertical rise to three feet horizontal ratio.
 - c. Berm areas shall be covered with grass or other living ground cover.
 - d. Berms shall be constructed so as not to alter drainage patterns on-site or on adjacent properties.

Landscape Regulation Ordinance eff. June 2, 1996

XIII. SECTION 13. SPECIAL USE REGULATIONS.

- A. The City Council may, by Special Use Permit, and after review and approval as hereinafter provided, authorize and permit the location and operating of any of the following buildings or uses in any district from which they are prohibited by this Ordinance. Such uses which may be allowed by said special permit are as follows:
 1. Cemetery, including columbarium, mausoleum, or crematory; provided, that any site for a new cemetery shall contain at least fifty (50) acres.
 2. Commercial stables and riding academies in the R-1 and R-2 Districts; provided, they are located on sites containing not less than two and one-half (2 1/2) acres.
 3. Golf course, commercial or private.
 4. Privately or commercially operated ski facilities, with lodging facilities, provided, the site shall contain an area of at least five (5) acres.
 5. Mobile home parks in all districts provided they comply with all applicable state statutes and regulations promulgated pursuant thereto, including, but not limited to, the provisions of MCL 125.1103 et seq.
 6. Publicly-owned warehouse, garage, shop or storage yard in the R-1 and R-2 Districts.
 7. Publicly owned or operated sewage treatment plant.
 8. Real estate sales offices, in connection with a specific development for a period of not more than one (1) year.
 9. Junk yard when located eighty (80) rods from any public road and provided that all parts of the use shall be enclosed by natural features, such as trees and terrains so as to obstruct from sight.
 10. Warehousing.

11. Adult businesses as regulated and defined by the City of Gaylord Adult Business Ordinance, in C-2 Districts only.
(Amended by ord. eff. Oct. 1, 1995)
12. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services in the C-1, B-1, C-2, and M-1 Districts, provided the following conditions are satisfied. (ord. amend. Eff. December 17, 2006)
 - a. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved tower within a two (2) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within a two (2) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 4. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
 - b. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
 - c. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 - d. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building. This provision shall not apply to towers located on existing buildings, towers, or other existing structures. The Planning Commission may require such structures or equipment on the ground to be screened by a landscaped screen, fences, berms, or a combination of these elements.
 - e. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.

- f. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. Only one (1) three (3) month extension shall be permitted and then only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
 - g. The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services or any part of which that is located within two hundred (200) feet of any Residential District lot line.
13. Body art facilities in zoning districts other than R-1, R-2 and B-1.
14. Marihuana Establishments, and Marihuana Facilities excepting Marihuana Provisioning Centers, in zoning districts other than R-1, R-2, B-1, subject to the following:
- a. A Marihuana Establishment or Facility may be allowed only in the M-1 District, except that Marihuana Retailers and Marihuana Microbusinesses may be allowed in the C-2 District, and Marihuana Security Transporters and Marihuana Safety Compliance Facilities may be allowed in the C-1 District.
 - b. A Marihuana Establishment or Facility must be licensed by the State of Michigan and the City of Gaylord, and must comply with all local and state laws including all applicable state and local rules and regulations, as well as all conditions of a special use permit.
 - 1. Any uses or activities found by the State of Michigan or a court with jurisdiction to be illegal or unconstitutional are not permitted by the City of Gaylord. If a court of jurisdiction declares a use to be illegal or unconstitutional, the City of Gaylord may suspend the acceptance of applications for special use permits pending a resolution of the legal issue in question.
 - 2. The City of Gaylord may suspend or revoke a special use permit based on a finding that the provisions of the special use standards in this section, any other provision of an ordinance, or any term of the special use permit and approved site plan are not met.
 - c. A Marihuana Establishment or Facility, or associated licensed activities including but not limited to growing, processing, testing, transporting, or sales, may not be permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this ordinance.
 - d. All Marihuana Establishments and Facilities must comply with the City of Gaylord Sign Ordinance. Additionally, all Marihuana Establishments and Facilities shall:
 - 1. Prominently display warning signs within the building stating:
 - a) "No individual under the age of eighteen (18) years shall be permitted on this premises."
 - b) An accurate statement of federal law, such as: "Possession, use, or distribution of marihuana is a violation of federal law."

- c) "It is illegal under State law to operate a motor vehicle or machinery while impaired or under the influence of marihuana."
 - d) "No marihuana products shall be smoked, ingested, or otherwise consumed on this premises."
2. No advertising material shall contain the word "marihuana," "marijuana," "cannabis" or any other word, phrase, or symbol commonly understood to refer to marihuana, or use any advertising that would appeal to minors.
- e. All Outdoor Production of marihuana is prohibited. No marihuana or paraphernalia shall be displayed or kept such that it is visible from outside the premises.
 - f. Light cast by light fixtures inside any building used for marihuana production or marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
 - g. A Marihuana Establishment or Facility shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the business or at any adjoining use or property.
 - h. Two or more Marihuana Establishments and/or Facilities may be located in the same building only if each Marihuana Establishment and/or Facility can independently satisfy all local and state requirements for operation.
 - i. A Marihuana Establishment or Facility must submit a comprehensive operation, safety and security plan indicating how it will comply with the requirements of this ordinance and all other applicable laws and regulations, and shall contain at a minimum:
 - 1. Installment of cameras to monitor and record all areas where persons may access marihuana or cash, with details of how the recordings will be backed up and preserved. Cameras shall record business operations and capture all ingress and egress with sufficient detail to identify facial features and clothing. Access must be provided to the Gaylord City Police upon request. No recording of the public rights-of-way shall be permitted unless required by the State of Michigan.
 - 2. Use of locking devices, including safes, for storage of marihuana and cash on the premises while closed to the public.
 - 3. Installment of an alarm system continuously monitored by a company, with contact information for that company.
 - 4. A procedure to notify the Gaylord City Police of any change in the security or alarm system on the premises.
 - 5. For Marihuana Growers and Marihuana Processors, the methods used to prevent growth of harmful mold and limitations on discharge wastewater into the City's wastewater systems.
 - 6. A lighting plan showing the outside lighting for security purposes.

7. A plan for disposal of marihuana and marihuana infused products to prevent the ingestion by any person or animal.
 8. A description of all toxic, flammable, or other hazardous materials regulated by federal, state or local authorities that will be used or kept at the premises, with the location on the premises and a description of the proposed use.
 9. A statement of the projected daily average and peak electric loads anticipated to be used, with certification by a licensed electrician that the premises are equipped to safely accepted the anticipated load.
 10. Any proposed changes to the buildings with the proper local permits and approvals required for those changes.
 11. A fire suppression plan, detailing the location and method of fire alarm and extinguishment, with at least a one-hour fire separation wall between any adjoining business or residence.
 12. Any other information or requirements related to the operation, safety, and security of the establishment as determined by the planning commission.
- j. Marihuana Retailers and Marihuana Microbusinesses are subject to the additional following conditions:
1. The Marihuana Establishment shall only sell to customers and be open to the public between the hours of 9:00 a.m. and 10:00 p.m.
 2. All activities of the Marihuana Establishment, including transfers of marihuana, shall be conducted within a structure at the licensed location and out of public view.
 3. The exterior appearance of all structures shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
 4. The Marihuana Establishment shall not be located within 1,000 feet of any real property comprising or used by a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a licensed child care center or preschool; a public playground, public swimming pool, public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; a public library; or within 500 feet of a religious institution or residentially zoned property. Measurement shall be from the Marihuana Establishment's designated main public entrance door, along the shortest route to the centerline of the Marihuana Establishment's addressed road, then along the centerline of public roadways, utilizing the shortest centerline route, to the main entrance of the location containing the

protected use.

5. Marihuana Provisioning Centers are prohibited.

k. A Marihuana Safety Compliance Facility shall comply with all other provisions of this ordinance applicable to medical laboratories and medical testing facilities.

l. A Marihuana Secure Transporter shall comply with all other provisions of this ordinance applicable to transporters and warehouses.

15. Campgrounds and RV Parks in C-1, C-2, and M Districts.

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- B. Before the issuance of any special use permit for any of the above buildings or uses, the application for such permit shall be made in writing on forms prescribed by the City Planning Commission. Each application shall be accompanied by an accurate site plan, plot plan, building development plan, sketch, program of development, or other related material and any other information required by the Planning Commission or this Ordinance.
- C. Such application shall be submitted to the City Planning Commission, together with a fee of \$25.00, which shall be payable to the City of Gaylord. When an application is withdrawn after scheduling and advertising for public hearing by the Planning Commission, the filing fee shall not be refunded to the applicant.
- D. Upon receipt of an application for a special land use or permit which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five (5) nor more than fifteen (15) days before the application will be considered. 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 occupant of a structure, except that if the structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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. The notice shall:
1. Describe the nature of the special land use request.
 2. Indicate the property which is the subject of the special land use request.
 3. State when and where the special land use request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
 5. Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.
- E. At the initiate of the Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in