ZONING ORDINANCE

SCHOOLCRAFT COUNTY

Updated: June 12, 2026

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ARTICLE 1

TITLE, PURPOSES, AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as "The Schoolcraft County Zoning Ordinance."

SECTION 1.02 REPEAL OF PRIOR ZONING ORDINANCE

All prior zoning ordinances of Schoolcraft County, are hereby repealed and replaced with this Ordinance and such repeal shall be effective coincident with the effective date of this Ordinance.

SECTION 1.03 PURPOSES

This Ordinance is established for the purposes of:

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

B. Protecting the character and stability of the recreational, agricultural, residential, commercial and industrial areas within Schoolcraft County;

C. Promoting and regulating growth of Schoolcraft County to obtain orderly and beneficial development;

D. Conserving life, property, and natural resources;

E. Conserving the expenditure of funds for public improvements and services;

F. Providing adequate light, air, and privacy to property;

G. Lessening and avoiding congestion on highways and streets, and providing safe and convenient access for property; and

H. Conserving the taxable value of land, buildings, and structures of Schoolcraft County.

SECTION 1.04 SEVERABILITY CLAUSE

This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

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

SECTION 1.05 CONFLICT WITH OTHER LAWS

A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

SECTION 1.06 EFFECTIVE DATE

This Ordinance was adopted by the County Board of Commissioners of the County of Schoolcraft, at a meeting held on _____ and ordered published as required by the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.*, as amended. This Ordinance shall be effective 7 days after publication as provided by law.

ARTICLE 2

RULES OF CONSTRUCTION AND DEFINITIONS

SECTION 2.01 RULES OF INTERPRETATION

For the purpose of this ordinance, certain terms or words shall be interpreted as follows:

A. The word "person" includes any entity, firm, association, organization, partnership of any kind, trust, corporation, or company as well as an individual.

B. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.

C. The word "shall" is mandatory; the word "may" is permissive.

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

SECTION 2.02 DEFINITIONS

ACCESSORY BUILDING, means a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

ACCESSORY USE, means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADULT ORIENTED COMMERCIAL ENTERPRISE - An establishment which draws its customers from one or more segments of the public including but not limited to the following:

1. **ADULT BOOK STORE.** An establishment which has a substantial or significant portion of its stock in trade consisting of sexually explicit material. Sexually explicit material is defined as a book, pamphlet, magazine, video, movie, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed description, depiction or narrative account of sexually explicit activity.

2. **ADULT CABARET.** An establishment whose principal activity is conducting or presenting any sexually explicit performance. Sexually explicit performance is defined as a motion picture, movie, video, digital presentation, exhibition, show, representation, or other presentation that, in whole or in part, depicts sexually explicit activity.

3. **ADULT VIDEO/MOTION PICTURE THEATER.** An establishment, which, as its principal activity, presents or offers for sale or rent, any sexually explicit visual material. Sexually explicit visual material is defined as a picture, photograph, drawing, sculpture, motion picture film, or similar visual representation that depicts sexually explicit activity, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

4. **ADULT RETAIL STORE.** An establishment which has a substantial or significant portion of its stock in trade in items used or advertised as sexually explicit entertainment gimmicks, novelties, paraphernalia, any sexually explicit matter or any combination thereof. Sexually explicit matter is defined as any sexual explicit material, including sexually explicit visual or written material, or sexually explicit performance.

5. **BODY PAINTING OR NUDE MODELING STUDIO.** Any building, structure, premise or part thereof used primarily as a place which offers, as its principal activity, models of any kind to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting in conjunction with any sexually explicit activity.

6. **BODY PAINTING OR NUDE MODELING STUDIO.** Any building, structure, premise or part thereof used primarily as a place which offers, as its principal activity, models of any kind to exhibit, display or perform any sexually explicit performance for a fee, or which provides the services of body painting in conjunction with any sexually explicit activity.

6. **SEXUALLY EXPLICIT ACTIVITY**. Sexually explicit activity is defined as any presentation, exhibition, narrative, show, representation, depiction, or other description of any of the following:

   (a) **EROTIC FONDLING**. The touching of a person's clothed or unclothed genitals, pubic area, buttocks or breasts, for the purpose of sexual gratification or stimulation.

   (b) **NUDITY**. The showing of genitals, pubic area, vulva, anus, the showing of the female breast with less than a fully opaque covering of any part of the nipple, the showing of the covered male genitals in a discernibly turgid state or any lewd display of the human male or female genitals or pubic area.

   (c) **SADOMASOCHISTIC ABUSE**. Means either of the following: (1) Flagellation, or torture, for sexual stimulation or gratification, by or upon a person who is nude or clad only in undergarments or in a revealing costume, or (2) the condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification, of a person who is nude or clad only in undergarments or in a revealing costume.

(d) **SEXUAL EXCITEMENT.** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) **SEXUAL INTERCOURSE.** Intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal; or any intrusion, however slight, into the genital or anal openings of another's body.

7. **ESCORT.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

8. **ESCORT AGENCY.** A person that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

9. **PAWNBROKERS AND PAWNSHOPS.** "Pawnbroker" is any person who loans money on deposit, or pledge of personal property, or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back again at a stipulated price. The term "pawnshop" is defined as any location where a pawnbroker conducts business.

10. **TATTOO/BODY-PIERCING BRANDING PARLOR.** An establishment which provides external body modification, through the application of a tattoo, body-piercing, or branding.

11. **BODY-PIERCING.** The perforation of human tissue, other than an ear, for a non-medical purpose.

12. **BRANDING.** A permanent mark made on human tissue by burning with a hot iron or other instrument.

13. **TATTOO.** An indelible mark made upon the body of a person by the insertion of a pigment under the skin or an indelible design made upon the body of a person by production of scars other than by branding.

ANIMAL - A non-human zoological species, classified for purposes of this Ordinance as follows:

A. Class I Animal; Domesticated household pets, including rabbits but not otherwise including any Class II or III animals.

B. Class II Animal; An animal which is normally part of the livestock maintained on a farm including:

1. Bovine and like animals, such as cows.

2. Equine and like animals, such as horses.

3. Swine and like animals, such as pigs and hogs.

4. Ovis (ovine) and like animals, such as sheep and goats.

5. Other animals, similar to those listed weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein.

C. Class III Animal; Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.

BANQUET/MEETING HALL - A building or part of a building used for the purposes of entertaining a large group of people where food and beverage may be provided; and where a caterer's establishment may be included only if it is in conjunction with a banquet/meeting hall. This use shall also include a building or part thereof in which facilities are provided for such purposes as meeting for groups of civic, educational, political, religious or social purposes.

BASEMENT - That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than or equal to the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST – A dwelling that can provide ten (10) or fewer sleeping accommodations, without a state license (MCL125.1504b), for the traveling and vacationing public and that is owned by and is the principal residence of the proprietor. If a bed and breakfast has fewer than eight (8) rooms (including owner and family rooms), a full breakfast can be served without a food service license as long as it is a package deal.

BEDROOM – A separate room or space with a door, a closet and a window, used or intended to be used specifically for sleeping purposes.

BILLBOARD - See **SIGN, OUTDOOR ADVERTISING**.

BLUFF - The top of a steep bank rising sharply from the water's edge.

BUILDING - A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

BUILDING HEIGHT - The vertical distance measured from grade to the highest point of flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs.

CAMPGROUND - A parcel 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 tents or recreational vehicles.

"Campground" shall not include a "seasonal mobile home park" licensed under The Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, as amended; being sections 125.2301 to 125.2350. For purposes of this Ordinance, the following additional terms are defined:

1. Modern Campground - A campground where water flush toilets and water under pressure are available at a service building or where a water outlet and a sewer connection are available at each site.

2. Primitive Campground - A campground without service buildings, water outlets or sewer connections available on site.

3. Temporary Campground - Any campground used on a temporary or short-term basis not to exceed a period of four (4) weeks.

4. Temporary living quarters - As related to camping, means a recreational unit or a building within a modern campground, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three (3) consecutive months.

CHURCH - A building in which persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated with that use.

CLINIC, means a place where medical or dental care is furnished to persons on an out-patient basis by four or more doctors or dentists.

CLUB - Buildings and facilities owned and operated by a person for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

COMMUNICATIONS TOWERS - A structure that is intended to hold apparatus which transmits or receives radio, television, pager, telephone or other electronic communications, excluding those used exclusively for amateur radio operations, dispatch communications associated with an individual business establishment or domestic radio or television reception.

CONVENIENCE RETAIL STORE, means an establishment which primarily sells groceries, bait, alcohol and beer, and tobacco products in small quantities directly to the consumer and is situated in a free-standing building.

CONDITIONAL USE - A use which may be permitted by the Planning Commission. A conditional use may be granted in a zoning district only when there is a specific provision for such conditional use in this Ordinance. A conditional use is also referred to as a special land use as provided in Act 110, PA 2006, as amended, and the terms are intended to be used synonymously.

CONDOMINIUM – Condominiums shall include the following elements:

1. Condominium Act - Refers to Act 59 of the Public Acts of 1978, as amended.

2. Condominium Documents - The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

3. Condominium Lot - The condominium unit including the contiguous limited common element surrounding the condominium unit, which shall be considered a lot as defined by this Ordinance.

4. Condominium Unit - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

5. General Common Element - The common elements other than the limited common elements reserved in the master deed for use by all of the co-owners.

6. Limited Common Element - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

7. Master Deed - The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference with the bylaws for the project and the condominium subdivision plan for the project.

8. Site Condominium - A condominium development in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit. Such developments are also described in the Master Deed.

CONTIGUOUS, as used in this Ordinance means touching along a boundary. Touching at a point does not establish contiguity.

COUNTY BOARD - Schoolcraft County Board of Commissioners.

COUNTY ENGINEER – An engineer and/or engineering firm appointed by the County Board of Commissioners to represent the County.

COUNTY PLANNER – A planner and/or planning firm appointed by the County Board of Commissioners to represent the County.

COUNTY ROAD COMMISSION – The Road Commission for Schoolcraft County.

CREMATORIUM – A building fitted with the proper appliances for the purposes of the cremation of human or animal remains and includes everything incidental or ancillary thereto.

DAY-CARE FACILITY – Means the following:

1. Day-Care Center - A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. The term "day-care center" includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. The term "day-care center" does not include any of the following:

   (a) A Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve- (12) month period.

   (b) A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

2. Group Day-Care Home - A private home in which more than six (6) but not more than twelve (12) 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. The term "group day-care home" includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. The owner of the child group day-care home business must also be the owner and resident of the private home.

3. Family Day-Care Home - A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "family day-care home" includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year. Family day care homes shall be specifically exempt from regulations by this Ordinance but are otherwise subject to applicable State law. However, the owner of the Family Day-Care must also be the owner and resident of the private home where such business is operated.

DECK – A structure, with or without a roof, having a foundation, columns or posts to hold it erect, and attached to or abutting one or more walls of a building or constructed separately from a building, with or without direct access to the ground, the floor of which is above finished grade, and intended for use as an outdoor living or recreation area.

DENSITY, RESIDENTIAL - The number of dwelling units in relation to the number of acres of the lot on which such units are situated. The lot area to be used in the calculation shall be limited to the portion of the lot zoned for the district for which said density regulation applies, and shall

not include any area in any street or other right-of-way, any area of such lot devoted to on-site sewage treatment facilities, or any area required for, or allocated to, any other lot.

DRIVE-THROUGH FACILITY - An establishment that is designed to permit customers to receive products or services while remaining in a motor vehicle.

DUPLEX - A house divided into two separate but nearly equal parts, with separate entrances for habitation by separate parties, with a common wall equal in width to the majority width of the entire structure

DWELLING, (Residence) means one or more rooms with bathroom (privies included), bedroom, and kitchen facilities designed as a self -contained unit for occupancy for living, cooking and sleeping purposes.

DWELLING AREA - The dwelling area of a dwelling unit composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, and family and living rooms.

DWELLING, MULTIPLE-FAMILY - A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY, means a structure, including a mobile home, designed or used for residential occupancy by one family.

DWELLING, SINGLE-FAMILY ATTACHED – A building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

EASEMENT – The right of person to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this Ordinance, private road easements shall be designated for purposes of vehicle and pedestrian ingress and egress.

ESSENTIAL SERVICES - The term "essential services" shall mean the erection, construction, alterations, or maintenance by public utilities or municipal departments, commissions, or boards, or by other government agencies of underground, surface, or overhead gas, electric, steam, or water transmission or distribution system, communications (including publicly owned communications towers), waste or stormwater collection, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or other government agencies, for the public health, safety, or general welfare, but not including buildings other than those buildings which are primarily enclosures or shelters for the installed central services equipment.

FAMILY - An individual or a group of two (2) or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than three (3)

additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

FARM (NON-COMMERCIAL) – All neighboring and associated parcels, ten acres or less, operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer, by his own labor or with assistance of members of his household or hired employee.

FARM (COMMERCIAL) - All neighboring and associated parcels, greater than ten acres, operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer, by his own labor or with assistance of members of his household or hired employee.

FARM BUILDINGS - Any building or structure, other than a dwelling, erected, moved upon, or used on a farm, which is essential and customarily used on farms of that type for pursuit of agricultural activities.

FEEDLOT, means a concrete slab holding animals being prepared for market (over 150 per slab), or a field used for the same purpose with density of 25 or more animals per acre.

FENCE - An enclosure, especially an enclosing barrier erected to prevent straying from within or intrusion.

FLOODPLAIN - Lands which are subject to periodic flooding and have been defined by the Corps of Engineers, Soil Conservation Service of the U.S. Department of Agriculture, or by any other relevant State or Federal Agency to have alluvial soil deposits, indicating that such flooding has taken place; or as defined by any registered engineer or land surveyor and accepted by the County Board as such a flood plain.

FLOODPLAIN MANAGEMENT - The following words and phrases pertinent to flood plains shall have the meanings respectively ascribed to them in this Ordinance.

1. Base flood means a flood having a one percent chance of being equaled or exceeded in any given year.

2. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas as a result of the overflow of inland waters, or the unusual and rapid accumulation of run-off or surface waters from any source.

3. Flood hazard boundary means the official map issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated.

4. Flood hazard area means land which on the basis of available floodplain information is subject to one percent or greater chance of flooding in any given year.

5. Flood insurance rate map, hereinafter referred to as "FIRM", means the official map of the County, dated August 3, 1989, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

6. Flood insurance study means the official report provided by the Federal Emergency Management Agency containing flood profiles, the water elevation of the base flood, and may include a flood boundary-floodway map.

7. Floodplain means any land area susceptible to being flooded.

8. Floodway means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

9. Regulatory flood datum means the one hundred (100) year floodplain contour line synonymous with base flood elevation.

10. Structure means anything constructed or erected which requires permanent location on the ground or attachment to something having such location, including, without limitation, a walled or roofed building, mobile home or storage facility.

11. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged or is being restored, before the damage occurred. For the purpose of this definition, such term does not include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely for the reason of assuring safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

FLOOR AREA - The sum of the gross horizontal floor areas of the several stories of a building, as measured to the exterior of the face of the exterior walls, plus that area, similarly measured, of all other floors, except basements, that are accessible by a fixed stairway, ramp, escalator, or elevator; including all enclosed porches and balconies, and all stairways, breezeways, storage area, recreational rooms, boiler rooms, and other areas within or contiguous to the structure; and the measurement shall include the floor space of all accessory buildings measured similarly.

FLOOR AREA COVER - The total floor area of a building or buildings divided by the area of the lot on which it is located, calculated as a percentage.

FLOOR AREA, **DWELLING UNIT** - The floor area as defined preceding, except that only those parts of a dwelling unit that are permanent, structural parts of the dwelling, meet all requirements of the Michigan State Construction Code, and are designed, constructed, and heated for a year-round human occupancy, may be included in the computation of floor area used to meet minimum floor area requirements.

FLOOR AREA RATIO, means the percentage of lot area of the floor area of all buildings, excluding the floor area of garages, carports, and breeze ways and excluding the area of any floor more than four feet below average grade where no part of such basement is used for sleeping rooms or quarters.

FLOOR SPACE, means floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities, and storage and other areas to which patrons do not have regular access.

FOSTER CARE FACILITIES, ADULT – A governmental or non-governmental establishment that provides foster care to adults. It include facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision or an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq., as amended. The types of licensed adult foster care facilities include the following:

1. Foster Care Small Group Home, Adult - A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

2. Foster Care Large Group Home, Adult - A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

3. Foster Care Family Home, Adult - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

4. Foster Care Congregate Facility, Adult - An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

GARAGE PRIVATE - An accessory building or structure used principally for storage of automobiles and for other incidental storage purpose only.

GARAGE SALE – Garage Sale (a.k.a. yard sale, moving sale, rummage sale, lawn sale) and informal and irregularly scheduled sale of used and unwanted personal goods by private individuals.

GRADE – The degree of rise or descent of a sloping surface.

GRADE, FINISHED – The final elevation of the ground surface after development.

GRADE, NATURAL – The elevation of the ground surface in its natural state, before man-made alternations.

GRAVEL PIT, a land area where soil components including clay, peat, marl, sands, and gravel with not more than a 30 inch diameter as measured at the longest chord thru the center, are excavated or removed for sale or off tract use. As part of their primary operations, gravel pits may include sifting, crushing and washing. Any operation that harvests, by any means, rock, ore, stone, or materials defined as "ferrous mineral" or "mineral" by Part 631 of the Natural Resources and Environmental Protection Act, MCL 324.63101, is specifically excluded from this definition, is prohibited in gravel pit, and constitutes a Quarry as defined herein. See Section 2.02 Principal Use.

GROUND COVERAGE RATIO, means 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, breeze ways, balconies, and bay windows, except patios not more than six inches above grade.

GUEST HOUSE; defined as having 1,000 square feet maximum, same ownership as primary dwelling, not for commercial use, 24' long minimum outside walls, limit one per parcel, in Lakeshore and River 1 and Lakeshore and River 2 districts lot size and frontage requirements must exceed minimum required in Section 6.05 by 1.5 times.

HAZARDOUS SUBSTANCES - Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this section.

HEDGE, means a dense row of low branching trees, shrubs, vines, or other plants which encloses land, divides land into distinct portions, separates contiguous properties, obstructs the passage of light and air into adjacent land or obstructs the vision of motorists on or near public roads.

HUNTING, FISHING AND TRAPPING CABIN –

1. The minimum dimension must be 14 feet measured throughout the entire width and length of the dwelling measured between the exterior parts of the walls having the greatest length. The cabin must have at least one habitable room not less than 120 square feet and other rooms not less than 70 square feet. Habitable rooms shall not be less than 7 feet in any horizontal direction (see Michigan Residential Code ("MRC") SEC R304).

2. The cabin must be constructed in accordance with the current building codes.

3. The cabin footing depth and width shall be determined individually by the Building Official, based on size and site conditions (see MRC SEC R403.1.4).

4. The location must have sanitation facilities approved by LMAS (Luce-Mackinac-Alger-Schoolcraft) District Health Department, prior to obtaining a Zoning and Building permit.

5. The cabin must only be used for weekend stays and vacations only. It **shall not** be used as a seasonal dwelling as defined by the Schoolcraft County Zoning Ordinance. A vacation shall be considered 30 days or less. The owner must sign an **Affidavit of Compliance** prior to receiving a Zoning and Building permit.

6. Ten acres or more are required without public electrical utility available.

7. The cabin must be 600 feet from a federal, state or county roadway.

HOME OCCUPATION - means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 5.10.

HOSPITAL, GENERAL – An installation providing health services primarily for in-patient medical or surgical care of the sick or injured, and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral parts of the facilities.

HOTEL - means 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.

HOUSING FOR THE ELDERLY – A building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the federal Fair Housing Amendments Act of 1988. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the State of Michigan.

JUNK YARD - A place, structure, parcel or use of land where junk, waste, discard, salvage or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

KENNEL, COMMERCIAL - A commercial kennel shall mean any, building, structure, enclosure or premises where five (5) or more dogs or cats, six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for

profit. For the purposes hereof, five (5) animals kept and maintained as a hobby kennel or for any other purpose, shall be deemed and considered a commercial kennel.

KENNEL, HOBBY - A hobby kennel shall mean any building, structure, enclosure or other premises where four (4) or less dogs or cats, six (6) months of age or older, are kept, harbored or maintained:

1. For showing in recognized dog shows, obedience trails, or field trails.

2. For working and hunting.

3. For improving the variety or breed with a view to exhibition in shows and trials.

4. For household pets.

LANDSCAPED, MINIMUM OPEN SPACE - means the percentage of lot area which must be maintained in grass or other living vegetation.

LANDSCAPING – The following definitions shall apply in the application of this Ordinance:

1. Berm - A landscaped mound of earth which blends with the surrounding terrain.

2. Buffer - A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.

3. Greenbelt - A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

4. Opacity - The state of being impervious to sight.

5. Plant Material - A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

LARGE SCALE RETAIL ESTABLISHMENT - A retail establishment commonly referred to as a "big box" store, which exceeds fifty thousand (50,000) square feet in gross floor area.

LAUNDROMAT - means a place where patrons wash, dry, or dry clean clothing and other fabrics in machines operated by the patron.

LIVESTOCK - The word livestock shall mean horses, cattle, sheep, and swine.

LOADING SPACE, OFF-STREET - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

LODGING – A series of attached, semidetached or detached rental units containing bedroom, bathroom and closet space. Such units shall provide for overnight lodging, are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle.

LOT - A lot is the contiguous land in the same ownership that is not divided by a street right-of-way or a street or drive easement, including any part thereof subject to any easement for any purpose other than a street or drive, and excluding any portion thereof in a street right-of-way or a street or drive easement of at least sufficient size to meet minimum requirements of the zoning district in which it is located. Such lot shall have frontage on a public street, or on a private street approved by the County Board, and may consist of:

1. A single lot of record;

2. A portion of a lot of record;

3. Any combination of complete and/or portions of lots of record;

4. A parcel of land described by metes and bounds; or

5. Any parcel of land which constitutes or is treated as a condominium unit in accordance with the Michigan Condominium Act, being P.A. 1978, No. 59, as amended, shall be defined and treated as a lot for all purposes of this ordinance provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

LOT AREA - The area within the lot lines, except any portion of a lot in a street right-of-way, a street or drive easement shall not be included in measuring minimum lot area necessary to meet district regulations.

LOT COVERAGE - The percentage of the lot area covered by the ground floor of principal and accessory buildings.

LOT DEPTH - The distance between the midpoints of the straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage. For the purpose of determining minimum lot width, the frontage of only one street shall be used.

LOT LINE - means the lines bounding a lot.

LOT OF RECORD - A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the Office of the Register of Deeds for Schoolcraft County prior to the effective date of this Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

LOT TYPES -

1. Corner Lot - A lot located at the intersection of two (2) or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

2. Interior Lot - A lot other than a corner lot with only one frontage on a street.

3. Through Lot - A lot other than a corner lot with frontage on more than one (1) street, and may be referred to as a double frontage lot.

LOT WIDTH - The required distance between the side lot lines, measured in a straight line at the two (2) points where the required front setback intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to eighty (80%) percent of the required lot width.

MANUFACTURED HOUSING - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a seal that it is built in compliance with the National Manufactured Housing and Construction Standards Code or the State of Michigan Construction Code.

MARIJUANA GROWER - a marijuana licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a marijuana processor or marijuana provisioning center.

MARIJUANA LICENSEE - a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

MARIJUANA OR MARIHUANA - that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

MARIJUANA FACILITY - an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana safety compliance facility, or marijuana secure transporter. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

MARIJUANA PROCESSOR - a marijuana licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a marijuana provisioning center.

MARIJUANA SAFETY COMPLIANCE FACILITY - a marijuana licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for

contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

MARIJUANA SECURE TRANSPORTER - a marijuana licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

MATERIAL CHANGE – Includes, but is not limited to, any commencement of mining, excavation, grading, or land clearance; deposit of refuse, waste, or fill on land not already used for that purpose or permitted to be used for that purpose by the zoning ordinance, or which extends the height of any existing deposit above the level of the land adjoining the site; alteration of a shore, bank, or flood plain of a river, stream, or of any lake or pond, natural or artificial.

MENTAL HEALTH CENTER - means a hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

MOBILE HOME - means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle. Mobile Homes as herein defined shall:

1. In all cases be considered as a principal living structure (residence) and never exclusively or separately as a storage building.

2. As a residence, obtain all required building and zoning permits prior to locating said mobile home, anywhere in Schoolcraft County.

   Be installed with wheels removed and have no exposed towing mechanism under the carriage or chassis.

3. As a principle living structure, meet all requirements for a residence as required by the Schoolcraft County Health, Building and Electrical Departments.

MOBILE HOME PARK - A parcel or tract of land under the control of a person on which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MOBILE HOME SITE - The entire area which is designated for use by a specific mobile home.

MOBILE HOME PAD - That part of a mobile home site specifically designated for the placement of a mobile home.

MOTOR HOME - A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

NATURAL FEATURES – A wetland, as defined and regulated by the State of Michigan and a watercourse, including a lake, pond, river, stream or creek, which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

NATURE AND WILDLIFE PRESERVE - A parcel of land which is established for the purpose of preserving and protecting natural communities of plants and animals for their scientific and/or aesthetic interest.

NON-CONFORMING BUILDING OR STRUCTURE - A structure or building lawfully constructed that does not conform to the requirements of this Ordinance on the date it became effective.

NUISANCE - means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating 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, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock, waves, heat, electronic or atomic radiation, objectionable effluent, noise due to congregation or people, passenger traffic, invasion of non-abutting street frontage by traffic.

NURSING OR CONVALESCENT HOME – A state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even through State law has different size regulations.

ORDINARY HIGH WATER MARK - The ordinary high water mark on Lake Michigan is as set by the U.S. Army Corps of Engineers at 581.5 feet. On inland lakes, rivers, and navigable streams the high water mark means the line between the upland and bottomland which persists thru successive changes in water levels, below which the presence of action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself and/or the configuration of the surface of the soil and the vegetation present.

In the case of manmade barriers such as rocks or break walls, the high water mark is the waters highest apparent point of contact or wave action against that barrier which persists thru successive changes in water level and that is apparent from coloration changes.

OWNER – Any person who owns or has charge, care or control of a dwelling unit which is offered for rent.

PARCEL - A "parcel" is a piece or tract of land.

PARK - A public or private area dedicated to recreation use and generally characterized by its natural historic, and landscape features. It is used for both passive and active forms of recreation and may be designed to serve the residents of a neighborhood, community, or region.

For purposes of this Ordinance, the following more specific definitions shall apply:

1. Neighborhood Park - A park which is designed and equipped to primarily serve neighboring residential areas.

2. Community Park - A park which is designed and equipped to serve the County, as well as neighboring residential areas.

3. Regional Park - A park which is designed and equipped to serve areas outside the County, as well as the County.

PARKING FACILITY, OFF-STREET - A land surface or area providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of motor vehicles.

PARKING SPACE - One (1) unit of parking facility provided for the parking of one (1) vehicle.

PERMIT – Conditional Use Permit as granted by the Planning Commission.

PERSON – An individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

PLANNING COMMISSION - Schoolcraft County Planning Commission.

PRINCIPAL STRUCTURE - means the main structure to which the premises are devoted.

PRINCIPAL USE, means the main use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE ROAD - An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than one (1) lot, unless otherwise specified herein.

PUBLIC ROAD – A traffic way dedicated to either the Schoolcraft County Road Commission or the State of Michigan, which provides vehicular access to abutting thoroughfares, roads or streets.

PUBLIC UTILITY - Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary sewer facilities.

QUARRY - The term "quarry" shall mean any pit, excavation, or mining operation for the purpose of searching for, or removing, any earth, sand, gravel, clay, stone, slate, marble or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an oil well or excavation preparatory to the construction of a building, structure, or roadway.

RECREATIONAL EQUIPMENT - Equipment designed and used primarily for recreational use such as boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases and boxes used for transporting recreational equipment, whether occupied by such equipment or not.

RECREATION VEHICLE - means a vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

RESORT, means three or more living units exclusive of a residence which are rented or leased.

REGISTRATION – County supplied form filled out and completed by Sort Term Rental Tenants.

RESTAURANT – Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out restaurant, drive-in restaurant, drive-through restaurant, standard restaurant or bar/lounge, or a combination thereof, as defined below:

1. Carry-out Restaurant - A restaurant whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

2. Drive-in Restaurant - A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

3. Drive-through Restaurant - A restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

4. Standard Restaurant - A restaurant whose method of operation involves either:

   (a) The delivery of prepared food by wait staff to customers seated at tables within a completely enclosed building; or

   (b) The acquisition by customers of prepared food at a cafeteria line and its subsequent consumption by the customers at tables within a completely enclosed building.

5. Tavern - A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RIDING ACADEMY - Any establishment where horses are kept for training, riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

ROADSIDE STAND - A temporary building or structure operated for the purpose of selling only produce raised or produced on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

SALVAGE YARD – An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. "Salvage yard" includes automobile wrecking yards and any area of more than two hundred (200) square feet used for the storage, keeping or abandonment of salvaged materials, but does not include uses established entirely within enclosed buildings.

SAWMILL - means the permanent or temporary structure and/or apparatus employed or used in the mechanical manufacture of logs into rough lumber, with by-products of sawdust, slab and edging, and end trim. Such operation would also include the planing and sanding or rough lumber into finished lumber.

SCREEN - A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also, consisting of shrubs, or other living materials.

SEASONAL DWELLING – A dwelling with intermittent occupancy marked by continuous unoccupancy of three or more months during any one year period.

SELF-STORAGE FACILITY – A building consisting of individual, small self-contained units that are leased for the storage of personal and household goods.

SETBACK - means the required distance between every structure and any lot line on the lot on which it is located.

SHOPPING CENTER - A coordinated grouping of retail commercial and service establishments located on a single site or contiguous group of sites with common parking and access.

SHORT TERM RENTAL CONTRACT – A written or verbal contract, agreement or arrangement between an Owner and Tenant for Short Term Renting as defined in this Ordinance.

SHORT TERM VACATION RENTING – The renting or leasing of a dwelling, seasonal dwelling, cabin or cottage for a period of less than 30 consecutive days. This definition shall not include hotels, motels, bed and breakfast facilities, or HFT cabins.

SIGN - Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction, or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, or names of occupants of premises. The following additional definitions shall apply in the regulation of signs:

1. Abandoned Sign: A sign which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

2. Billboard: See “Outdoor Advertising Sign”.

3. Business Center: A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common off-street parking and entrance facilities.

4. Canopy or Marquee Sign: Any sign attached to or constructed within or on a canopy or marquee.

5. District: Zoning District as established by the Schoolcraft County Zoning Ordinance.

6. Free Standing Sign: A sign supported by a structure independent of any other structure.

7. Height of Sign: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.

8. Identification Sign: A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these signs only to identify location of said premises and not to advertise. Such situated, or on which the principal product is offered for sale.

9. Off-Site Sign: (Off-Premises Sign) A sign other than an on-site sign.

10. On-Site Sign: (On-Premises Sign) A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

11. Outdoor Advertising Sign: A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

12. Temporary Sign: A sign that is intended to be displayed for a limited period of time.

13. Wall Sign: A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

14. Window Sign: A sign installed on or in a window for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.

15. Portable Sign: Any sign not permanently attached to the ground or a building.

SHORT TERM VACATION RENTING – The renting or leasing of a dwelling, seasonal dwelling, cabin or cottage for a period of less than 30 consecutive days.

SIGN, OUTDOOR ADVERTISING - Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

SITE PLAN - means a map showing the size and location of structures on the property, location of proposed building/addition, distance to property lines, streets and roads, location of well and sewage disposal system, and other information as required in Section 601.

STABLE, COMMERCIAL - A stable with a capacity of five (5) or more horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation. For the purpose hereof, five (5) or more animals kept and maintained as a hobby stable, or for any other purpose, shall be deemed and considered a commercial stable.

STABLE, HOBBY - A stable with a capacity of four (4) or fewer horses, mules or donkeys which are used by the owners of the property.

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

STORY, ONE-HALF - A story under the gable, hip, or gambrel roof, the wall plates on which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

STREET - A public or private traffic way which provides vehicular access to abutting property.

STREET LINE - The right-of-way line of a public street or the easement line of a private street approved by the County Board.

TENANT – A person who is not the legal owner of record and who is occupying a dwelling unit pursuant to a written or verbal contract, agreement or arrangement.

TIME LIMITS - Time limits shall mean calendar days, unless otherwise specified herein.

TRAVEL TRAILER - A vehicular, portable structure built on a non-motorized chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

TRUCK STOP - A facility which offers specialized and transient services for trucks including: gasoline, diesel fuel, truck/auto repair, food services, lodging or truck parking areas.

UNDEFINED TERMS - Any term not defined herein shall have the meaning of common or standard use.

VARIANCE - A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

VEHICLE – Unless specifically indicated otherwise, a motorized vehicle intended to be driven on roads or trails, such as cars, pickup trucks, vans and motorcycles, and other vehicles defined as motor vehicles by the Michigan Vehicle Code.

VEHICLE COLLISION REPAIR FACILITY - A facility which offers and provides for, vehicle frame straightening, repair or replacement of vehicle sheet metal, vehicle painting or repainting, and similar related services.

VEHICLE FILLING STATION – A building or premises used primarily for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles; together with the sale of minor accessories and services for motor vehicles such as filling tires with air, checking fluid levels, adding water to batteries or radiators, and similar activities; as well as selling convenience foods and other such items through a convenience store. Minor or major automobile repair is expressly excluded from this definition.

VEHICLE REPAIR FACILITY, MAJOR - A facility which offers and provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs, including, transmission repair shops, shops used for the internal repair or engine components and drivetrain repair, and radiator repair shops. Collision shops are expressly excluded from this definition.

VEHICLE REPAIR FACILITY, MINOR - A facility which offers or provides for, repair of mechanical, electrical, cooling, exhaust, brake, and power system repairs. Collision shops, transmission repair shops, shops used for the internal repair of engine components and drivetrain repair, and radiator repair, are expressly excluded from this definition.

VEHICLE SALES AND SERVICE FACILITY – A building or premises used primarily for the sale, lease or rental of new and/or used vehicles. These facilities may also provide both minor and major repair services in a completely enclosed building as an ancillary service.

VEHICLE WASH – A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

WIRELESS COMMUNICATIONS FACILITIES - 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 towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, essential or governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority or which may otherwise be exempt under this Ordinance. For purposes of this Ordinance, the following additional terms are defined:

1. *Attached Wireless Communications Facilities* shall mean wireless communications facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

2. *Wireless communication Support Structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

3. *Collocation* shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

YARD, FRONT - An open, unoccupied space extending the full width of the lot and situated between the street line and the front building line and parallel to the street line.

YARD, MINIMUM - The minimum distance which any building must be located from a property line, a street right-of-way line, an easement line of an approved private street, or a high water line.

YARD, REAR - An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear building line and parallel to the rear lot line.

YARD, SIDE - An open, unoccupied space situated between the side building line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard and parallel to the side lot line.

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 ZONING ADMINISTRATOR

The office of Zoning Administrator is hereby created. The Zoning Administrator shall be appointed by the County Board.

SECTION 3.02 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the County Board and shall serve at its pleasure. He or she shall receive such compensation as the County Board may from time to time determine.

The Zoning Administrator, or authorized designees, shall have the following duties and powers:

A. The Zoning Administrator shall interpret, administer, and enforce all provisions of this Ordinance and shall issue all necessary notices or orders to insure compliance with said provisions, except as otherwise provided elsewhere in this Ordinance.

B. The Zoning Administrator shall receive applications for and issue Certificates of Zoning Compliance in accordance with this Ordinance and shall authorize issuance of Certificates of Occupancy by the Building Official as required herein.

C. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce the provisions of this Ordinance and may engage the assistance of the County's attorney, Building Official, Planner and Engineer as deemed necessary in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections, subject to approval of the County Board.

D. The Zoning Administrator shall identify and process all violations of the Zoning Ordinance. The Zoning Administrator shall be responsible for making inspections of the County or parts thereof for the purpose of identifying violations of this Ordinance.

E. The Zoning Administrator shall keep official records of applications received, certificates issued, fees collected, complaints received, reports of inspections, and notices and orders issued.

F. The Zoning Administrator shall, upon request, submit to the County Board and Planning Commission an annual report in which a summary of the activities of the office is presented.

SECTION 3.03 CERTIFICATES OF ZONING COMPLIANCE

A. Where Building Permits are Required. All plans to be submitted to the Building Official for a building permit shall first be submitted for review and approval to the Zoning Administrator to determine compliance with the requirements of this Ordinance. No building permit shall be issued unless a Preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator.

B. Where Occupancy Permits are Required. Where an occupancy permit is required, the occupancy permit shall not be issued unless a Final Certificate of Zoning Compliance has been issued by the Zoning Administrator.

C. Use of Lot without Structure. Any lot vacant on the effective date of this Ordinance shall not be used, nor may any use of a lot without a structure existing on the effective date of this Ordinance be changed to any other use, unless a Certificate of Zoning Compliance shall have first been issued for the new or different use. A Certificate of Zoning Compliance shall not be required for agriculturally used lands, such as cropland, pasture land, and woodland.

D. Change in Use of Structure. A structure, or part thereof, shall not be changed to or occupied by a use different from the use that is existing at the effective date of this Ordinance unless a Certificate of Zoning Compliance is first issued for the different use.

E. New or Altered Structure. A structure, or part thereof, which was erected or altered after the effective date of this Ordinance, shall not be occupied by, or devoted to a use different from the use that is existing at the effective date of this Ordinance, unless a Final Certificate of Zoning Compliance is issued for the different use, or unless the Zoning Administrator shall have established a reasonable time schedule for corrections pursuant to Section 13.04.C.

F. Non-Conforming Uses, Lots or Structures. A Certificate of Zoning Compliance shall be issued for a legally non-conforming use or structure. A Certificate of Zoning Compliance shall not be issued for any illegal non-conforming use or structure.

G. Application Requirements. Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a plan if required in Section 3.03.I, and all information necessary to determine Zoning Compliance.

H. Applicants. Application for a Certificate of Zoning Compliance may be made by the owner, or authorized agent of the owner, of the use or structure. If the application is made by a person other than the owner in fee, it shall be accompanied by a verified affidavit of the owner, or authorized agent of the owner that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, authorized agent of the owner, shall be stated in the application.

I. Plan Requirements. An application for a Certificate of Zoning Compliance shall be accompanied either by a plot plan as required in this Section, or by a site plan as required under Article 7, whichever applies. If a site plan is not required under Article 7, a plot plan shall be submitted, with the following information:

1. Scale, date, and north directional arrow.

2. Location map showing major intersections, and dimensioned diagram of the parcel.

3. Dimensioned location, outline, and dimensions of all existing and proposed structures, and the location and extent of all uses not involving structures.

4. A clear description of existing and intended uses of all structures, including documentation of any legal non-conforming uses and structures.

5. Additional information as required by the Zoning Administrator for the purposes of determining compliance with the provisions of this Ordinance.

J. Plan Amendments. Subject to the limitations of Section 3.03.N, approved amendments to a plan, application, or other records accompanying the same may be filed at any time with the Zoning Administrator before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued; and such amendments, when approved, shall be deemed part of the original application and shall be filed therewith.

K. Review. The Zoning Administrator shall examine all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance. Zoning Administrator shall attach his/her signature to every certificate. The Zoning Administrator shall stamp and endorse all sets of corrected and approved plans submitted with such application as "Approved".

L. Abandonment and Extensions. An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a building permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

M. False Statements or Misrepresentation. If an applicant makes a false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, the Zoning Compliance Certificate shall be deemed void ab initio and of no force or effect.

N. Conditions for Issuance. Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions.

1. No certificate shall be issued until the required fees have been paid.

2. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.

3. All work or use shall conform to the approved final site plan, if required.

SECTION 3.04 BUILDING PERMITS

No building permit shall be issued for the erection, structural alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a Preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Building Inspector.

Where repairs to a single-family dwelling and/or residential accessory building are exclusive of structural, mechanical or electrical modifications, the Zoning Administrator shall not require a Preliminary Certificate of Zoning Compliance.

SECTION 3.05 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or occupy all or a portion of a building, structure and/or premises, or both, or part thereof hereafter created, erected, changed, converted, or enlarged until a Certificate of Occupancy shall have been issued by the Building Inspector. A Certificate of Occupancy shall not be issued for any building, structure and/or premises which does not comply with all provisions of this Ordinance. The certificate shall state that the building, structure, and/or premises conform to the requirements of this Ordinance, and shall list each legal non-conformity existing on the premises.

The applicant for a Certificate of Occupancy shall notify the Zoning Administrator and the Building Official when a final inspection is desired. The Zoning Administrator shall sign a Final Certificate of Zoning Compliance within five (5) days after inspection if the Zoning Administrator finds that the building, structure, or other site improvements and/or the use of the premises, comply with the provisions of this Ordinance and with all approved site plans.

SECTION 3.06 RECORDS

The Zoning Administrator and Building Official shall maintain records of all certificates and permits issued under this Ordinance and said records shall be open for public inspection.

SECTION 3.07 FEES

The County Board shall, by resolution from time to time, establish a schedule of fees for administering this Ordinance. The schedule of fees shall be on public display in the office of the Zoning Administrator and may be changed only by the County Board. No certificate or permit shall be issued unless required fees have been paid in full.

SECTION 3.08 COMPLIANCE WITH PLANS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction that conflicts with the approved plans shall be a violation of this Ordinance.

SECTION 3.09 PERFORMANCE GUARANTEES

A. The County may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County covering the estimated cost of improvements be deposited with the County. The guarantee shall be provided after a final site plan is approved but prior to issuance of a final certificate of zoning compliance for the property involved. The guarantee shall cover site improvements as shown on the approved final site plan, which will not be completed prior to issuance of the final certificate of zoning compliance. Site improvements shall include, but may not be limited to, streets and drives, parking lots, sidewalks, grading, required landscaping, required screening, storm drainage, exterior lighting and utilities.

B. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the County. The form of the guarantee shall be approved by the County.

C. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the County shall be entitled to enter upon the site and complete the improvements. The County may defray the cost thereof from the deposited security or may require performance by the bonding company.

D. If a cash deposit or irrevocable bank letter of credit is used, the applicant may request that a rebate be made when a reasonable proportion of the work is completed, as determined by the County.

E. The Zoning Administrator shall not issue a final certificate of zoning compliance until compliance with the approved final site plan is achieved, or until adequate security is deposited as provided herein.

SECTION 3.10 VIOLATIONS AND PENALTIES

A. Notice of Violation. The Zoning Administrator shall serve a notice of violation or order on the person responsible for the erection, construction, structural alteration, extension, structural repair, use, or occupancy of a structure or lot in violation of the provisions of this Ordinance, or in violation of a site plan or application approved hereunder, or in violation of a Zoning Compliance Certificate issued hereunder, and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

B. Prosecution of Violation. If the notice of violation is not complied with promptly, the Zoning Administrator is hereby authorized to issue an appearance ticket. The Zoning Administrator may also request the County's attorney institute appropriate legal or equitable action to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the lot or structure.

C. Violation Penalties. Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof, or who shall erect, construct, alter, or make structural repairs in violation of an approved site plan or directive of the Zoning Administrator or of a Zoning Compliance Certificate issued under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding ninety (90) days, or both, such fine and imprisonment. Each day violation occurs shall be deemed a separate offense.

D. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the County's attorney from instituting legal or equitable action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

E. Stop-work Order. Upon notice from the Zoning Administrator that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as he is directed by the Zoning Administrator to perform to remove a violation or unsafe conditions, shall be liable for a fine of not less than one hundred dollars ($100.00) per day.

F. Nuisance Per Se. Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 3.11 COMPLETION OF CONSTRUCTION

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Where a building permit has been issued in accordance with the law prior to the effective date of this Ordinance and provided that construction is begun within three hundred sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion, be occupied by the use for which it was originally designated, subject thereafter to the provisions of Article 14 of this Ordinance, if applicable. No basement, cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than twelve (12) months following said date, unless such structure has been completed in conformance with the regulations of the district in which it is located.

SECTION 3.12 TOWNSHIP COORDINATOR

The township board of each township subject to this Ordinance may appoint a Township Coordinator to advise the County Planning Commission or County Zoning Board of Appeals of the position and concerns of the township board concerning administration of this Ordinance in any township where the County has zoning jurisdiction. Whenever the Zoning Administrator shall receive a request for a variance, conditional use permit, nonconforming use classification, planned unit development, or amendment, he shall contact the appropriate Township Coordinator and ascertain the position and concerns of the Township Board regarding the potential effect of the proposal within the township. The Township Coordinator may inform the Zoning Administrator in writing of the township's position or concerns prior to the hearing on the request or may orally present the township's position or concerns at the hearing. The Township Coordinator may request a joint hearing between the Schoolcraft County Planning Commission or Zoning Board of Appeals and the township to discuss the issues involved in an individual request or to generally discuss zoning and zoning administration. The purpose of this office shall be to assure consideration of each township's concerns regarding future growth and development within that township.

ARTICLE 4

DISTRICT REGULATIONS

SECTION 4.01 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established:

Residential 1 District
Residential 2 District
Rural Residential District
Lakeshore and River 1 District
Lakeshore and River 2 District
Lakeshore and River 3 District
Resource Production District
Agricultural District
Timber Production District
Public Land District
Commercial District
Industrial District
Town District
(Fox River) Natural River Plan District

SECTION 4.02 PROVISION FOR OFFICIAL ZONING MAP

A. The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

B. If, in accordance with the procedures of this Ordinance and of the Michigan Zoning Enabling Act, as amended, a change is made in a zoning district boundary, such change shall be entered on the official zoning map by the County Clerk promptly after the Ordinance authorizing such change shall have been adopted and published. No change of any nature shall be made to the official zoning map except in conformity with the procedures set forth herein.

C. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the County Clerk and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the County.

D. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following rules for interpretation shall govern:

1. A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such centerline.

2. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.

3. A boundary indicated as approximately following the municipal boundary line of a city, village or County shall be construed as following such line.

4. A boundary indicated as following a railroad line shall be construed as being located midway between the main tracks.

5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

6. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.

7. A boundary indicated as parallel to, or an extension of, a feature indicated in Paragraphs 1 through 6, preceding, shall be so construed.

8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

9. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstances not covered by Paragraphs 1 through 8, preceding, the Board of Appeals shall interpret the location of the zoning district boundary.

10. Where a district boundary line divides a lot which is a single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit the extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 4.03 APPLICATION OF 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.

SECTION 4.04 SCOPE OF PROVISIONS

A. Except as may otherwise be provided in Article 14, 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 and 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 or is similar to such listed uses. All other uses are prohibited. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Conditional uses are permitted as listed or if similar to the listed conditional uses and if the required conditions are met. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

C. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.

D. No part of a yard, open space, off-street parking or loading space required in compliance with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space required for any other use, building, or structure.

E. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

F. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the ordinances of the County and statutes of the State of Michigan as applicable.

G. Yards shall be measured from the exterior faces of a structure. Architectural features such as chimneys, bay windows, eaves, gutters, roof overhangs and cornices that project one foot or less from the exterior face shall not be included in the yard measurements.

H. Front and corner side yards that abut a public or private street, shall be measured from existing street right of way or private street easement lines, unless otherwise noted herein.

SECTION 4.05 EXEMPTIONS FROM AREA, PLACEMENT, AND HEIGHT REGULATIONS

A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as set forth herein:

1. Roof structures and screening devices for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the

building, shall not exceed the height limit by more than ten (10) feet of the district in which the use is located.

2. Fire or parapet walls and skylights shall not exceed the height limit by more than five (5) feet of the district in which the use is located.

3. Steeples, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts or similar structures shall not exceed the height limit by more than fifteen (15) feet of the district in which the use is located.

4. A structure which is permitted by this Ordinance to exceed height shall have a total area no greater than ten (10%) percent of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building. In no event may persons occupy such a structure.

The aforementioned exempt structures and appurtenances shall not include commercial communication towers, as defined and regulated by this Ordinance.

B. In a planned unit development a deck, terrace or patio which is associated with a residential structure shall not occupy any required side or front yard area or any perimeter buffer required in a Planned Unit Development, but shall be permitted to encroach in a required rear yard by no more than ten (10) feet and shall be subject to the following restrictions:

1. The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence;

2. The portion of a deck, terrace or patio which occupies the required rear yard shall not contain any enclosed or covered structures, such as a gazebo or screened porch;

3. A deck, terrace or patio shall be subject to lot coverage limitations.

SECTION 4.06 INTENT, PERMITTED USES AND CONDITIONAL USES WITHIN ZONING DISTRICTS

The following subsections set forth the intent, permitted uses and conditional uses with each Zoning District.

A. Residential 1 District

Intent. To establish and preserve quiet single and two-family home neighborhoods in which each structure is located on an individual lot or premises adequate in size and shape to provide for safe water supply and disposal facilities, to minimize hazards of spreading fires, and to require setback from the public thoroughfare to facilitate safe exit from an entrance to the premises. The district shall be free from other uses except those which are both compatible with and convenient to the residents of such a district. Because of the nature of existing residential uses in this district, special dwelling standards will be enforced. These standards are designed to assure that dwellings in the district are comparable in size, appearance and quality.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Accessory building.
4. State licensed adult foster care home serving Six (6) persons or less.
5. Home occupations.
6. Short term vacation renting per Section 6.21
7. Residential Solar Energy Systems (SES)

Conditional Uses

1. Multi-family.
2. Private recreation areas (i.e. marinas, swimming pools).
3. Public and private primary and secondary schools.
4. Churches.
5. Group child care.
6. Adult foster care home serving more than Six (6) persons.
7. Adult foster care congregate facility.
8. State licensed family day care home.
9. Group day care home.
10. Group day care centers.
11. Bed and Breakfast Facility

B. Residential 2 District

Intent. To establish and preserve neighborhoods for single-family dwellings and two-family dwellings; and to make provision for mobile homes in mobile home parks not subdivided into individual lots, in an appropriate, safe, sanitary, and attractive environment.

Permitted Use

1. Single-family dwelling.
2. Duplexes.
3. Growing and harvesting of timber.
4. Accessory building.
5. State licensed adult foster care home serving six (6) persons or less.
6. Mobile home parks.
7. Home occupations.
8. Short term vacation renting per Section 6.21
9. Residential Solar Energy Systems (SES)

Conditional Use

1. Churches.
2. Fire Station.
3. Police station.
4. Government office building and similar government buildings.
5. Public or private primary and secondary schools.
6. Multi-family.
7. Private recreation areas (i.e. marinas, swimming pools).
8. Group child care.
9. Adult foster care home serving more than six (6) persons.
10. Adult foster care congregate facility.
11. State licensed family day care home.
12. Group day care home.
13. Group day care centers.
14. Bed and Breakfast Facility

C. Rural Residential District

Intent. To establish and maintain an alternative residential environment in accessible rural areas at low densities, free from other uses except those which are both compatible with and convenient to the residents of such a district.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Churches.
4. Home occupations.
5. Roadside stands for the sale of farm products.
6. Farm and agricultural operations.
7. Nurseries.
8. Growing and harvesting of timber.
9. Accessory building.
10. State licensed adult foster care home serving six (6) persons or less.
11. Short term vacation renting per Section 6.21.
12. Residential Solar Energy Systems (SES)

Conditional Uses

1. Private recreation areas (i.e. country clubs, marinas, golf courses, swimming pools).
2. Cemeteries.
3. Private stables.
4. Funeral homes.
5. Family daycare homes.
6. Adult foster care home serving more than six (6) persons.
7. Adult foster care congregate facility.
8. State licensed family day care home.
9. Group day care home.
10. Group day care centers.
11. Bed and Breakfast Facility

D. Lakeshore and River 1 District

Intent. To establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development and to preserve the visual appearance and accessibility of the water area but still permit development along the shoreline. The lot requirements are intended, among other things, to provide adequate conditions for safety in water supplies and in sewage disposal, and to reduce spread of fire in the event of conflagration. Because of the nature of existing residential uses in this district, special dwelling standards will be enforced. These standards are designed to assure that dwellings in the district are comparable in size, appearance and quality.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Accessory building.
4. Home occupations.
5. Short term vacation renting per Section 6.21
6. Residential Solar Energy Systems (SES)

Conditional Uses

1. Private recreation areas (i.e. marinas, swimming pools).
2. Public utilities.
3. Public and private park.
4. Campground.
5. Churches.
6. Bed and breakfast facility.
7. Guest house.
8. Adult foster care home serving more than six (6) persons.
9. Adult foster care congregate facility.
10. State licensed family day care home.
11. Group day care home.
12. Group day care centers.

E. Lakeshore and River 2 District

Intent. To establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development. The lot requirements are intended, among other things, to provide adequate conditions for safety in water supplies and in the sewage disposal, and to reduce spread of fire in the event of conflagration. Because of the nature of existing residential uses in this district, special dwelling standards will be enforced. These standards are designed to assure that dwellings in the district are comparable in size, appearance and quality.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Accessory building.
4. Home occupations.
5. Short term vacation renting per Section 6.21
6. Residential Solar Energy Systems (SES)

Conditional Uses

1. Private recreation areas (i.e. marinas, swimming pools).
2. Public utilities.
3. Public and private park.
4. Campground.
5. Churches.
6. Bed and breakfast facility.
7. Guest house.
8. Adult foster care home serving more than six (6) persons.
9. Adult foster care congregate facility.
10. State licensed family day care home.
11. Group day care home.
12. Group day care centers.

F. Lakeshore and River 3 District

Intent. To establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development. The lot requirements are intended, among other things, to provide adequate conditions for safety in water supplies and in sewage disposal, and to reduce spread of fire in the event of conflagration. Because of the nature of existing residential uses in this district, special dwelling standards will be enforced. These standards are designed to assure that dwellings in the district are comparable in size, appearance and quality.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Accessory building.
4. Short term vacation renting per Section 6.21.
5. Home occupations.
6. Residential Solar Energy Systems (SES)

Conditional Uses

1. Private recreation areas (i.e. marinas, swimming pools).
2. Public utilities.
3. Public and private park.
4. Campground.
5. Churches.
6. Bed and breakfast facility.
7. Guest house.
8. Adult foster care home serving more than six (6) persons.
9. Adult foster care congregate facility.
10. State licensed family day care home.
11. Group day care home.
12. Group day care centers.

G. Resource Production District

Intent. 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 recreational, forestry, and agricultural uses.

Permitted Uses

1. Single-family dwelling.*
2. Home occupations.
3. Riding and boarding stables.
4. Roadside standards for the sale of farm products.
5. Agricultural operations.
6. Equipment and truck storage, provided that the storage is a minimum of 200 feet from a paved road or a 22 foot wide county gravel road with a six inch gravel base, and that said storage must be either in an enclosed building or completely shielded from the road by a natural barrier.
7. Growing and harvesting of timber.
8. Nurseries.
9. Accessory building.
10. Seasonal dwelling.
11. HFT cabin.
12. Short term vacation renting per Section 6.21.
13. Residential Solar Energy Systems (SES)

Conditional Uses

1. Mining.
2. Public and private park.
3. Campground.
4. Airport.
5. Sanitary land fill site.
6. Hospitals.
7. Churches.
8. Bed and breakfast facility.
9. Public utilities.
10. Adult foster care home serving more than six (6) persons.
11. Adult foster care congregate facility.
12. State licensed family day care home.
13. Group day care home.
14. Group day care centers.
15. Commercial Solar Energy Systems
16. Industrial Solar Energy System

*Single-family dwellings and mobile homes may be located in the Resource Production District on minimum lots sizes of 2-5 acres providing they meet all of the following standards:

A. The proposed lot or lots are capable of supporting medium density development due to favorable soils, topography, and other natural features. The site must meet County specifications and health standards; and

B. The proposed use will not be contrary to the spirit or purpose of the Resource Production District.

C. Splits between two and five acres in size are allowed providing each shall:

1. Have 400 front feet on an improved (blacktop road, paved road) or a gravel road with a minimum six inch gravel base. Said road must be twenty-two feet in width.
2. Said road shall be designated government or private road.
3. A corporate electric provider shall serve each lot.

H. Agricultural District

Intent. To insure that land areas which are uniquely suited for agricultural production are retained for that use, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

Permitted Uses

1. Single-family dwelling.*
2. Home occupations.
3. Duplexes.
4. Roadside standards for the sale of farm products.
5. Agricultural operations.
6. Equipment and truck storage, provided that the storage is a minimum of 200 feet from a paved road or a 22 foot wide county gravel road with a six inch gravel base, and that said storage must be either in an enclosed building or completely shielded from the road by a natural barrier.
7. Accessory building.
8. Short term vacation renting per Section 6.21.
9. Residential Solar Energy Systems (SES)

Conditional Uses

1. Wind harvest sites.
2. Public and private park.
3. Campground.
4. Airport.
5. Churches.
6. Bed and breakfast facility.
7. Stables (private and commercial).
8. Public utilities.
9. HFT cabin.
10. Adult foster care home serving more than six (6) persons.
11. Adult foster care congregate facility.
12. State licensed family day care home.
13. Group day care home.
14. Group day care centers.
15. Commercial Solar Energy Systems
16. Industrial Solar Energy System

*Single-family dwellings and mobile homes may be located in the Agricultural District, on minimum lot sizes of 2-5 acres, providing they meet all of the following standards:

A. The proposed lot or lots are capable of supporting medium density development due to favorable soils, topography, and other nature features. The site must meet County specifications and health standards.

B. The proposed use will not be contrary to the spirit or purpose of the Agricultural District.

C. These lots must be on land with "marginal farming value" as determined by the Planning Commission with consultation from the County Extension and Natural Resource Conservation Service Offices.

D. Splits between two and five acres in size are allowed providing each shall:

1. Have 400 front feet on an improved (blacktop road, paved road) or a gravel road with a minimum six inch gravel base. Said road must be twenty-two feet in width.

2. Said road shall be designated government or private road.

3. A corporate electric provider shall serve each lot.

I. Timber Production District

Intent. To maintain for timber production purposes those lands which because of their soil, drainage, and other characteristics, are especially productive timber lands.

Permitted Uses

1. Single-family dwelling.
2. Home occupations.
3. Fill dirt excavation.
4. Growing and harvesting timber.
5. Accessory building.
6. Seasonal dwelling.
7. HFT cabin.
8. Short term vacation renting per Section 6.21.
9. Residential Solar Energy Systems (SES)

Conditional Uses

1. Campground facilities.
2. Mining.
3. Public and private park.
4. Airport.
5. Sanitary land fill site.
6. Churches.
7. Bed and breakfast facility.
8. Adult foster care home serving more than six (6) persons.
9. Adult foster care congregate facility.
10. State licensed family day care home.
11. Group day care home.
12. Group day care centers.
13. Commercial Solar Energy Systems
14. Industrial Solar Energy System

J. Public Land District

Intent. To establish and preserve areas for certain public purposes.

Permitted Uses

1. Governmental or proprietary uses conducted by governmental agencies or public corporations, including schools, parks, utilities, and public facilities.

2. Short term vacation renting per Section 6.21.

Conditional Uses

1. Cemeteries.

2. Farmers Markets.

3. Airports.

4. Stadiums, arenas and assembly halls.

5. Zoos.

6. Swimming pools.

7. Adult foster care home serving more than six (6) persons.

8. Adult foster care congregate facility.

9. State licensed family day care home.

10. Group day care home.

11. Group day care centers.

K. Commercial District

Intent. To establish and preserve general commercial areas.

Permitted Uses

1. Offices.
2. Clinics.
3. Hospitals.
4. Mental health centers.
5. Nursing homes.
6. Funeral homes.
7. Private clubs.
8. Car washes.
9. Kennels.
10. Retail establishments.
11. Arts and crafts studios.
12. Barber and beauty shops.
13. Banks.
14. Restaurants.
15. Laundromat and dry cleaning establishments.
16. Clothing and dry goods stores.
17. 76s.
18. Theatres (not drive-in).
19. Hotels.
20. Bed and breakfasts.
21. Accessory building.
22. Short term vacation renting per Section 6.21.
23. Residential Solar Energy Systems (SES)

Conditional Uses

1. Automobile dealerships and repair/servicing.
2. Commercial parking lots and structures.
3. Indoor recreational centers (i.e. bowling alleys, arcades, roller and ice skating rinks).
4. Colleges or universities.
5. Drive-in movies.
6. Public utilities.
7. Single family dwelling.
8. Home occupations.
9. Adult foster care congregate facility.
10. State licensed family day care home.
11. Group day care home.
12. Group day care centers.
13. Commercial Solar Energy Systems

L. Industrial District

Intent. To establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provision for certain kinds of commercial use which are most appropriately located as neighbors of industrial uses.

Permitted Uses

1. Motor vehicle sales, service, and rental.
2. Construction and farm equipment sales.
3. Sales of mobile homes, campers, and recreational vehicles, boards, and monuments.
4. Wholesale and storage uses.
5. Food packaging and bottling works.
6. Commercial printing and newspaper offices.
7. Contractors' yards and shops.
8. Laundry and cleaning/dyeing plants.
9. Manufacturing, extractive processing.
10. Forest industries.
11. Reduction, conversion, and disposal of waste goods and materials.
12. Junkyards, including baling and disposal of scrap materials.
13. Lumber and coal yards, and storage of similar materials.
14. Sawmills and other industrial uses.
15. Accessory building.
16. Short term vacation renting per 6.21
17. Residential Solar Energy Systems (SES)

Conditional Uses

1. Tanneries.
2. Oil refining.
3. Concrete, asphalt and rock crushing facilities.
4. Gas stations.
5. Scientific research.
6. Slaughterhouses and other commercial livestock auctions.
7. Public utilities.
8. Sanitary landfill site.
9. Adult foster care home serving more than six (6) persons.
10. Adult foster care congregate facility.
11. State licensed family day care home.
12. Group day care home.
13. Group day care centers.
14. Commercial Solar Energy Systems
15. Industrial Solar Energy System
16. Data Mining Centers

M. Town District

Intent. To establish and preserve a town district for single-family homes and for retail commercial uses that are compatible with a small town setting and serve the residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail commercial is in accord with established patterns of use and the needs of nearby residents.

Permitted Uses

1. Single-family dwelling.
2. Duplexes.
3. Multiple-family housing units.
4. Bed and breakfasts.
5. Home occupations.
6. Retail establishments, including grocery, pharmacy, gift, convenience, hardware, and sporting goods stores.
7. Offices.
8. Barber and beauty shops.
9. Banks.
10. Restaurants.
11. Laundromats.
12. Gas stations.
13. Funeral homes.
14. Nursing homes.
15. Retail storage buildings under 3,001 square feet.
16. Motor vehicle service stations.
17. Recreational vehicle and boat sales.
18. Storage buildings under 3001 square feet.
19. Short term vacation renting per Section 6.21.
20. Residential Solar Energy Systems (SES)

Conditional Uses

1. Bars and nightclubs.
2. Public and private primary and secondary schools.
3. Bottle gas/propane sales and service.
4. Adult foster care home serving more than six (6) persons.
5. Adult foster care congregate facility.
6. State licensed family day care home.
7. Group day care home.
8. Group day care centers.
9. Marijuana Growers
10. Marijuana Processors
11. Marijuana Safety Compliance Facilities
12. Marijuana Secure Transporters
12. Commercial Solar Energy Systems

N. (Fox River) Natural River Plan District

Intent. To preserve, protect and enhance the Fox River environment and to keep it in a natural state for the use and enjoyment of the populace, Schoolcraft County hereby incorporates the adopted "Fox River Natural River Plan" into and as part of its County Zoning Ordinance.

The Fox River Natural River Plan was adopted by the Michigan Natural Resource Commission on November 3, 1988, under authority of the Natural River Act, P.A. 231 of 1970.

A copy of the Fox River Plan is available for public review at the Schoolcraft County Building Codes Department during normal business hours.

Additional District Regulations:

1. Mobile homes must be installed with the wheels removed and shall have no exposed towing mechanism under the carriage or chassis.
2. The width of the Natural River Plan District is 400 feet of the Ordinary High Water Mark on either side of the river.
3. Septic system setback is 150 feet from the Ordinary High Water Mark.
4. Dock sizes are limited to 4 feet x 12 feet with no more than 4 feet into the river.
5. Construction and filling in floodplain is prohibited.

Permitted Uses

1. Seasonal dwelling.
2. Cabins.
3. Home occupations.
4. HFT cabin.
5. Accessory building.
6. Short term vacation renting per Section 6.21.
7. Residential Solar Energy Systems (SES)

Conditional Uses

1. Public and private park.
2. Campground.
3. Churches.
4. Bed and breakfast facility.
5. Private recreation areas (i.e. marinas, swimming pools).
6. Adult foster care home serving more than six (6) persons.
7. Adult foster care congregate facility.
8. State licensed family day care home.
9. Group day care home.
10. Group day care centers.
11. Commercial Solar Energy Systems

ARTICLE 5

GENERAL REGULATIONS

SECTION 5.01 PURPOSE

It is the purpose of this article to provide regulations which may generally apply to all uses regardless of the particular zoning district.

SECTION 5.02 ACCESSORY BUILDINGS

A building attached to a principal building of a lot shall be considered a structural part thereof, shall comply with the provisions of the district in which it is located, and shall not be considered an accessory building. Accessory buildings shall be subject to the minimum yard requirements of Section 6.05 for the zoning district within which they are located. Accessory buildings in the following districts shall not exceed 2000 square feet for all accessory buildings on a single parcel of less than or equal to 60,000 Square feet. Lots bigger than 60,000 square feet will allow an additional 1% of the total lot size for Accessory Building square footage up to a maximum of 5,000 square Feet: Lakeshore and River 1; Lakeshore and River 2; Lakeshore and River 3; Residential 1; and Residential 2.

SECTION 5.03 TEMPORARY DWELLING STRUCTURES

No cabin, garage, cellar, basement, or any temporary structure, whether of a fixed or movable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purpose whatsoever for any length of time whatsoever, except as provided in this section.

During construction of a new residence, or if a dwelling is destroyed or damaged to the extent that it is uninhabitable for a period of time, by a natural or man-made event, such as fire, flood, windstorm, or tornado, a mobile home or other temporary dwelling approved by the Zoning Administrator may be moved onto the premises for use as a temporary dwelling during construction or repair of the permanent dwelling after obtaining a permit from the Zoning Administrator. Application for said permit shall be filed with the County Clerk along with all fees established by resolution of the County Board. The Building Official, prior to approval of such temporary structure, shall determine that the proposed structure is safe for habitation and is adequately served by public utilities. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which located. Where municipal water and/or sanitary sewage disposal systems are not available, such on-site services shall be approved by the LMAS District Health Department.

The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed one (1) year from the date of said destruction or damage or the date of issuance of a Building Permit for new construction; however, the temporary dwelling shall be removed from the premises within six (6) months (180 days) of the date of issuance of an occupancy permit for the permanent dwelling. All utility connections shall be severed and temporary dwelling permit shall expire on issuance of an occupancy permit for the permanent dwelling.

SECTION 5.04 TEMPORARY CONSTRUCTION STRUCTURES

Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Zoning Administrator. The Zoning Administrator shall, in each case, establish a definite time limit on the use of such facilities.

SECTION 5.05 ESSENTIAL SERVICES AND OTHER PUBLIC PROPERTY

It is the intent of this Ordinance to place essential services and property owned, leased or operated by public agencies, including local, state, federal or any other public or governmental body or agency, under the provisions of this Ordinance, as follows:

A. Essential services shall be permitted in any district.

B. Buildings constructed in conjunction with an essential service shall constitute and be treated as conditional uses in any zoning district pursuant to the requirements of Article 8 hereof.

C. Property owned, leased, or operated by the State of Michigan or the United States shall be exempt from the provisions of this Ordinance only to the extent that said property may not be lawfully regulated by Schoolcraft County.

D. Communication towers shall not be regulated as an essential service and are subject to the provisions of 6.15. Communication towers owned by a governmental agency shall be regulated as a conditional use in all Districts.

SECTION 5.06 DWELLING UNIT STANDARDS

A. Each dwelling unit and any addition thereto shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If the dwelling is a mobile home, as defined herein, such dwelling and any addition shall be installed

pursuant to the manufacturer's instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

If the dwelling unit is a mobile home, as defined herein, each unit shall be installed with the towing system, axles, wheels and undercarriage or chassis removed.

B. Floor area requirements.

1. Every dwelling unit in the Lakeshore and River 3 District shall have a floor area of not less than 600 square feet.

2. Every dwelling unit in the Residential 1, Lakeshore and River 1, Town, and Lakeshore and River 2 Districts shall have a floor area of not less than 600 square feet.

3. Every dwelling unit in the Resource Production and Timber Production Districts shall have a floor area not less than 400 square feet, except if the dwelling unit is located within 330 feet from a federal, state or county roadway, said floor area shall not be less than 600 square feet.

4. Every dwelling unit in the Residential 2, Rural Residential, and Agricultural Districts shall have a floor area of not less than 600 square feet.

C. Each dwelling unit shall be connected to public water and sanitary sewer lines, or to on-site water and sanitary sewerage facilities approved by the District Health Department.

D. Each dwelling unit shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwellings or one hundred (100) square feet, whichever shall be less.

E. Each dwelling unit shall have a roof over-hang of not less than six (6) inches on all sides; a roof drainage system concentrating roof drainage at collection points along the sides of the dwelling; not less than two (2) exterior doors, with the second door being in either the rear or side of the dwelling; and steps connected to the exterior door areas or to porches connected to the door areas, where a difference in elevation requires the same.

F. Each dwelling unit shall contain no additions or rooms or other areas which are not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of and attachment to a foundation as required herein.

G. Each dwelling unit and any addition thereto shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the

United States Department of Housing and Urban Development, being 24 PART 1700 to End, PART 3280 et. seq. CFR. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

H. All construction shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

I. Not more than one (1) single-family dwelling or duplexes shall be permitted on a lot, except in a planned unit development, a mobile home park, as a temporary dwelling as provided in Section 5.03 herein, or unless otherwise permitted in this ordinance.

J. No dwelling unit shall be removed from a foundation until a permit has been issued by the building official, in accordance with the Michigan State Construction Code.

K. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in the ordinance of the County pertaining to such parks.

SECTION 5.07 DWELLING UNIT FLOOR AREA

The minimum floor area per dwelling unit shall be as follows:

Zoning District	**Total Floor Area (In Square Feet)**
Agricultural	600
Residential 1	600
Residential 2	600
Lakeshore and River 1	600
Lakeshore and River 2	600
Lakeshore and River 3	600
Town	600
Rural Residential	400
Resource Production	400

Not more than 120 square feet thereof may consist of storage space, garage, or carport.

SECTION 5.08 GRAVEL PITS EXCAVATING

All new gravel pits (where allowed), and those lying fallow for two years, shall be prohibited from excavating within 50 feet of a property line and within 300 feet of an existing residence.

SECTION 5.09 GARAGE SALES

Garage sales as defined in Section 2.02 are allowed in all zoning districts provided that they meet the following restrictions:

A. Sales are limited to 72 total "*open for business*" hours in a calendar year. After each sale, all displayed merchandise must be removed from the view of the public unless the sale is scheduled for more than one day; in this case the display of the merchandise can only be in view of the public for a maximum period of 72 consecutive hours.

B. The sale/resale of wholesale merchandise is prohibited.

C. On site signs (limit of 2) may not exceed 3 square feet and must be removed nightly or immediately following each sale.

D. The homeowner must provide for adequate parking and the sale itself may be terminated should it become a safety concern as determined by the Zoning Administrator or other law enforcement agency.

E. The sale/resale or display of any and all goods from a residence or structure or vacant property which does not meet this definition and these restrictions will be considered a commercial/retail use of such property and is allowed only in Zoning Districts where commercial/retail sales are listed as a permitted use.

Exceptions: The sale and display of no more than three items at a time in a yard or on a vacant lot such as an automobile, a camper, a boat, a snow blower, etc. is permitted. These single items must be used (not wholesale goods for resale), must be owned by the land owner or person with a vested interest, and may not be displayed for sale in excess of 180 days in a calendar year.

The sale of campfire wood is allowed in the following Zoning Districts: Rural Residential, Resource Production, Agricultural, Timber Productions, Commercial, Industrial, and Town District. Not more than two face cords may be visible and on display at any time unless it is deemed part of a retail establishment that is in compliance with its corresponding zoning district**.**

SECTION 5.10 HOME OCCUPATIONS

Any home occupation shall comply with the following:

A. A home occupation shall employ only those members of the family residing on the premises and not more than one outside employee.

B. There shall be no outdoor storage, except storage otherwise permitted in the zoning district pursuant to this ordinance, and there shall be no exterior evidence of the conduct of home occupation, other than an approved sign.

C. There shall be no storage, display, or sale of merchandise not directly related to the approved conditional use.

D. Home occupation may be conducted within the principal dwelling or in an accessory building, on lots or parcels having a minimum of one hundred-fifty (150) feet of lot or parcel width and a minimum of forty-five thousand (45,000) square feet of lot or parcel area.

E. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation excluding home daycare and adult foster care.

F. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided for on the premise.

G. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

H. One sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts. A sign may be located anywhere on the property.

I. Within any single family residence, in any zoning district, the occupant may give instructions in a craft or fine art so long as the provisions of a home occupation are adhered to.

ARTICLE 6

SUPPLEMENTARY REGULATIONS

SECTION 6.01 PURPOSE

It is the purpose of this Article to provide regulations for specific uses, which may be regulated as either a permitted or conditional land use.

SECTION 6.02 DAY CARE FACILITIES

A. Intent. It is the intent of this section to establish standards for day care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

B. Application of Regulations.

1. A State licensed Family Day Care Home shall be considered a residential use of property and a conditional use in all zoning districts.

2. The County may, by issuance of a conditional use permit, authorize the establishment of Group Day Care Homes and Day Care Centers as specified in District regulations and subject to the standards herein.

C. Standards for Group Day Care Homes. Group Day Care Homes shall be considered as a conditional land use subject to the requirements and standards of Article 8 and the following additional standards:

1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located.

2. The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.

3. Fencing shall be provided that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet. The area to be fenced shall be determined by the Planning Commission.

4. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.

5. One (1) off-street parking space per employee not a member of the Group Day Care Home family shall be provided.

6. Appropriate licenses with the State of Michigan shall be maintained.

D. Standards for Day Care Centers. Day Care Centers shall be considered as a conditional land use subject to the requirements and standards of Article 8 and the following standards:

1. Frontage on either a principal or minor arterial shall be required.

2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and

shall be of sufficient size so as to not create congestion on the site or within a public roadway.

3. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children enrolled at the facility

4. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available five hundred (500) feet from the subject parcel.

5. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 6.03 ADULT FOSTER CARE FACILITIES

A. Intent. It is the intent of this section to establish standards for adult foster care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

B. Application of Regulations.

1. A State licensed Adult Foster Care Home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.

2. The County may, by issuance of a conditional use permit, authorize the establishment of Adult Foster Care Homes serving more than six (6) persons.

3. The County may, by issuance of a conditional use permit, authorize the establishment of an Adult Foster Care Congregate Facility.

C. Standards for Adult Foster Care Homes serving more than six (6) persons. Such homes shall be considered as conditional land use subject to the requirements and standards of Article 8 and the following additional standards:

1. A site plan, prepared in accordance with Article 7, shall be required to be submitted.

2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of fifteen hundred (1,500) square feet per adult, excluding employees and/or care givers.

3. The property is maintained in a manner that is consistent with the character of the neighborhood.

4. One (1) off-street parking space per employee and/or caregiver shall be provided.

5. In its sole discretion, the Planning Commission may determine that landscape screening in accordance with Section 12.06 is required.

6. Appropriate licenses with the State of Michigan shall be maintained.

D. Standards for Adult Foster Care Congregate Facilities. Such facilities shall be considered as a conditional land use, subject to the requirements and standards of Article 8 and the following standards:

1. A site plan, prepared in accordance with Article 7 shall be required to be submitted.

2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of fifteen hundred (1,500) square feet per adult, excluding employees and/or caregivers.

3. Parking requirements as required for convalescent homes and similar facilities, set forth in Article 9 shall be met.

4. All landscape requirements set forth in Section 12.06 shall be met.

5. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 6.04 OPEN SPACE DEVELOPMENTS

A. Intent: It is the intent of this section to promote the goals of the Schoolcraft County Master Plan and to permit the development of single-family dwellings in patterns which will:

1. Protect and preserve rural character, open space, and productive agricultural lands.

2. Minimize demand for public services.

3. Encourage a more creative approach to single family residential development than conventional land divisions and allow greater flexibility in the siting of units.

4. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands and vegetation, water bodies and other natural assets.

5. Reduce the number of driveways accessing County primary and local roads.

6. Minimize light levels and light pollution.

B. Where Applicable: The open space preservation option shall be a permitted use in the Residential 1, Residential 2, Lakeshore and River 1, Lakeshore and River 2, and Lakeshore and River 3 Districts, where public sanitary sewer services are provided.

C. Criteria: In the review of a proposed development under this section, the County shall make a finding that the intent of the open space preservation option, as set forth in Section 6.04A, and one (1) or more of the standards set forth below are met:

1. The parcel contains natural assets which would be preserved through the use of open space preservation. Such assets may include woodlands; natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; or other natural assets which are to be preserved.

2. The parcel contains productive agricultural lands which would be preserved through the use of cluster development.

3. When completed, the development shall have at least fifty (50%) percent of the land area remaining left perpetually in an undeveloped state, i.e. a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.

D. Project Density: Land found within the districts noted above may be developed, at the option of the land owner, with the same number of dwelling units on a portion of land that, as determined by the County, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area.

1. The following special density standards shall apply to land found within the Timber Production Districts.

   The number of dwelling units permitted under the open space preservation option on property zoned Timber Production Districts shall not exceed the overall density permitted as of right as set forth in Section 6.05, Note 3 of the Schedule of Regulations, plus additional density based upon the application of one (1) of the following criteria, whichever results in the least number of additional dwelling units:

   (a) Two (2) dwelling units for the first ten (10) acres plus one (1) dwelling unit for each whole ten (10) acres in excess of the first ten (10) acres of the parcel, or

   (b) Seven (7) dwelling units, or ten (10) dwelling units if one (1) of the resulting lots or parcels comprises not less than sixty (60%) percent of the area of the parcel being developed.

2. For the remainder of the districts in which the open space preservation option is permitted, the number of dwelling units permitted under the open space

preservation option shall not exceed the overall density permitted as of right for each of the districts under a conventional development.

E. Site Design Requirements: All open space developments submitted under this option shall conform to the following site design requirements:

1. Type of Dwelling Unit Permitted: Development is restricted to single family detached and two-family dwelling units. Projects may be proposed as subdivisions or site condominiums, although portions of projects may include land divisions allowable under state law. In no case shall allowable project density be exceeded.

2. Common Access and Road Frontage: No lot or parcel shall have direct driveway access to County designated primary or local roads. All lots or parcels shall have frontage or direct access to a public or private interior road which meets one (1) of the following conditions:

   (a) A public street which has been accepted for maintenance by the Schoolcraft County Road Commission.

   (b) A permanent and unobstructed private road approved and built in accordance to the Schoolcraft County standards for private roads or a road which is part of a condominium development where design, construction, and perpetual maintenance of the road have been approved by the County.

   (c) The extent of road frontage shall be determined by the County, in its discretion, taking into consideration the extent and importance of natural resources, topographical conditions, floodplains, and wetlands to be preserved on the property; the size and shape of the development site; public safety; aesthetics; and impact upon the surrounding developments.

3. Water Supply and Sewage Disposal: An applicant shall demonstrate that all lots proposed under the open space preservation option are capable of meeting applicable County and/or State agency approvals for on-site water supply and sewage disposal. Inasmuch as the capability of the parcel for on-site water supply and sewage disposal is material to the determination of potential development density, the County shall require percolation tests, soil borings and other information to determine suitability of soils for on-site sewage disposal. These tests must be conducted under the supervision of a registered engineer, certified sanitarian, or other competent licensed professional in accordance with uniform procedures established by the department of environmental quality.

   Pursuant to Section 6.04 D., a preliminary site plan with a conventional layout is required in order to demonstrate project density. The County Board may waive the requirement for percolation tests, soil borings and other information on each individual lot of the preliminary site plan with a conventional layout, when it can be demonstrated by the applicant that one or more of the following conditions exist:

(a) Conduct of the necessary testing would result in unreasonable damage to significant natural resources and features that are intended to be preserved through the application of the rural open space development option.

(b) Previous studies acceptable to the County Board have been conducted on the site which verify the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.

(c) Other evidence and data, which is acceptable to the County Board and, in the opinion of a registered engineer, certified sanitarian, or other licensed professional, verifies the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.

4. Setbacks shall be consistent with Section 6.05.

5. Open Space: When completed, the balance of the parent parcel that is not specifically devoted to development associated with dwelling units shall be left in an undeveloped state.

The percentage of land to be left in an undeveloped state shall be no less than fifty (50%) percent of the parent parcel.

"Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

Approval of an open space preservation option under this section shall be conditioned upon recording appropriate conservation easements, deed restrictions, plat dedications, restrictive covenants, or other instruments for the purpose of providing for long-term maintenance and preservation of the areas to be left in an undeveloped state. Such easement and/or other instrumentation shall be in a form and contain the content approved by the County Attorney and shall run with the land.

6. Transition from Adjacent Parcels: In order to provide an orderly transition of density when an open space development abuts a single-family residential district of equal or lower density, the County, at its discretion, shall require designation of open space and/or the addition of landscape screening along the common boundaries.

F. Procedure for Review and Approval: The application for an open space development shall meet all appropriate review requirements under Article 7 Site Plan Review or the Subdivision Ordinance, whichever is applicable.

Prior to submitting a preliminary site plan or a tentative preliminary plat, a pre-application conference shall be conducted in accordance with Article 7. All open space preservation options shall be required to submit a preliminary site plan review and approval, as set forth in Article 7. A tentative preliminary plat shall meet the requirements of Article 7.

In the satisfaction of the requirements of Article 7, and this section, the applicant shall be required to submit the following:

1. Project Narrative and Site Analysis: A summary explanation and graphic illustration of the development concept and the manner in which the criteria in Section A and C are met.

2. Density Concept Plan: A plan which illustrates achievable development of the property without application of the rural open space development option and with all applicable ordinance and laws observed, including proof of water supply and sewage disposal as set forth in Section.E.3.

3. Open Space Development Preliminary Plan: A plan which illustrates developments of the property with application of the open space development option.

SE0CTION 6.05 PLACEMENT REGULATIONS

1. Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed 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 any front lot line of the same lot, through the 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 any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet.

	Minimum Setbacks				Minimum	Maximum
				Minimum Lot Size	Lot Width	Lot Depth
District	Front	Side	Rear			
Residential 1	25G	7	15	20,000 sq. ft. A	100 ft.	B
Residential 2	25G	7	15	30,000 sq. ft. A	150 ft.	B
Rural Residential	25G	7	15	60,000 sq. ft. B	200 ft.	B
Resource Production	25G	7	15	10 acres I	300 ft.	
Timber Production	25G	7	15	40 acres	300 ft.	
Public Land	25G	7	15	None		
Lakeshore and River 1	25G	7	15	30,000 sq. ft.	100 ft.	EF
Lakeshore and River 2	25G	7	15	45,000 sq. ft.	150 ft.	EF
Lakeshore and River 3	25G	7	15	60,000 sq. ft.	200 ft.	EF
Agricultural	25G	7	15	20 acres I	300 ft.	
Commercial	25G	5	15	40,000 sq. ft.	150 ft.	
Industrial	25G	5	15	40,000 sq. ft.	150 ft.	
Town District	25G	7	15	20,000 sq. ft. A	100 ft.	

Natural River Plan	100DG	30	5	5 acres	300 ft.

A. 5,000 square feet where lot is served by public water and sewer.

B. Lot width shall be measured along roadway. Lot widths shall be measured along a designated federal, state, county, or township road or along a private road which is 22 feet wide, has a 66 foot wide easement, and a minimum six inch gravel base.

C. For waterfront lots, see subsection (4), below.

D. The front setback is measured from the ordinary High Water Mark.

E. The closest lot line opposite subject body of water.

F. Minimum lot width measured along high water mark. A parcel located entirely within a Lakeshore and River 1, 2, and 3 zoning district cannot be divided without the water frontage required in this section (see above) in each of these districts unless said parcel has no water frontage. In that event, the water frontage requirement is waived in favor of an equivalent amount of both acreage and road frontage.

G. For building purposes, front setbacks shall be a distance of 25' from the right of way line of all public roads, private roads, and road easements, but shall not exceed 60' from the centerline of an existing road or easement. No right of way shall be built upon.

H. Property lines adjoining designated alleys and walkways, shall be deemed to be "rear lot lines" and not as front lot lines such as those adjoining a road.

I. Single-family dwellings and mobile homes may be located in the Resource Production and Agricultural Districts on minimum lots sizes of 2-5 acres providing they meet all of the requirements (See Section 4.06 G. & H.)

2. In all districts, the 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.

3. Any portion of a lot or portion of a parcel, which, through a lease agreement exceeding 90 days in length, is separated from a larger parcel of land, will for zoning purposes, be considered a land division. As such, all lot line setbacks must be met, all lot line depth requirements must be met, and all square foot requirements set forth in this section.

4. **Waterfront lots** are subject to the following requirements (also see Section 12.05):

(a) Any building or structures within Districts Residential 1, Residential 2, Rural Residential, Resource Production, Timber Production, Public Land, Agricultural, Commercial, Industrial, and Town abutting any body of water, including, but not limited to, inland lakes, rivers, streams, creeks, impoundments, and Lake Michigan, shall maintain a minimum setback of 50 feet from ordinary high water mark. All uses shall be subject to this setback except marinas, boat liveries, bathing facilities, fishing piers, commercial

fishing docks, recreational docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses and water resources.

(b) Any building or structure within Districts Lakeshore and River 1, Lakeshore and River 2, or Lakeshore and River 3 abutting any body of water, including, but not limited to, inland lakes, rivers, streams, creeks, impoundments, and Lake Michigan, shall maintain a minimum setback from the ordinary high water mark as follows:

Lakeshore and River 1	50 feet
Lakeshore and River 2	50 feet
Lakeshore and River 3	50 feet for parcel in a recorded subdivision
Lakeshore and River 3	75 feet for parcel <u>not</u> in a recorded subdivision

Property in the Lakeshore and River 1, 2, & 3 Zoning Districts and the Residential 1 & 2 Zoning Districts are not subject to these setback requirements along non-navigable creeks and streams unless said creek or stream is a "designated trout stream."

All uses shall be subject to this setback except marinas, boat liveries, fishing piers, commercial fishing docks, recreational docks, when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses and water resources.

(c) In the Natural River Plan District only, any building must be located at least 100 feet from the Ordinary High Water mark, and all structures must be set back at least 50 feet from the top of the bluff. A 100 foot vegetation strip must be maintained on both sides of the river, pursuant to the Fox River Natural River Plan.

SECTION 6.06 MOBILE HOME PARK REQUIREMENTS

The Mobile Home Code, as established by the Manufactured Housing Commission under the authority of the Mobile Home Commission Act, Act 96 of 1987, as amended, regulates development of mobile home parks.

In addition to the rules and standards of the State of Michigan, the County imposes the following conditions:

A. Mobile Home Parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Mobile Home Commission Act, Act 96 of 1987, as amended and subsequently adopted rules and regulations governing mobile home parks.

B. Mobile Home Parks shall not be permitted on parcels less than thirty (30) acres in size.

C. Individual mobile home sites within a mobile home park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty (20%) percent,

provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.

D. The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on mobile home sites and in designated open space areas. The mobile home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.

E. Mobile home parks shall provide landscape screening along the park boundary. The landscaping shall consist of evergreen trees or shrubs a minimum three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

F. Mobile Home Parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended.

G. A permit shall not be required for the construction or erection of canopies or awnings which are open on three (3) sides. A building permit shall be required, however, before the construction of erection or any screened, glassed-in, or otherwise enclosed awning or canopy.

SECTION 6.07 LARGE SCALE RETAIL ESTABLISHMENT

A. Intent. It is the intent of this section to regulate large retail establishments, whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale retail establishments may provide goods and services to County residents, such stores are primarily focused on attracting consumers from a market area larger than the County. Therefore, specific standards are required to ensure that large scale retail stores can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services.

B. Location. Large retail establishments need conditional use approval, and location is to be approved by the Planning Commission.

C. Minimum Area and Width. Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, in the sole discretion of the County Board, when it is demonstrated by the applicant that the following conditions are met:

1. The site will be developed without the need for variances from the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.

2. All design standards set forth in Section D are met.

3. Sufficient area is available to meet all landscaping and buffering standards set forth in Section 12.06.

D. Design Standards. The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:

1. Aesthetic Character.

(a) Facades and Exterior Walls:

1) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20%) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50%) percent of their horizontal length.

3) Building facades must include a repeating pattern that includes no less than two (2) of the following elements:

a) color change;

b) texture change;

c) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.

(b) Roofs. Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:

1) Flat Roofs - parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.

2) Pitched Roof -

a) overhanging eaves, extending no less than three (3) feet past the supporting walls;

b) an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;

c) three (3) or more roof slope planes.

Materials and colors.

1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.

2) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

3) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

4) Exterior building materials shall provide texture to at least fifty (50%) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

d. Entryways. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

1) canopies or porticos;

2) overhangs;

3) recesses/projection

4) arcades;

5) raised corniced parapets over the door;

6) peaked roof forms;

7) arches;

8) outdoor patios;

9) display windows;

10) architectural details such as tile work and moldings which are integrated into the building structure and design;

11) integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

12) Pavement/material changes at drive crossings to better define pedestrian cross walks.

2. Site Design.

(a) Parking lot location. No more than fifty (50%) percent of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the abutting streets.

(b) Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings shall be installed to better define pedestrian cross walks.

(c) Pedestrian Circulation.

1) Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.

2) Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50%) percent of the length of the walkway.

3) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

4) All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.

(d) Central Features and Community Space. Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway,

outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the County, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

(e) Delivery/Loading Operations. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property. Delivery/loading operations shall be setback a minimum of fifty (50) feet from adjacent residentially zoned property.

E. Traffic Impact. The applicant shall submit a detailed traffic study in a form that is acceptable to the County, prepared by an independent traffic engineer, demonstrating the impact of the large scale retail establishment on the transportation network. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse impacts to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

SECTION 6.08 REGULATION OF ANIMALS

A. General Standards

1. Class I Animals (Domesticated household pets may be maintained in any zoning classification district, subject to specific restrictions herein.)

2. Class II Animals (An animal which is normally part of the livestock maintained on a farm including: Bovine and like animals, such as cows; Equine and like animals, such as horses; Swine and like animals, such as pigs and hogs; Ovis (ovine) and like animals, such as sheep and goats) may be maintained in the Rural Residential, Resource Production and Agriculture Zoning Districts, subject to the following conditions:

(a) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.

(b) In the Rural Residential District, the following are permitted principal uses: dairy and dairy products, livestock including breeding and grazing, provided there are no more than five grazing animals or livestock; rendering, slaughtering, and dressing only of animals raised on the premises; other similar agricultural uses except feedlots, poultry farms, and fur farms.

(c) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.

3. Class III Animals (Rabbits which are not maintained or kept as domesticated household pets; animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein) may be maintained in the Resource Production and Agricultural Zoning Districts, subject to the following conditions:

(a) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.

(b) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.

4. Except as authorized in a wildlife reserve approved by the County, wild animals shall not be permitted to be maintained in the County, temporarily or permanently. For purposes of this section, the term wild animal shall mean an animal not otherwise defined as a Class I, II, or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind in Schoolcraft County. Wild animal also means any animal which a person is prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

B. Hobby and Commercial Kennels

1. Hobby kennels shall be permitted as an accessory use in any zoning district where single-family dwellings are permitted uses.

2. Commercial kennels shall be a conditional use in the Rural Residential, Resource Production and Agricultural Zoning Districts subject to the following conditions:

(a) A minimum lot size of five (5) acres shall be maintained.

(b) The kennel shall be established and maintained in accordance with all applicable state and County sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.

(c) A site plan shall be submitted in accordance with Article 7, herein.

C. Hobby and Commercial Horse Stable

1. An indoor riding arena, whether for a hobby or commercial horse stable, shall require a minimum of five (5) acres.

2. Hobby stables shall be permitted as an accessory use in the Rural Residential, Resource Production and Agriculture Zoning Districts subject to the restrictions set forth in Section 6.08. A. 2.

3. Commercial stables shall be a conditional use in the Rural Residential, Resource Production and Agriculture Zoning Districts, subject to the restrictions set forth in Section 6.08.A.2, and the following additional conditions:

(a) The minimum lot area required for a commercial stable shall be ten (10) acres.

(b) A commercial stable shall be established and maintained in accordance with all applicable state and County sanitation regulations.

(c) A site plan shall be submitted in accordance with Article 7, herein.

SECTION 6.09 RELIGIOUS INSTITUTIONS

A. Lot Width. The minimum lot width for religious institutions shall be two hundred (200) feet.

B. Lot Area. The minimum lot area for religious institutions shall be two and one-half (2.5) acres.

C. Parking Setback. Off-street parking shall be prohibited in the front setback area. Off-street parking shall have a setback of no less than twenty (20) feet from any property boundary.

D. Building Setback. Religious institutions shall comply with the required setbacks in the district in which located provided setbacks are no less than following requirements:

Front Yard: Fifty (50) feet
Side Yard: Twenty-five (25) feet
Rear Yard: Fifty (50) feet

E. Frontage and Access: Religious institutions shall have frontage on and direct access to a paved public road.

F. Landscaping. Religious institutions shall comply with the landscaping requirements set forth in Section 12.06.

G. Ancillary Facilities. Whenever facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses are proposed as incidental to the principal church or worship facility use, such secondary facilities shall not be constructed or occupied in advance of the sanctuary or principal worship area of the church complex.

1. The seating capacity of such incidental use areas shall not exceed that of the sanctuary or principal worship area of the church complex.

2. Such incidental facilities must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. They shall not be used, leased, or rented for commercial purposes.

SECTION 6.10 VEHICLE FILLING STATIONS, VEHICLE WASH, TRUCK STOP FACILITIES, AND MAJOR AND MINOR VEHICLE REPAIR FACILITIES

A. Vehicle Filling Stations subject to the following:

1. The lot for the vehicle service station shall have one hundred fifty (150) feet of frontage on the principal street serving the station.

2. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location or the location of its driveways:

   (a) as compared to similar uses,

   (b) considering turning movements to its driveways in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings,

   (c) considering its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly, or

   (d) considering its location and proximity to other surrounding uses.

3. The maximum width of all driveways at the right-of-way line shall be no more than thirty (30) feet. Whenever possible, a combined driveway for both service station and an adjacent commercial property shall be designated and provided.

4. If a separate automobile wash is proposed, it must comply with the standard set forth in Section 6.10.B.

5. Additional screening or noise buffering may be required at the discretion of the County taking into consideration adjacent land uses.

6. All buildings must be oriented so that service bay doors face away from any abutting residentially-zoned or used property.

7. If a canopy is proposed over the gasoline pumps, the canopy design must relate to the facade design of the main building, and shall not exceed fourteen (14) feet in height. Where design permits, the pump island canopy structure shall be attached to and made an integral part of the main building structure. The location of the canopy must meet all minimum setback requirements for the District. Canopy lighting shall meet the requirements of Section 11.07.

B. Vehicle Wash, subject to the following:

1. All washing activities shall be carried on within a building. Vacuuming activities shall be located at least twenty-five (25) feet from adjacent residentially zoned or used property.

2. All maneuvering areas, stacking lanes, and exit aprons shall be located on the vehicle wash site. Streets shall not be used for maneuvering or parking by vehicles to be serviced by the wash. A minimum distance of fifty (50) feet shall be maintained between the exit doors of the wash structure to the nearest exit driveway to permit adequate time for excess water to drip off of the vehicle. Drainage shall be provided to collect excess water from vehicle washing.

3. Automatic vehicle wash facilities shall have a mechanical dryer operation at the end of the wash cycle. The use of such dryers shall be mandatory during sub-freezing weather. In the case of a self-service or manual car wash, sufficient space shall be provided for drying of the vehicle undercarriage during sub-freezing weather prior to exiting onto the public thoroughfare.

4. All vehicle car wash facilities must provide a heated concrete exit ramp for each wash bay at least twenty (20) feet in length and of a width equal to that of the exit drive.

C. Vehicle Repair Facility and Collision Repair Facility subject to the following:

1. The outside storage of permitted automobiles shall be screened from view by a fence. All vehicles shall be screened from off-site view by solid walls (including building walls).

2. Wrecked, damaged or otherwise inoperable motor vehicles shall be stored in said parking/storage area.

3. Adequate means of sanitary disposal of any waste material shall be provided.

4. Storage of materials, supplies, or similar items shall be in an enclosed building.

D. Truck Stops, subject to the following regulations:

1. All buildings established in relation to a truck stop shall be no closer than five hundred (500) feet from residentially zoned or used property.

2. The width of any driveway intended to accommodate truck traffic shall not exceed thirty-six (36) feet wide at the right-of-way line.

3. The facility shall provide adequate parking for truck layover, truck scales and adequate space for queuing at gas/fuel islands.

4. Outdoor storage of disabled vehicles is prohibited.

5. Outdoor storage of truck parts or supplies is prohibited.

E. Vehicle Towing Service, only as an accessory service to a vehicle filling station, vehicle repair facility, or vehicle collision repair facility subject to the following conditions:

1. A screened area, removed from on-site traffic circulation patterns, shall be provided for the exclusive parking of the tow trucks and the storage of vehicles waiting to be serviced.

SECTION 6.11 SALVAGE YARDS

In addition to other regulations set forth in this Ordinance, all salvage yards shall conform to the following requirements:

A. All materials stored outside shall be enclosed within a solid, unpierced fence or wall at least eight (8) feet in height, and not less in height than the materials. The fence or wall shall meet all setback requirements of the District in which the salvage yard is located. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced materials. In no event shall any materials to be stored in the area between the lines of said lot and the solid, unpierced fence or wall.

B. All ingress or egress shall be limited to one (1) entrance to a major thoroughfare as identified in the Schoolcraft County Master Plan.

C. On the lot on which a salvage yard is to be operated, all roads, driveways, parking lots, and loading and unloading areas shall be paved, so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

SECTION 6.12 SELF-STORAGE FACILITIES

A. No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

B. The storage of any toxic, corrosive, flammable or hazardous materials is prohibited.

C. Other than the storage of recreation vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Section 12.06.

D. Exterior walls of all storage units shall be of masonry or accepted construction.

E. All storage units must be accessible by safe circular drives clearly marked to distinguish direction and designed to accommodate fire trucks, as well as other trucks that will customarily access the site. A minimum drive of twenty-four (24) feet shall be provided between buildings and eighteen (18) feet when a drive is serving a single row of buildings.

SECTION 6.13 CAMPGROUNDS

Campgrounds shall be subject to the following:

A. The minimum site area shall be twenty (20) acres.

B. The site shall have direct accessibility to a paved public road.

C. A minimum one hundred (100) feet setback shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent residentially zoned or used properties. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the County may require additional setback, landscaping and/or berming.

D. Mobile homes shall not be permitted to be located within a campground.

E. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses.

F. Any proposed sound system shall be reviewed by the Planning Commission to ensure that it does not impact on adjacent land uses. In no case shall outdoor speakers be directed towards residentially zoned or used property.

SECTION 6.14 GOLF COURSES, COUNTRY CLUBS, AND SWIM CLUBS

Golf Courses, Country Clubs, and Swim Clubs shall be subject to the following:

A. Golf courses may also include accessory clubhouses, driving ranges, pro shops and maintenance buildings.

B. Country clubs and swim clubs may also include accessory clubhouses and maintenance buildings.

C. The location of structures, such as the clubhouse and accessory buildings, and their operations shall be reviewed by the Planning Commission to insure minimum disruption of the adjacent properties. In no case shall any structure be located any closer than fifty (50) feet from adjacent residentially zoned or used property.

D. All storage, service and maintenance areas, when visible from adjoining residentially zoned or used land, shall be screened from view in accordance with Section 12.06.

E. Any proposed lighting and sound systems shall be reviewed by the Planning Commission to ensure that it does not impact on adjacent land uses. Outdoor speakers or lighting shall not be directed towards residentially zoned or used property.

SECTION 6.15 WIRELESS COMMUNICATION FACILITIES

A. Purpose and Intent.

It is the general purpose and intent of the County to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the County to provide for such authorization in a manner which will protect the public health, safety and welfare and retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

2. Establish predetermined districts in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

4. 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.

5. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

6. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

7. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.

B. Authorization.

1. As a Conditional Use

In all Zoning Districts, a proposal to establish a new wireless communication facility shall be deemed a conditional use in the following circumstances, subject to the standards set forth in Subsections C, D and E.

(a) An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, proposed to be either materially altered or changed in appearance.

(b) A proposed collocation upon an Attached Wireless Communication Facility which has been approved by the County for such collocation.

(c) An existing utility pole structure located within a right-of-way, which will also serve as an Attached Wireless Communication Facility where the existing pole is not proposed to be materially altered or changed in appearance.

(d) If it is demonstrated by an applicant that a wireless communication facility in order to operate, is required to be established outside of an area identified in Subsection B.1, subject to the following:

1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in Subsection B.1 above cannot reasonably meet the coverage and/or capacity needs of the applicant.

2) Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or the form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the County.

3) Locations outside of the areas identified in Subsection B.1 above shall be permitted on the following sites, subject to application of all other standards contained in this section:

a) Municipally owned site.

b) Other governmentally owned site.

c) Religious or other institutional site.

d) Public or private school site.

4) All other criteria and standards set forth in Subsection C and D are met.

C. General Regulations.

1. Standards and Conditions Applicable to All Facilities

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

(a) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

(b) Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.

(c) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(d) Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

(e) The following additional standards shall be met:

1) The maximum height of the new or modified support structure and antenna shall not exceed one hundred eighty (180) feet and shall be

the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Additional height over one hundred eighty (180) feet may be permitted, in the sole discretion of the County Board, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over one hundred eighty (180) feet is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

2) The setback of the support structure and accessory structures shall be five hundred (500) feet from the boundary of any residentially zoned property. Otherwise, the setback shall be equal to the height of the support structure from an adjacent property boundary. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the support structure.

3) There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.

4) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

5) The 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. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building.

6) The County shall, with respect to the color of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, unless otherwise required, it shall be

red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals.

7) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.

8) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night who have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current and updated or confirmed to the County in writing at least every four months, and shall be posted prominently on the premises so as to afford convenient viewing to a person on the outside of the premises where the facility is located.

2. Standards and Conditions Applicable to Conditional Land Use Facilities.

Applications for wireless communication facilities which may be approved as conditional land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in Subsection C.1 and in accordance with the following standards:

(a) The applicant shall demonstrate the need for the proposed facility based upon one (1) or more of the following factors:

1) Proximity to an interstate or major thoroughfare.

2) Areas of population concentration.

3) Concentration of commercial, industrial, and/or other business centers.

4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

6) Other specifically identified reason creating facility need.

(b) The proposal shall be reviewed in conformity with the collocation requirements of this section.

D. Application Requirements.

1. A site plan prepared in accordance with Article 7 shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.

2. The site plan shall also include a detailed landscape plan prepared in accordance with Section 12.06. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six (6) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.

3. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection F. In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) surety bond; (3) irrevocable letter of credit; or, (4) other security arrangement accepted by the County Board.

4. The application shall include a map showing existing and known proposed wireless communication facilities within the County, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the County in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(f). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

5. The name, address identity, home and business telephone numbers, pager number, if any, and mobile home number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated or confirmed in writing to the County no less than every four (4) months, during all time the facility is on the premises.

E. Collocation.

1. Statement of Policy:

It is the policy of the County to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Subsection A. Purpose and Intent above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the County that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection A Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the County. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the County.

2. Feasibility of collocation:

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

(a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

(b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(c) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the County, taking into consideration the several standards contained in Subsections B and C, above.

3. Requirements for Collocation:

(a) The construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

(b) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

(c) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.

(d) If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the County, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the County for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

F. Removal.

1. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.

2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

(a) When the facility has not been used for one hundred-eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

(b) Six (6) months after new technology is available at reasonable cost as determined by the County Board, which permits the operation of the communication system without the requirement of the support structure.

3. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.

4. Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

5. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

SECTION 6.16 ADULT ORIENTED BUSINESSES

In the preparation and enactment of this Ordinance, it is recognized that there are some uses, which, because of their very nature, have operational characteristics that have a serious and deleterious impact upon residential, office and commercial areas. Regulation of the locations of these uses is necessary to ensure that the negative secondary impact, that such businesses have been documented to have will not cause or contribute to the blighting or downgrading of the County's residential neighborhoods, community uses which support a residential environment, and commercial centers. The regulations in this section are for the purpose of locating these uses in areas where the adverse impact of their operations may be minimized by the separation of such uses from one (1) another and from residential neighborhoods and places of public congregation. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

A. Uses subject to these controls are as follows (hereinafter referred to as "Regulated Uses"):

1. Adult – Oriented Commercial Enterprises

2. Escort Services and/or Escort Agencies

3. Massage Parlors and/or Massage Establishments

4. Pawnbrokers and/or Pawnshops

5. Tattoo and/or Body-Piercing and/or Branding Studios

B. Location. The location of Regulated Uses within the County shall be subject to the following conditions:

1. No Regulated Use shall be permitted within a one thousand (1,000) foot radius of an existing Regulated Use. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.

2. No Regulated Use shall be permitted with within a one thousand (1,000) foot radius of a school, library, park, playground, license group daycare home or center, or church, convent, monastery, synagogue or similar place of worship. Measurement of the one thousand (1,000) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses are or would be situated.

3. No Regulated Use shall be permitted within a five hundred (500) foot radius of any residential zone. Measurement of the five hundred (500) foot radius shall be made from the outermost boundaries of the lot or parcel upon which the respective uses/zones are or would be situated.

C. Miscellaneous Requirements.

1. No person shall reside in or permit any person to reside in the premises of a Regulated Use.

2. An adult-oriented commercial enterprise use is in violation of this section if:

   (a) The merchandise or activities of the establishment are visible from any point outside the establishment.

   (b) The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity as defined in this Ordinance.

3. The provision of this section regarding massage establishments shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor and osteopath licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate who is duly licensed in the State of Michigan and is normally on the same premises.

SECTION 6.17 MINERAL MINING AND EXTRACTIVE OPERATIONS

A. Purpose and Intent. It is the purpose and intent of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to insure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to insure that mineral mining activities are consistent with the public health, safety and welfare of the County.

B. Conditional Use Approval. Special land use approval. The extraction, removal, and/or processing of sand, gravel, stone and/or other mineral mining in the County requires the prior approval of a conditional use application by the County.

C. Exemption. Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.

D. Application. An application shall be filed with the Zoning Administrator and shall include the following:

1. Site plan prepared in accordance with Article 7;

2. Vertical aerial photograph, enlarged to a minimum scale of one (1) inch equals two hundred (200) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:

   (a) All land anticipated to be mined in the application, together with adjoining land owned by the applicant.

   (b) All private and public roads from which access to the property may be immediately gained, including means of vehicular access to property and the proposed operation.

3. Boundary survey of the property.

4. Site topography and natural features including location of water courses within the planned mining area.

5. Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.

6. Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:

   (a) Property within a radius of one-half (1/2) mile around the site; and

(b) The property fronting on all vehicular routes within the County contemplated to be utilized by trucks which will enter and leave the site.

7. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:

(a) All anticipated impact to the qualitative and quantitative aspects of surface water, ground water, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and

(b) Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.

8. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.

E. Review Procedure.

1. The Zoning Administrator shall forward the original of the application to the County Clerk for the file, and forward the copies to the members of the Planning Commission, the County Engineer, and to the Road Commission.

2. The County Engineer shall each file a report with the Zoning Administrator, together with a recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.

3. The Zoning Administrator shall request a report from the Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare for areas located both within and outside of the County.

4. After receiving all reports, including any additional reports of experts recommended by the County Engineer, if deemed appropriate the Planning Commission shall consider the application in accordance with the procedures set forth in Article 8.

5. Reasonable conditions may be required with the approval of the application for the conditional land use, to insure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and

economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

F. Requirements and Standards. The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Planning Commission, and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:

1. Demonstration by the applicant that the proposed land use shall not result in a probable impairment to, pollution of, unreasonable impact upon and/or destruction of the following:

   (a) The water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.

   (b) The course, quantity, and quality of surface water, ground water, and/or the watershed anticipated to be impacted by the operation.

   (c) The surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration.

2. The proposed land use shall not be incompatible with such surrounding uses, based upon an application of generally accepted planning standards and principles.

3. The proposed land use shall not unreasonably burden the capacity of public services and facilities.

4. The proposed land use shall have immediate and direct access to a paved road having a planned right-of-way not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

5. All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the nearest property line. All processing and stockpiling shall be conducted at least two hundred (200) feet from the nearest property line.

6. The hours of operation shall be restricted to Monday through Saturday, 6:00 a.m. to 7:00 p.m. except during daylight savings when the closing time can be extended to 8:00p.m.

7. The maximum duration of the proposed use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.

8. The site shall be secured with fencing and screened from all adjacent public highways and residentially used parcels.

9. The total area being mined at any given time shall not exceed forty (40%) percent of the entire parcel.

10. The proposed transportation route or routes within the County shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the County at the time of application, and thereafter.

G. Reclamation. Reclamation of the site shall be in accordance with a reclamation plan approved by the County as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal; the entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site. The County Board shall have the right to impose performance bonds or letters of credit to insure that the reclamation and restoration plans as submitted are implemented.

H. Inspection. The County shall be entitled to make periodic inspection to determine compliance with the Section.

SECTION 6.18 SEASONAL ROADSIDE STANDS

A. A roadside stand shall be incidental to a permitted use provided the following standards are met:

1. The nursery stock or other agricultural products sold are raised by the farmer operating the roadside stand.

2. The roadside stand shall be operated for a period not to exceed eight (8) months during any calendar year.

3. A roadside stand shall not be greater than five hundred (500) square feet in size.

4. Suitable trash containers shall be placed on the premises for public use.

5. Any building containing a roadside stand shall be located no closer than thirty-five (35) feet to the nearest edge of the surface of any public road.

6. Adequate off-street parking shall be provided and may be allowed in the required front setback area. Parking shall conform to the regulations in Article 9, except that hard-surfacing and screening shall not be required.

7. Two (2) signs not to exceed eight (8) square feet each may announce such sales. Such sign shall not create a traffic hazard not be located closer than twenty-five (25) feet to the nearest edge of the roadway. Such sign shall be temporary in nature, non-illuminated, and approved as to safety and stability by the Zoning Administrator.

SECTION 6.19 WIND ENERGY HARVEST SITES

1. Introduction: The purpose of this section is to provide regulations for the designation of property suitable for the location, construction and operation of Wind Energy Conversion Facilities in Schoolcraft County, 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 Conversion Facilities. Small Turbines exceeding sixty (60) feet in Total Height but equal to or less than one hundred twenty (120) feet in Total Height, Wind Assessment Sites and Wind Energy Harvest Sites (commonly referred to as "wind farms") may be approved by the Planning Commission as conditional land uses in the "AG" Agricultural District, upon compliance with the conditions of this Ordinance.

2. Definitions: For the purposes of this section, the following terms and phrases shall be defined as provided below:

ANSI. The American National Standards Institute.

Applicant. An Owner/Operator that seeks to secure a conditional land use permit under this Ordinance.

Background Sound (L90). Background sound refers to the sound level present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment, that is, when transient sounds from flora, fauna, and wind are not present. Background sound levels vary during different times of the day and night. Background Sound must be measured relative to A-weighting and C-weighting and denoted as LA90 or LC90 respectively.

Blade Reflection. Blade reflection is the intermittent reflection of the sun off the surface of the blades of a Wind Turbine Generator.

Blade Clearance. In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.

Horizontal Axis Wind Turbine (HAWT). A wind turbine generator designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.

IEC. The International Electrotechnical Commission.

Inhabited Structure. Any structure that is, or is likely to be, occupied by any person or livestock. This includes, but is not limited to residential dwellings, places of business, places of worship, schools, and barns.

Low Frequency Noise (LFN). Sound Emission in the lower frequency range of 20 to 200 Hz.

Measurement Points (MP). The location where sound measurements are taken such that no significant obstruction blocks sound from the site.

MET Tower (Meteorological Tower). A tower (either of monopole design or guy-wire supported) containing or supporting instrumentation, including but not limited to anemometers, used to gather data necessary for site evaluation and development of a Wind Energy Harvest Site.

Nacelle. The structure that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.

Non-participating Property. Any property within the Notification Area other than Participating Property.

Notification Area. All land within Schoolcraft County.

Owner/Operator. Any person (as defined by this Ordinance), including successors and assigns, with legal ownership or control (by lease, easement or any other agreement) of Participating Property, Wind Energy Conversion Facilities or a Wind Energy Harvest Site, including but not limited to actual or apparent authority and responsibility to operate the Wind Energy Conversion Facilities or Wind Energy Harvest Site on a daily basis.

Operations & Maintenance Office (OMO). A local facility constructed for the purpose of operating and maintaining the Wind Energy Harvest Site or Wind Energy Conversion Facilities, including the storage of spare parts or other materials.

Participating Landowner. The person who owns property on which one or more Wind Turbine Generators is located.

Participating Property. Any property or portion thereof in the Agricultural District owned or under the control (by lease, easement or any other agreement) by the Owner/Operator and proposed for (i) the placement of a Small Turbine Tower in excess of sixty (60) feet, (ii) inclusion by the Applicant to be within a Wind Energy Harvest Site, or (iii) the placement of a MET Tower, transmission line or any other Wind Energy Conversion Facilities or easements which are directly or indirectly related to a Wind Energy Harvest Site.

Project Boundary. The external property boundaries of Participating Property represented on a plot plan view by a continuous line encompassing the area within which all Wind Energy Conversion Facilities and any other related equipment or OMO will be located.

Rotor. An element of a Wind Turbine Generator that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Receptor. Inhabited structure affected by or potentially affected by sound levels and sound pressure levels.

SCADA Tower. A tower (either of monopole design or guy-wire supported) containing instrumentation designed to provide present moment wind data for use by the supervisory control and data acquisition system (SCADA).

Setback. The minimal allowable horizontal distance as measured from the Project Boundary, as further described in this Ordinance, to an inhabited structure, property line, county road, or other location, as further described in this Ordinance.

Shadow Flicker. Alternating changes in light intensity caused by the movement of wind turbine generator blades casting shadows on the ground or a stationary object.

Shadow Flicker Receptor. An inhabited structure affected by or potentially affected by shadow flicker, plus an additional one hundred (100) foot area surrounding the exterior of the inhabited structure; and the entire outdoor public area surrounding schools, churches, public buildings and public roads within the area affected by or potentially affected by shadow flicker.

Small Turbine or Small Turbine Tower. A single Wind Turbine Generator, including the Tower and Wind Energy Conversion Facilities, that is not directly interconnected to an electrical transmission utility and intended only to service the energy needs of the property upon which the Wind Turbine Generator is located.

Sound Emission. Sound emitted by any Wind Energy Conversion Facilities.

Spectrum. The description of a sound wave's resolution into its components of frequency and amplitude.

Supervisory Control and Data Acquisition (SCADA). A control system designed to acquire data and perform both automatic and manual control function to the Wind Energy Harvest Site.

Total Height. The height from grade to the highest vertical point of the swept rotor arc. In the case of Wind Turbine Generator with horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter. In the case of a MET Tower, the height from grade to the highest vertical point of any equipment or instrumentation attached to the MET Tower.

Tower. The tubular structure, above grade, that supports the nacelle, including the Wind Turbine Generator, and rotor assembly.

Wind Energy Conversion Facilities. Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade,

foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other components used in the conversion of wind into usable forms of energy.

Wind Energy Harvest Site (Wind Farm). A Wind Energy Harvest Site is a location where any number of commercial Wind Turbine Generators are sited for the purpose of extracting kinetic energy from the wind, generating electricity, and supplying the electricity to an electrical transmission utility ("grid").

Wind Energy Harvest Site Construction Application. An application to the Planning Commission seeking conditional land use approval to site and construct a Wind Energy Harvest Site.

Wind Site Assessment Application. An application to the Planning Commission seeking conditional land use approval to erect one or more anemometer towers (MET Towers") on Participating Property.

Wind Turbine Generator (WTG). A device designed to extract energy from the wind and supply it in the form of electrical energy.

3. Small Turbines:

(a) Small Turbines exceeding one hundred twenty (120) feet in Total Height are prohibited.

(b) Small Turbines may be approved in the Agricultural District as a use permitted by right if the Total Height does not exceed sixty (60) feet and the Tower is set back at least two (2) times the Total Height from property lines and public road right of ways.

(c) Small Turbines exceeding sixty (60) feet in Total Height but equal to or less than one hundred twenty (120) feet in Total Height may be approved in the Agricultural District as a conditional use pursuant to this section, provided it meets all of the following conditions:

1) Installation shall be consistent with the public health, safety and welfare of Schoolcraft County.

2) Small Turbines must comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration ("FAA"), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation. No Small Turbine shall be located on any property in such a manner as to interfere with the safe takeoff, approach and landing of aircraft at any non-publicly owned airport as defined by the Michigan Airport Zoning Act, as amended.

3) Small Turbines must minimize the adverse impacts of technological obsolescence of such equipment.

4) Small Turbines shall be required to be of a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the Small Turbine.

5) Small Turbine shall not be artificially lighted except to comply with applicable FAA or other Federal, State or local requirements, or to the extent necessary for the reasonable safety and security thereof.

6) No advertising is permitted upon a Small Turbine. Additional items such as banners, streamers, flags and similar items are hereby prohibited from being attached to any Small Turbine.

7) Any electrical system components related to a Small Turbine, except necessary wiring from the base of the support structure to the turbine, are required to be placed underground within the boundary of each Participating Parcel at a depth designed to accommodate the existing land use to the maximum extent practical.

8) There is a minimal negative visual impact of a Small Turbine on neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.

9) The Rotor diameter shall not exceed thirty five (35) feet.

10) No Small Turbine may produce Sound Emissions in excess of 35 dB(A) at Measurement Points at any adjacent property line of a Non-Participating Parcel. During short-term events including but not limited to severe wind, snow or rain storms if the ambient sound pressure level exceeds 35 dB(A), the maximum Sound Emissions permitted during the short-term event shall be the ambient dB(A) plus five (5) dB(A)s.

11) A Participating Parcel shall not be occupied by a number of Small Turbines that exceed a combined total potential power output greater than ten (10) kW per hour nor shall the number of Small Turbines on a Participating Parcel exceed two (2) for each whole five (5) acres.

12) Small Turbines shall have a governing, breaking, feathering or other fail-safe system designed by a certified engineer in order to mitigate and prevent uncontrolled rotation during adverse weather conditions.

13) Small Turbines must possess protection measures from lightning strikes.

14) A structural analysis must be provided demonstrating the structural integrity of the proposed Small Turbine Tower support system in the event of adverse weather conditions.

15) All setbacks required for Small Turbine Towers shall be measured from the outside edge of the base of the Small Turbine Tower at Measurement Points at the nearest adjacent property line of a Non-Participating Parcel.

16) A Small Turbine Tower must meet the greater of either two (2) times the Total Height of the Small Turbine Tower away from a Non-Participating Parcel's property line or the minimum distance necessary for compliance with the permissible Sound Emission permitted by this section.

17) A minimum separation distance equal to or greater than a one to one (1:1) ratio to Total Height is required between multiple Small Turbine Towers.

18) No Small Turbine Tower shall be located in the Front Yard as defined by this Ordinance.

19) All Small Turbine Towers must maintain a one-to-one (1:1) Total Height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the Participating Parcel.

20) No collocation of any Wireless Communications Facilities shall be permitted on any Small Turbine Towers.

(d) Applications for a conditional land use for Small Turbines exceeding one hundred twenty (120) feet in Total Height shall be on a form approved by the County and submitted to the Schoolcraft County Zoning Administrator with the required fee as set by the County Board. At a minimum, the application shall include a site plan in substantial conformance with the requirements of this subsection. If the Schoolcraft County Zoning Administrator determines that the application as submitted does not substantially conform to the requirements of this subsection, the Zoning Administrator shall notify the Applicant of his or her determination and the application shall be returned to the Applicant, together with any fees submitted with the application and the application shall not be submitted to Planning Commission for review. If the Zoning Administrator determines the application substantially conforms to the requirements of this subsection, the application package shall be submitted to the Planning Commission and reviewed pursuant to procedure outlined in Article 7 of this Ordinance.

4. Wind Site Assessments and Wind Energy Harvest Sites: The construction of Wind Energy Harvest Sites involves a two-phased process, whereby the feasibility of a Wind Energy Harvest Site is evaluated by way of a Wind Site Assessment and then, if testing is successful, a Wind Energy Harvest Site is constructed. Accordingly, each of these two phases shall require separate conditional land use applications.

(a) Wind Site Assessment Application Requirements: An Applicant seeking conditional land use approval (conditional land use permit) for a Wind Site Assessment shall submit a site plan complying with the requirements of Article 7 of this Ordinance and shall also include the following information:

1) The proposed number, location, size, height and type of all MET Towers intended to assess the wind resource.

2) The location of all buildings and any other structures on the proposed site as well as any buildings and dwellings on any Non-participating Property immediately adjacent to the proposed site.

3) The location of public and private roads, wood lots, property lines, and any other property features or characteristics deemed relevant by the Planning Commission.

4) The names, addresses, and phone numbers of the Applicant, the owner of all equipment proposed to be installed if different than the Applicant and the recorded owner(s) of the property or properties within the Project Boundary.

5) A copy of any and all agreements, leases or other written documentation evidencing the recorded owner's authorization permitting the installation of one or more MET Towers for the purpose of conducting a Wind Site Assessment, which shall include a provision requiring the Applicant to remove all equipment and restore the property to its original condition upon cessation of the Wind Site Assessment.

6) Proof of the Applicant's liability insurance for the Wind Site Assessment in a minimum sum of one million dollars ($1,000,000), naming the recorded property owner and the County as additional insureds.

7) A MET Tower shall not be located on a site in excess of thirty-six (36) months, without the express approval of the Planning Commission.

8) An approved Wind Site Assessment application shall not be considered or construed to mean future approval of a Wind Energy Harvest Site construction application.

(b) Wind Energy Harvest Site Application Requirements: An applicant seeking conditional land use approval for a Wind Energy Harvest Site shall submit a finalized site plan complying with the requirements of Article 7 of this Ordinance bearing the certification(s) of all licensed engineering consultants and agencies required by law and shall also include the following detailed information:

1) The proposed location of all Wind Energy Conversion Facilities and access roadways.

2) The proposed location of the OMO, and all substations, permanent MET Towers and/or SCADA Towers in anyway related to the proposed Wind Energy Harvest Site and wherever located in the County.

3) The proposed location of all underground and/or overhead cabling.

4) The physical size and electrical production capacity of the proposed Wind Energy Conversion Facilities, including the Total Height and the swept rotor diameter.

5) The method, materials and color of fencing, if any.

6) The method and type of Tower lighting, plus details on shielding to avoid visibility of flashing lights from any ground level based site lines.

7) A visual representation, including scale elevations of the proposed Wind Energy Conversion Facilities and perspective drawings or photographic representations depicting the Wind Energy Conversion Facilities in relation to the surrounding topography and structures.

8) A copy of any and all agreements, leases or other written documentation evidencing the recorded owner's authorization permitting the installation of Wind Energy Conversion Facilities, which shall include a provision requiring the Applicant to remove all equipment to a minimum depth of six (6) feet from the natural grade and restore the site upon cessation or removal of any Wind Energy Conversion Facilities or Wind Energy Harvest Site operations.

9) The Wind Turbine Generator manufacturer's specifications indicating:

   i. The rated nameplate output, in kilowatts or megawatts, of the Wind Turbine Generators.

   ii. Safety features and sound characteristics of all Wind Energy Conversion Facilities.

   iii. Type of materials used in foundation, Tower, blade, and/or rotor construction.

   iv. Manufacturer's MSDS (Material Safety Data Sheet) documentation including the type and quantity of the materials, lubricants, and coolants used in the operation of all Wind Energy Conversion Facilities.

   v. A discussion of the SCADA system employed to control and operate the Wind Energy Conversion Facilities.

10) A sound impact study (noise report) shall be prepared in accordance with subsection 4.c), and shall also include the following:

   i. Sound level information, reported in both dBA and dBC, and showing sound level contours in 5 dB increments overlaid on an aerial view and property survey map of property within two (2) miles of the Project Boundary.

   ii. Sound predictions shall be made for wind speed, direction and operating mode that would result in the maximum daytime and nighttime Sound Emissions.

11) A Background Sound study, dBA and dBC (as LA90 and LC90), shall be performed defining the Background Sound level at the project Boundary and for all Inhabited Structures within two (2) miles of the Project Boundary.

12) Proof that the Applicant has obtained or applied for approval from all other agencies having jurisdiction, including the following:

i. Federal Aviation Administration.

ii. County Road Commission and/or MDOT, as applicable.

iii. Other agencies having jurisdiction.

13) Proof of liability insurance for Wind Energy Conversion Facilities in a minimum amount of five million dollars ($5,000,000), increased annually by the estimated multiplication factor for the agricultural class of property, as determined by Schoolcraft County or other taxing jurisdiction; provided that, if the factor is less than 1.0, then 1.0 shall be the factor used.

14) Prior to final approval the Applicant must submit an acceptable plan that is approved by the Planning Commission for resolving health-related or other complaints, including but not limited to, sleep deprivation, headaches, dizziness or nausea reasonably attributed to the operation of Wind Energy Conversion Facilities.

15) Prior to final approval the Applicant must submit an acceptable plan that is approved by the Planning Commission for resolving claims by property owners within Schoolcraft County where the inability to sell a property or a reduction in the value of a property can be reasonably attributed to the presence and/or operation of the wind turbine generators.

(c) Sound Studies and Requirements. All studies or tests related to sound conducted in accordance with this section shall meet the following standards and requirements:

1) Qualified Independent Acoustical Consultant. Persons conducting baseline and other measurements and reviews related to the application for a Wind Energy Harvest Site shall have Full Membership in the Institute of Noise Control Engineers (INCE) or other demonstrated acoustical engineering certification, or must demonstrate their qualifications and show field measurement experience with background data and wind turbine generator noise emission. The Professional Engineer (PE) certification does not test for competence in acoustical principles and measurement; a PE without adequate further qualification is not considered to be qualified under this section. The Qualified Acoustical Consultant shall not have any financial stake in the Wind Energy Harvest Site or any other financial stake in the Applicant or any related company of Applicant. Any person or entity performing tests or studies under this section shall provide proof of their qualifications to the Planning Commission.

2) Measurement. Standardized acoustical instrumentation and sound measurement protocol shall meet all the requirements of the following ANSI and IEC standards:

i. ANSI S1.43 Integrating Averaging Sound Level Meters: Type-1 (or IEC 61672-1)

ii. ANSI S1.11 Specification for Octave and One-third Octave-Band Filters (or IEC 61260)

iii. ANSI S1.40 Verification Procedures for Sound Calibrators

iv. ANSI S12.9 Part 3 Procedures for Measurement of Environmental Sound

v. ANSI S12.18 Measurement of Outdoor Sound Pressure Level

vi. IEC 61400-11 WTG systems –Part 11: Acoustic noise measurements

3) Background Sound Level. Because Wind Energy Conversion Facilities can potentially operate continuously, the Background Sound levels studies shall focus on the quieter periods which are often the evening and night. Sounds from the WTG, near-by birds and animals or people must be excluded from the background sound test data. Nearby electrical noise from streetlights, transformers and cycling AC units and pumps etc., must also be excluded from the background sound test data. Several contiguous ten (10) minute tests may be performed in one hour to determine the statistical stability of the sound environment. Further, background L90 sound levels documenting the pre-construction baseline conditions should be determined when the ten (10) minute maximum wind speed is less than 2 m/s (4.5 mph) near ground level/ microphone location 1.5 m height.

4) Sound Emission spectra imbalance. The spectra shall be determined not to be in balance when the C-weighted sound level is more than 20 dB greater than the A-weighted sound level. For the purposes of this requirement, the A-weighted sound level is defined as the long-term background sound level (LA90) +5 dBA. The C weighted sound level is defined as the dBC measured during the operation of the wind turbine generator operated so as to result in its highest sound output.

5) Low Frequency Noise (LFN). LFN is deemed to be excessive when the difference between a C-weighted sound level and an A-weighted sound level is greater than 20 decibels at any measurement point outside an Inhabited Structure.

6) Measurement Point. The Measurement Point shall be located so as to not be near large objects such as buildings and in the line-of-sight to the nearest turbines. Proximity to large buildings or other structures shall be twice the largest dimension of the structure, if possible. Measurement Points should be at quiet locations remote from street lights, transformers, street traffic, flowing water and other local noise sources.

7) Measurement Wind Speed. For measurements conducted to establish the Background Sound levels (LA90 10 min, LC90 10 min, and etc.) the maximum wind speed, sampled within 5m of the microphone (Measurement Point) and at its height, shall be less than 2 m/s (4.5 mph) for valid measurements. For valid Wind Energy Conversion Facilities measurements conducted to establish the post-construction sound level the maximum wind speed, sampled within 5m of the microphone (Measurement Point) and at its height, shall be less than 4m/s (9mph). The wind speed at the rotor blade height shall be at or above the nominal rated wind speed and operating in its highest sound output mode. For purposes of enforcement, the wind speed and direction at the rotor blade height shall be selected to reproduce the conditions leading to the enforcement action while also restricting maximum wind speeds at the microphone (Measurement Point) to less than 4 m/s (9 mph).

For purposes of models used to predict the sound levels and sound pressure levels of the Wind Energy Conversion Facilities to be submitted with the application, the wind speed shall be the speed that will result in the maximum dBA and dBC sound levels at Non-participating Properties closest to the Wind Energy Conversion Facilities. If there is more than one nearby receptor, models for each such receptor shall be evaluated and the results shall be included in the application.

8) Spectrum. The Wind Energy Conversion Facilities' manufacturer is required to supply a one-third octave band frequency spectrum of the Sound Emission at 90% of rated power. The published sound spectrum is often presented as A-weighted values, but C-weighted values are also required. This information shall be used to construct a model of the Wind Energy Harvest Site's Sound Emission levels at locations of interest in and around the Project Boundary. The frequency range of interest for Sound Emission is approximately 6 Hz to 10 kHz.

5. Review Procedure: Wind Site Assessment and Wind Energy Harvest Site applications shall be evaluated by the Planning Commission pursuant to the procedures detailed in this section and Article 7. The Applicant and the entire County shall be notified by regular mail or personal delivery of the public hearing in accordance with the notice requirements of the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.,* as amended.

(a) General Standards: In addition to meeting the requirements of Article 7, all Wind Site Assessments and Wind Energy Harvest Sites shall comply with the following standards for approval:

1) No portion of any Tower or rotor blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. A nacelle may have lettering that exhibits the manufacturer's and/or Applicant's identification, provided such markings are reviewed and approved by the Planning Commission.

2) All Wind Energy Conversion Facilities shall be finished in a single, non-reflective matte finished color that minimizes the visual impact.

3) Wind Energy Conversion Facilities, including any Wind Turbine Generator, MET Tower, and SCADA Tower, shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other state or federal authority having jurisdiction. If lighting is required, the lighting as installed shall not exceed FAA minimum standards.

4) The minimum vertical blade tip clearance from grade shall be at least sixty (60) feet for a Wind Turbine Generator employing a horizontal axis rotor.

5) Any and all Airports, Airfields or Landing Strips where ever public or private owned within the boundaries of the County will come under the same guidelines for setbacks as required for any Public Airport in the State of Michigan as established by MDOT and the FAA and complying to the Michigan Tall Structures Act, Act 259 of 1959.

6) All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the Wind Energy Conversion Facilities.

7) Appropriate warning signs shall be placed at the base of any Tower and other appropriate locations on Wind Energy Conversion Facilities warning of potential dangerous conditions.

8) Any access drives or roads remaining on or within the Project Boundary shall be gated and locked at night or when not in use. Gates shall be located no closer than fifty (50') feet from the public road right-of-way.

9) Each Wind Turbine Generator shall be equipped with a manual and automatic braking device capable of stopping the rotor blades in high winds and adverse weather conditions.

(b) Setback Requirements: The following setbacks and separation requirements shall apply to all Wind Turbine Generators within the Project Boundary.

1) On a Participating Property, each Wind Turbine Generator shall be set back from the nearest Inhabited Structure a distance of no less than three (3) times the Total Height.

2) A Wind Turbine Generator within the Project Boundary shall be set back not less than six (6) times the Total Height from the property line of the nearest Non-participating Property as measured from the closest point at the base of the Tower.

3) No Wind Turbine Generator shall exceed five hundred (500) feet in Total Height.

4) Any MET Tower or SCADA Tower shall be set back not less than two and one-half (2 ½) times the Total Height from any Inhabited Structure, public road right of way or property line of any Non-participating Property.

5) Every Wind Turbine Generator within the Project Boundary shall be set back not less than six (6) times the Total Height from the center line of a "State" highway within the boundaries of the County measured from the closest point at the base of the Tower. Every Wind Turbine Generator within the Project Boundary shall be set back not less than two (2) times the Total Height from every other Wind Turbine Generator or any public road right of way, power lines, gas line or County drain and Railroad Track, measured from closest point at the base of the Tower.

6) No Wind Turbine Generator shall be located within a one (1) mile circumference (the "Exclusion Zone") of the City of Manistique. The Exclusion Zone shall be measured from the City limits existing on the date this section was adopted by the County Board.

(c) Sound Emission Limitations: The following Sound Emission limitations shall apply to a Wind Energy Harvest Site.

1) Sound Emissions on Participating Properties shall not exceed 45 dBA as measured at any occupied principal residence on the Participating Property .

2) Sound Emissions measured at the adjacent property line of Non-participating Properties shall not exceed 35 dBA.

3) Low Frequency Noise measured at the adjacent property line of Non-participating Properties shall not exceed 10 decibels (measured as dBC) above the pre-development Background Sound as determined by the Background Sound Study required by Paragraph 4 (b)(11) of Section 6.19 of this Ordinance.

(d) Shadow Flicker and Blade Reflection: The Wind Energy Harvest Site shall be designed and sited to prevent shadow flicker and/or blade reflection from having a negative impact on any shadow flicker receptor, as defined herein.

1) A Wind Energy Harvest Site shall be designed so that shadow flicker or blade reflection does not discernibly impact any shadow flicker receptor for more than 30 hours per year.

2) Based on reasonably valid complaints, the Planning Commission may verify such complaints by field verification and modeling by a qualified consultant engaged by the County, the cost of which shall be paid for by the Owner/Operator.

3) The Owner/Operator shall be responsible for mitigating verified complaints within 30 days from a final determination of any shadow flicker or blade reflection attributed to the operation of Wind Turbine Generator. Mitigation involving significant construction or physical modification shall be completed within 90 days, unless an extension is granted by the Planning Commission for due cause.

(e) Signal Interference: No Wind Energy Conversion Facilities shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, wireless phone, Auto GPS Steering Systems or other personal communications systems would produce electromagnetic interference with signal transmission or reception. No Wind Energy Conversion Facilities shall be installed in any location along the major axis of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link's operation.

(f) Stray Voltage Assessment and Requirements:

1) The Applicant shall conduct and include a report of a pre-construction stray voltage test on all livestock facilities located within and one mile beyond the Project Boundary.

2) Following completed construction and interconnection of all Wind Energy Conversion Facilities within the Project Boundary, the Applicant shall conduct a post-construction stray voltage test on all livestock facilities within and one mile beyond the Project Boundary.

3) The stray voltage tests shall be performed by a certified stray voltage investigator approved by the Planning Commission.

4) Applicant shall seek written permission from property owners prior to conducting testing on such owners' property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

(g) Roads:

1) A travel plan shall be provided depicting the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment of other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of Wind Energy Conversion Facilities must be submitted to and approved by the Schoolcraft County Road Commission prior to commencement of construction of any Wind Energy Conversion Facilities.

2) The travel plan must include the load capacity of the roads, an assessment of the roadway prior to and after construction of the Wind Energy Conversion Facilities and an intersection display or diagram indicating where and what

type of improvements are necessary for transportation, delivery or maintenance purposes for any Wind Energy Conversion Facilities. Any necessary post construction road repairs or reconstruction shall be the responsibility of the Owner/Operator of the Wind Energy Conversion Facilities and such necessary road repairs of reconstruction must be performed in compliance with all applicable requirements of the Schoolcraft County Road Commission.

(h) Applicant shall provide a statement indicating what hazardous materials will be used and stored on the Wind Energy Harvest Site.

(i) Applicant shall provide an anticipated construction schedule and project phasing plan shall be required prior to final site plan approval.

(j) Applicant shall provide a statement certifying that all Wind Energy Conversion Facilities will be inspected on an annual basis to ensure proper working condition. The Owner/Operator shall maintain with the County up to date name and contact information for the person responsible for maintenance of the Wind Energy Conversion Facilities.

6. Reporting Requirements:

(a) The Owner/Operator shall notify the Schoolcraft County Clerk of any Extraordinary Events within 24 hours of any such event. "Extraordinary Events" shall include but not be limited to Tower collapse, catastrophic turbine failure, fires, leakage of hazardous materials, unauthorized entry to the Tower base, thrown blade or hub, any injury to any worker or other person that requires emergency medical treatment, or other event that impacts the public health and safety of the County or its residents.

Additionally, the Owner/Operator shall provide the Schoolcraft County Clerk and residents of the County with a hotline phone number for reporting of any such Extraordinary Events to an individual or manned facility designated by the Owner/Operator that can be contacted at any time.

(b) An annual report shall be submitted to the Schoolcraft County Clerk which shall contain the following:

1) Annual proof of liability insurance pursuant to subsection – 4. b 13.

2) Annual proof of decommissioning funds pursuant to subsection – 10 b.

3) A summary of all complaints, complaint resolutions and Extraordinary Events.

7. Ownership change: The conditional land use permit is transferrable. The proposed new Owner/Operator shall be required to register with the County Clerk prior to the transfer of ownership or operation of the Wind Energy Harvest Site. The new owner/operator shall conform to all requirements of this Section and any conditional use permit issued pursuant to this Section.

8. Operational Requirements: The operation of a Wind Energy Harvest Site shall conform to operational requirements that reasonably protect the public from excessive danger due to weather conditions, including but not limited to ice and snow.

9. Complaint Resolution:

(a) Serious Violations: Except as otherwise provided in this Section, the Owner/Operator of the Wind Energy Harvest Site shall respond within five (5) business days to any complaint or complaints deemed by the County Zoning Administrator to require immediate attention due to actual or probable endangering of persons or property. Testing, if required, shall be paid for by the Owner/operator and must commence within ten (10) working days of verification of the validity of the complaint. The Owner/Operator shall provide a mitigation plan within five (5) business days of being notified of the violation, which plan shall be implemented as quickly as needed to mitigate or avoid the actual or probable damage. Any costs attributable to mitigation or elimination of serious violations shall be borne by the Owner/Operator.

(b) Other Violations: Except as otherwise provided in this Section, if the County Zoning Administrator determines that a violation of this Ordinance or the conditional land use permit has occurred, and the violation is determined neither to be an emergency nor a serious violation as determined above, the County Zoning Administrator shall provide written notice to the Owner/Operator alleged to be in violation of this Ordinance or conditional land use permit. The County Zoning Administrator and the involved parties shall meet in good faith to resolve the alleged violation. Such meetings shall be conducted within thirty (30) days of the written notice of violation. The Owner/Operator shall pay for any necessary testing. The Owner/Operator is responsible for mitigating the problem within thirty (30) days. Notwithstanding the foregoing, the County Zoning Administrator may permit the Owner/Operator up to ninety (90) days to mitigate problems that involve significant construction or physical modification.

(c) If a complaint is not mitigated to the satisfaction of the County or any affected landowner, nothing in this ordinance or the conditional land use permit shall preclude the County or the landowner from pursuing legal action in a court of competent jurisdiction.

10. Removal/Decommissioning:

(a) Should any Wind Turbine Generator discontinue producing power for a minimum of one (1) year, the Owner/Operator shall be required to provide a status report to the County Planning Commission. A review of the status report by the County Planning Commission may result in a request for the affected Wind Turbine Generator(s) or the entire Wind Energy Harvest Site to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop operation order by the County Zoning Administrator, and revocation of the conditional land use permit in accordance with this Zoning Ordinance.

(b) The Owner/Operator shall post and maintain decommissioning funds in an amount equal to the net costs of decommissioning the Wind Energy Harvest Site; at no point shall

decommissioning funds be less than one hundred percent (100%) of decommissioning costs. Decommissioning cost shall be paid for by the owner/operator as determined by a third party known in this field, for their expertise and the cost of hiring a third party, will also be paid for by the owner/operator. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the owner/operator and participating landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State and the form of the bonds is approved by an attorney representing the County. No work can begin on the Wind Energy Harvest Site before the decommissioning bond is issued and accepted.

(c) When a Wind Turbine Generator is decommissioned, all items must be removed from the subject property including buildings, electrical components, any roads, structural foundations, or other associated components to a depth not less than 6 feet (six feet) below grade. And must be documented and recorded within the Schoolcraft County Register of Deeds.

(d) The County Clerk shall be notified within thirty (30) days of any changes in the status of a Wind Energy Harvest Site, including cessation of use, a change in its ownership, or a change in the terms of the underlying lease to the subject property.

(e) In the event the Owner/Operator defaults on any or all of the previously outlined decommissioning requirements, the landowner upon which any Wind Energy Conversion Facilities are located shall be responsible and liable for the removal of any Wind Energy Conversion Facilities. Failure of the landowner's compliance to the removal/decommissioning guidelines would result in the County having the unit(s) removed at the expense of the landowner. If funding is not available to cover the costs of removal by the landowner, legal action to pursue the seizure of property(s) will take place to cover such costs.

11. Inspections:

Upon the provision of reasonable prior notice to the Owner/Operator, the County Zoning Administrator, and/or his or her designated representative, may inspect any property for which conditional land use approval has been granted pursuant to this Section to determine whether the site complies with the applicable requirements of law and the terms of the conditional land use approval.

SECTION 6.20 WATERFRONT LOT USE REGULATIONS

A. Intent: It is the intent of this section to promote the integrity of Dodge, Island, Gulliver, McDonald and Indian Lakes while preserving the quality of recreational use of those lakes; to protect the quality of those lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this section shall be construed to limit access to lakes or waterways by the

general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

B. Regulations: In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:

1. The parcel must contain a minimum of 7,000 square feet in area and fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one-hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

2. In no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

3. Access property, as provided for in and meeting the conditions of this section, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

C. Nonconforming uses: In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

D. Definitions: "Access Property" shall mean a property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

SECTION 6.21 RENTING AND LEASING

A. Permit Requirement. Short Term Vacation Renting is a permitted use in all zoning districts.

B. Application and Fee Requirements. An Owner seeking a permit under this Section shall submit a completed application on a form provided by the County to the County Zoning Administrator and pay the required fee, which shall be determined from time to time by resolution of the County Board of Commissioners. The application shall include proof of

ownership of, or the legal right to rent, a dwelling unit, and proof of liability insurance covering vacation rentals for an amount not less than $500,000 (five hundred thousand dollars), and all information reasonably necessary for the Zoning Administrator to determine whether the applicable standards for approval provided in this Section have been met. An application shall not be considered complete until all required or requested information has been provided.

C. Standards for Approval: After receiving a completed application for a Permit, the Zoning Administrator shall approve, approve with conditions or deny an application for a Short Term Renting permit. All application denials shall be in writing specifying the reason for the denial. A permit will only be issued upon a finding that the application complies with, or with conditions will comply, with all of the following applicable standards:

1. Maximum occupancy will be based on two (2) adult persons per bedroom (not including children ages 12 and under), but in no case shall occupancy exceed eight (8) persons ages 12 and older to any one dwelling, seasonal dwelling, cabin or cottage.

2. The minimum length of Short Term Rental Contract is four (4) consecutive days/nights. The maximum period allowed for Short Term Renting shall be limited by the terms of the applicable permit purchased by the Owner.

3. Short Term Vacation Renting Permits may be purchased by the Owner only in seven (7) week blocks of time allowing Short Term Rentals during that period.

4. An Owner may purchase up to four (4) Short Term Vacation Renting Permits for each twelve (12) month period, each for a separate consecutive seven (7) week block of time, thus for a maximum of twenty-eight (28) weeks during the twelve (12) month period that beings on January 15th and ends on January 14th the following year.

5. During each seven (7) week rental period, the Owner of the rented property must prominently display a sign that states this is a property Used for Short Term Rentals. Such sign:
    a. Must be displayed outside the rented premises and located separately from the structure such that it can be read without entering the premises or its porches, decks or other appurtenances.
    b. Must display a legible and weatherproofed copy of the current applicable permit including the applicable seven (7) week block of time.
    c. Must contain a monitored emergency phone number to contact the Owner or the Owner's local property manager.
    d. Must contain whatever other information or posting as required by the Zoning Administrator.

6. The dwelling, seasonal dwelling, cabin or cottage must meet all residential building, health department, and safety codes.

7. The Owner shall provide ample off street parking to accommodate Tenant's vehicles and/or trailers. Tenant parking of vehicles and/or trailers along the street, road or highway is prohibited.

8. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.

9. The Owner shall provide the Tenant and the County with the following information prior to occupancy of the dwelling, seasonal dwelling, cabin or cottage. The Owner shall also post this information in a conspicuous place inside the dwelling:

   (a) The name of the local Owner or an appropriate agent of the Owner or contact person, and a telephone number at which he or she may be reached on a twenty-four-hour basis; and

   (b) A copy of 6.21 (C) Numbers 1 thru 13.

   (c) Notification that an occupant may be cited or fined by the County, in addition to any other remedies available at law, for violating any provisions of this Section.

9. All land-based recreational activities shall be limited to rented premises or permitted public areas and shall not encroach on neighboring properties.

10. Tenants of a property used for Short Term Renting shall observe quiet hours between the hours of 10:00 PM and 8:00 AM. During this time, unnecessary loud noise or music is prohibited and pets shall be kept inside, except when on a leash and accompanied by an adult. Loud noise or music and the keeping of any animal which causes frequent, prolonged, or continuing noise and disturbs the comfort or repose of any person is prohibited.

11. Tenants shall comply with all local and state burning restrictions. All recreational fires must be attended to and are allowed only in designated pits, rings or similar suitable devises designated for burning. Only wood fuel is permitted. The burning of trash or other debris is prohibited.

12. The Short Term Vacation Renting Contract between the Owner and Tenants shall include a provision prohibiting the use of fireworks on the rented premises.

D. Permit, Re-application. A Permit issued under this Section shall be valid during the year in which it is issued. Permits issued under this Section expire annually on January 14th of each year. Permits accompanied by a previously issued and still valid Permit shall be automatically renewed each successive year if accompanied by an updated form and the fee as set by the County Board of Commissioners. All information requested on the form shall be supplied including the exact periods the rentals will be made available to rent. These dates may be adjusted by the owner as necessary by notifying the Zoning Administrator in advance.

Permits shall not be transferable upon sale or other transfer of ownership to subsequent owners. If a permit is no longer in effect as a result of a transfer or change of ownership, or failing to comply with all of the rules, regulations, conditions imposed, and standards of approval, the Owner shall re-apply for a new permit.

E. Inspections and Conditions. The Zoning Administrator may make periodic inspections of a dwelling, seasonal dwelling, cabin or cottage used for Short Term Renting to ensure continuing compliance with the approval standards specified in this Section.

F. Suspension or Revocation of Short Term Renting Permit. In addition to any other penalty authorized by law, a Short Term Renting permit may be suspended or revoked if, after written notice of the charges and an opportunity to respond to the charges, the Zoning Administrator finds by competent, material, and substantial evidence that the permit holder or his or her agents or employees has or have violated, or failed to fulfill, the requirements of this Section, including any conditions for approval. The written notice of the charges shall be served on the Owner personally or by certified mail addressed to the last known address on file with the County.

1. Upon a finding by the Zoning Administrator of a First violation within any twelve (12) month period, the Short Term Renting permit may be suspended for up to thirty (30) days during which the premises shall not be utilized for Short Term Renting.

2. Upon a finding by the Zoning Administrator of a Second violation within any twelve (12) month period, the Short Term Renting permit shall be suspended for at least thirty (30) days, but no more than sixty (60) days, during which the premises shall not be utilized for Short Term Renting.

3. Upon a finding by the Zoning Administrator of a Third violation within any twelve (12) month period, the Short Term Renting permit shall be revoked and the Owner who had been issued the Short Term Renting permit shall not again be issued a Short Term Renting permit for a period of twenty-four (24) months during which the premises shall not be utilized for Short Term Renting.

G. Appeals.

1. Any applicant for Short Term Renting permit whose application was denied by the Zoning Administrator may, within ten (10) days following the date of such written decision, appeal the denial to the Zoning Board of Appeals. An appeal under this section shall be taken by filing a notice of appeal with the Zoning Administrator and with the Zoning Board of Appeals specifying the grounds for the appeal.

2. Any permit holder whose Short Term Renting permit is suspended or revoked by the Zoning Administration may, within ten (10) days following the date of such written decision, appeal the decision to the Zoning Board of Appeals. An appeal under this section shall be taken by filing a notice of appeal with the Zoning Administrator and with the Zoning Board of Appeals specifying the grounds for the appeal.

3. The applicant or permit holder pursuing an appeal must pay a filing fee in the amount of $500 (five hundred dollars) for the appeal.

4. Within a reasonable time of the submission of the appeal, the Zoning Administrator Board of Appeals shall consider the appeal at a public meeting and render a decision on the appeal. The applicant or permit holder, as applicable, shall have the right to present witnesses, evidence and arguments. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the Zoning Administrator. The decision of the Zoning Board of Appeals shall be final. The applicant or permit holder, as applicable, shall be notified in writing of the decision of the Zoning Board of Appeals.

H. Violations. A person who violates any provision of this Section shall be responsible for a municipal civil infraction and is subject to a fine of $500 for the first offense; $750 for the second offense and $1000 for any additional offenses. Fines shall be imposed for each day in which a violation occurs, each of which shall be deemed to be a separate offense. In addition to the civil infraction fine, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the County has been put in connection with the municipal civil infraction, but not more than $500.

I. Enforcement Officials. The Zoning Administrator and other persons designated by the County Board of Commissioners are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Section to appear in court.

J. Civil Action. In addition to enforcing this Section through the use of a municipal civil infraction proceeding, the County may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se, as permitted in Article 3 of this Ordinance or any other violation of this Section.

SECTION 3. VALIDITY AND SEVERABILITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be published and take effect seven (7) days after publication as provided by law.

Approved this 8th day of April, 2021.

SECTION 6.22 RECREATIONAL VEHICLE USE

Any recreational vehicle having a valid state license/registration may be used as a principal structure for a period of 180 calendar days in a calendar year. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.

SECTION 6.23 FENCE REGULATIONS

A. The following regulations apply in Lakeshore and River 1, 2, & 3 Districts, Residential 1 & 2 Districts, and Town Districts:

Front Yard:	No fence or hedge shall exceed 4 feet in height.
Side Yard:	No fence or hedge shall exceed 6 feet in height.
Rear Yard:	No fence or hedge shall exceed 4 feet in height.
Corner Lot:	No fence or hedge shall exceed 4 feet in height and shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

B. For fence regulation purposes only, a Front Yard is defined as "the area between the home and the road. The Side Yard is defined as "the area between the home and the side lot line extended 20 feet, however, towards either the water or the rear lot line. The Rear Yard is defined as "the area between the rear lot line or the water and ending 20 feet from the home.

C. Only razor and barbed wire fencing is prohibited.

D. Maintenance: Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.

D. Fences may be erected on property lines. Setbacks do not apply to fences.

SECTION 6.24 MARIJUANA FACILITIES

A. A marijuana grower, marijuana processor, marijuana safety compliance facility, or marijuana secure transporter, in accordance with the provisions of state law, may be permitted through the issuance of a conditional use permit pursuant to Article 8 of this Ordinance in the Town District provided that:

1. The city, township or village of Schoolcraft County in which the proposed marijuana facility will be located has adopted an ordinance authorizing such uses within its jurisdiction.
2. The marijuana facility must be licensed by the state of Michigan and must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
3. The marijuana facility must be licensed by the city, township or village of Schoolcraft County in which the proposed marijuana facility will be located and must be at all times in compliance with the city, township or village's authorizing ordinance.
4. Schoolcraft County may suspend or revoke a conditional use permit based on a finding that the provisions of the conditional use standards in this section, all other applicable provisions of this zoning ordinance, the city, township or village's authorizing ordinance, or the terms of the conditional use permit and approved site plan are not met.

B. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this Ordinance

C. Marijuana growers and marijuana processors shall be subject to the following standards:

1. The subject property shall be a minimum of 2 acres, except that if outdoor production is proposed, the subject property shall be a minimum of 5 acres.
2. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high water mark.
3. Lighting shall be regulated as follows:
   a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
   b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
4. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
   a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
   b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.

d. Negative air pressure shall be maintained inside the building.

e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

f. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The County may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

D. Marijuana safety compliance facilities and marijuana secure transporters shall be subject to the following standards:

1. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.

2. Any buildings or structures used for the containment of stored materials shall be located no closer than 50 feet from any property line.

Section 5. **Validity and Severability**.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. **Repealer Clause**.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: **Effective Date**.

This Ordinance shall become effective seven (7) days after publication.

Updated 3/1/2018

SECTION 6.25 SOLAR ENERGY SYSTEMS

1. PURPOSE: The purpose of this ordinance is to regulate the permitting, construction, installation and operation of Solar Energy Systems, to ensure the protection of health, safety and welfare, for the residents of and visitors to Schoolcraft County, Michigan.

2. DEFINITIONS: For the purposes of this section, the following terms and phrases shall be defined as provided below:

Solar Energy Systems (SES): The components needed to convert solar energy into other forms suitable for use on or off premises.

Residential Solar Energy Systems- Roof Mounted Systems: Limited in area to one half of the total roof area of a residential dwelling or an accessory structure, measured in square feet.

Gound Mounted Accessory Structure Residential Solar Energy Systems: Limited to the maximum area available for a roof mounted system.

Commercial Solar Energy System: All building integrated, ground and ground mounted energy systems. System requires a site plan approval (sec 7 SCZO) and special land use approval (sec 8 SCZO) by the Planning Commission on a site by site basis.

Industrial Solar Energy System: Roof Mounted and Ground Mounted Energy Systems, intended to convert solar energy into other useable forms for the primary purpose of selling off premises. System requires site plan approval (sec 7 SCZO) and special land use approval (sec 8 SCVO). Engineered, sealed, designs required for site plan review and approval by the Planning Commission on a site by site basis. Maximum land area of coverage to be determined by the Planning Commission based upon total land available and any alternative land uses available for the balance of the site land area.

A. SOLAR ENERGY SYSTEM STANDARDS:

1. Residential Solar Energy Systems
   a. Permitted as a Principle Use with required approved zoning, building, and electrical permits.
   b. Must submit a low potential for "glint or glare" approval letter from the Airport Manager for an S.E.S when within 5 miles of an airport perimeter.
   c. Setbacks to meet established district minimum setbacks for accessory structures.

2. Commercial Solar Energy Systems
   a. Permitted as Special Land Use required in compliance with section 8.07 of the Schoolcraft County Zoning Ordinance. Permitting required with building and zoning.
   b. Must submit a low potential for "glint or glare" approval letter from the Airport Manager for an S.E.S when within 5 miles of an airport perimeter.
   c. Setbacks to meet established district minimum setbacks, established by the Planning Commission as a condition of approval.
   d. Must provide a site plan indicating all structures on the property and adjoining properties drawn to scale, with proposed locations of S.E.S. (and height).

3. Industrial Solar Energy Systems
   a. All requirements stated for the Commerical Solar Energy Systems in addition to:
      1. Minimum of twenty (20) acres of land for the site required
      2. Must submit a complete site plan prepared by a professional engineer licensed to do business in Michigan. Must be reviewed and signed by a third party plan reviewer licensed to do business in Michigan for all applicable codes compliance, indicating all improvements, including buffering and screening

plans, proposed for the location and also including a site topical elevations drawing. Must also submit a signed and sealed document that all federal, state and local statues, codes and ordinances will be complied with an reference each. Submittal is to be in compliance with the standards of Article 7 Sections 7.01 and Section 7.12.C.c of the Schoolcraft County Zoning Ordinance Standards as determined by the Planning Commission.

3. Must submit a Decommissioning Plan with a cost table expressed in present value (in US dollars) to include future value calculations for twenty years. (See appendix A).

-Removal of all components that were installed to facilitate the operations of the S.E.S.

-Reclaim land to the precise state and condition that it was prior to the installation of the S.E.S. (Submit photographic evidence of existing site conditions).

-Submit a signed statement that restoration will not exceed 90 days.

-Prior to the issuance of a zoning/building permit, submit a cash bond to the County Treasurer to be held in interest bearing escrow for the amount of the approved decommissioning amount in US dollars.

- Submit a signed impact statement declaring the effects anticipated to the surrounding properties in relation to sound/noise, odor, glares or visual impediments, which will be a condition of approval and continued use.

VALIDITY AND SEVERABILITY

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. Except and unless expressly amended by the terms of this Ordinance, all other provisions of the Zoning Ordinance shall remain in full force and effect.

REPEALED CLAUSE

Any Ordinance or parts of Ordinances in conflict herewith, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

EFFECTIVE DATE

This Ordinance becomes effective seven (7) days after publication.

Approved this 23rd day of January, 2020.

APPENDIX A

Decommissioning Fees

TASKS	COST
Remove Rack Wiring	
Remove Panels	
Dismantle Racks	
Remove Electrical Equipment	
Breakup and Remove Concrete Pads or Ballast	
Remove Racks	
Remove Cables	

Remove Ground Screws and Power Poles	
Remove Fence	
Grading	
Seed Disturbed Area	
Truck to Recycling Center	
Current Total	
Total after 20 years at current inflation rate	

SECTION 6.26 DATA MINING CENTERS

A. PURPOSE: This Section is intended to provide suitable regulations for data centers that are otherwise authorized by state law and the Schoolcraft County Zoning Ordinance when there is a reasonable demonstrated need for this land use in the County. It is the intent of the County to permit this land to the extent a demonstrated need exists for the land use under conditions and on land suitable. It is also the intent of the County to protect the health, safety, and welfare of County residents and businesses and to ensure the availability and reasonable cost resources for current and future residents and businesses. The County further seeks to preserve its rural character and heritage. To these ends data centers are permitted as conditional uses in the industrial district, an area within reasonable proximity to existing electric power transmission infrastructure and reasonably distanced from residential districts.

1. The integration of data centers within the County's existing land uses requires suitable regulations and controls to ensure compliance with the County's Master Plan and for the protection for the health, safety, and welfare of all the County's residents and businesses and to ensure available resources for current and future needs.
2. It is necessary and reasonable to permit data centers in the County to the extent that there is a demonstrated need for that land use in the County.
3. Land use for data centers beyond a reasonable and legitimate demonstrated need would have needless adverse effects on surrounding businesses and residences, including the strain on existing electrical infrastructure, internet access, water resources and noise pollution, and

would be detrimental to the health, safety, welfare, and prosperity of the County and its residents and businesses.

B. DEFINITIONS: For the purposes of this section, the following terms and phrases shall be defined as provided below:

Data Center: A facility or structure that houses or utilizes a large group of networked computer services typically used by organizations for remote storage, processing or distribution of large amounts of data. This includes, but is not limited to, AI data centers and cryptocurrency data mining facilities. A cryptocurrency data mining facility is a facility devoted to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.

Sound Level: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI SI. 4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

Sound Level Meter: An instrument that includes a microphone, an amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

C. STANDARDS:

1. Data centers shall be a conditional use and then only allowed in Industrial Districts subject to the terms of this Ordinance and the following Standards and requirements.
2. *Compatibility.* All principal and accessory structures used for data centers must be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. Additionally,
    a. All structures must have concrete foundations.
    b. All exterior facades shall have muted earth tone colors, and shall not be defective, decayed, or corroded.
    c. All structures must comply with the requirements of the most recent edition of relevant codes.
3. 3. *Noise.*
    a. *Preliminary Sound Study.* In addition to the preliminary site plan requirements of Article 7, the applicant must conduct and include in the preliminary site plan a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed data center, including noise levels measured at the property line in eight locations (north, south, east, west, northeast, northwest, southeast, southwest). The study report must include sound mitigation recommendations based on the results of the sound study.
    b. *Sound Mitigation Plans.* In addition to the preliminary site plan requirements of Article 7, the applicant must include in the preliminary site plan a building plan that includes necessary noise attenuation measures in order to prevent the external sound level emanating from the data center from exceeding the sound level limitations described below. The building plan is not required to adopt any or all of the sound mitigation recommendations from the sound study, so long as the plan includes

sound mitigations measures that the architectural or design firm deems adequate to comply with this Ordinance. Sound mitigation measures may include, without limitations: soundproofing walls, screens, panels, fences, or enclosures; buffer yards; or other sound mitigation measures recommended by the third-party acoustic engineer who authored the sound study.

c. *Mechanical Equipment.* Mechanical equipment must be shown on the preliminary and final site plan and must be fully screened on all sides. Mechanical equipment not screened by a facade of the building must be screened by a visually solid fence, screen wall or panel, or parapet wall and constructed with a design, materials, details, and treatment compatible with those used on the nearest facade of the building.

d. *Alterations.* Any additions, changes, or expansions of the data center facility must comply with the sound mitigation requirements of this Section and must be designed and submitted to the Zoning Administrator for approval.

e. *Post Completion Sound Studies.*

i. Upon the data center facility's completion, the applicant must conduct a post-construction noise study performed by a third-party acoustic engineer to document noise levels emanating from the data center facility when mechanical equipment is running at full capacity, including all HVAC units and generators necessary for peak operation. Noise levels are to be measured at the property line in the original eight locations used during the baseline study. A copy of the study must be submitted to the Zoning Administrator within 30 days of the date of the report.

ii. The applicant must also conduct annual sound studies under the baseline and post-construction studies specifications detailed in this subsection. A copy of the study must be submitted to the Zoning Administrator within 30 days of the date of the report.

f. *Noise Limitations.* Sound levels may not exceed a daytime continuous sound level of 50 dBA or a nighttime continuous sound level of 45 dBA.

i. Measurement.

1. Sound measurements must be taken at the real property line.
2. The sound level meter must be calibrated at least every two years.
3. The sound level meter must be placed a minimum of four feet above the ground and from any reflective surface. The microphone must be pointed at the sound source.
4. Measurements must include "high," "average," and "low" readings. If the sound level meter does not provide these multiple readings, a minimum of three separate measurements must be taken at a single location at varying time intervals. The average sound level reading must be used to determine whether the sound level violates this Section. If there are extraneous sound sources that are unrelated to the measurements and increase the monitored sound level, the affected measurement may not be used.
5. The monitoring report for each measurement must include:
   a. Date and time of the measurements
   b. Date and time of recent calibration of the sound meter
   c. Temperature at the time of the measurements
   d. Identification of the monitoring equipment

e. Sound level measurements.

g. *Fire safety.* The mechanical equipment used in any data center must be housed in a metered (either individually or collectively in primary-metered services), electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes. The containment space must contain baffles that will automatically close in the event of fire independent of a possible electric system failure.

h. 5. *Emergency Contact.* Each data center facility must provide a 24-hour emergency contact sign visible at the access entrance. Signs must include company name, if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.

i. *Resource management and availability.* In addition to the preliminary site plan requirements of Article 7, the applicant must conduct and include in the preliminary site plan a study performed by one or more third-party utility engineers and water usage specialists to document the impact on all utilities caused by the data center, including but not limited to electricity, internet, data and water capacity for the County and associated electrical, internet and data grids. The study report must include impacts on available resources, including the impact on internet speed and costs to other users of such resources, the availability of such resources for future uses and the impacts on such resources during high load periods.

j. *Application and Approval.* No data center facility may be developed without site plan review and verification by the Zoning Administrator and County Building Code Administrator that all requirements within this Section, the County Zoning Ordinance, and all applicable codes are met.

4. **Violations.**

a. Violations of this Section are subject to and governed by Section 3.10 of the County Zoning Ordinance. **Section 2.**

b. **Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance. **Section 3.**

c. **Repealer Clause.** Any ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect, including Ordinance 24-1. **Section 4.**

d. **Effective Date.** This Ordinance takes effect upon the expiration of seven days after publication. 81957:00001:200624798-2

ARTICLE 7

SITE PLAN REVIEW

SECTION 7.01 PURPOSE

It is the purpose of this Article to require site plan approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this Article to delegate certain aspects of site plan review authority to the County Planning Commission, within the standards and requirements set forth in this Article.

SECTION 7.02 SITE PLAN APPROVAL

Site Plan Review and approval is required for all proposed uses and structures within the County except for single-family dwellings, farm buildings, duplexes, seasonal dwellings, HFT cabins and accessory buildings.

Site Plan Review and approval is required for existing uses or structures, except single-family detached dwellings and farm buildings, where an alteration to the existing use or structure would result in one of the following:

A. Constitutes an increase or reduction of the floor area of a structure or land area occupied by the use.

B. Constitutes a change of use, even if the change of use is permitted in the subject Zoning District.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance for construction of, or an addition to, any of the above listed buildings or developments, until the final site plan has been reviewed.

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect.

SECTION 7.03 PRELIMINARY SITE PLAN

A. Purpose - The purpose of Preliminary Site Plan review is to provide an applicant with the option of presenting a generalized site plan for review by the County Staff and Planning Commission. The purpose of such preliminary review is to confirm compliance with County standards, policies and relationship to the Master Plan, as well as to suggest changes necessary, if any, for the final site plan approval.

B. Application - Any applicant may request Preliminary Site Plan review by filing with the County Clerk the required number of copies the review fee, and a completed application.

C. Information Required for Review - Every preliminary site plan submitted to the Planning Commission shall include the following information:

1. The legal description, location, map with major crossroads, size and shape of the property involved.

2. The shape, size and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features such as topography soils, woodlands and wetlands.

3. The location of all existing and proposed water and sewage treatment systems serving the property.

4. Any other information deemed necessary to properly illustrate the development concept to the Planning Commission.

D. Planning Commission Action - The Planning Commission shall review the Preliminary Site Plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with the official minutes of the Planning Commission which shall reflect its review comments.

Such action on the part of the Planning Commission shall vest no rights in the applicant inasmuch as the specific details of a site plan prepared in accordance with Section 7.07 serve as the basis for determining that all County standards have been met.

SECTION 7.04 PROCEDURES FOR SUBMISSION AND REVIEW OF APPLICATION FOR MAJOR PROJECTS

A. Major Projects. All developments greater than twenty-five thousand (25,000) square feet of structure, or larger than two (2) acres of size, and all PUD's and projects within industrial districts are major projects which require preliminary site plan review by the Planning Commission pursuant to the requirements below. All other projects are subject to review and

approval by the Planning Commission which are processed pursuant to the requirements in Section 7.05 et seq., below.

B. Submission Requirement. The applicant shall complete and submit the required number of copies of an applicant for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Ordinance is mandatory. The Applicant or his/her representative must be present at each scheduled review or the matter will be tabled for a maximum of two (2) consecutive meetings due to lack of representation. The procedure for processing major project site plans includes three (3) phases; conceptual review via a pre-application conference, preliminary site plan review and final site plan approval.

C. Pre-application Conference. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the County Planning Staff and such other County representatives as appropriate, including a member of the Planning Commission. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as are requests to the appropriate zoning board for a variance. There is no charge or fee to the applicant for this pre-application meeting.

D. Preliminary Site Plan Review. The second phase is called Preliminary Site Plan Approval. At this step, a preliminary site plan meeting the submittal requirements of this Ordinance is reviewed by the County Planning Staff and Planning Commission. The purpose of such preliminary review is to confirm compliance with County standards, policies and relationship to the General Development Plan, as well as to suggest changes necessary, if any, for the final site plan approval.

E. Final Site Plan Review. Final Site Plan approval shall be in accordance with Section 7.05 et seq.

SECTION 7.05 FINAL SITE PLAN

A. Application. Following approval of a preliminary site plan, if required under Section 7.03 hereof, the applicant shall submit the required number of copies of a final site plan as well as other data and exhibits hereinafter required to the Zoning Office, the review fee, and a completed application form. The Zoning Office, upon receipt of the application shall transmit the application and copies of the final site plan to the Planning Commission prior to the Commission's next regular meeting.

B. Information Required for Review. Every final site plan submitted for review under this Article shall contain information as required Section 7.07.

C. Planning Commission Action. All final site plans shall be considered within sixty (60) days of placement on the first available Planning Commission agenda.

1. Approval. Upon finding that the Application and Site Plan meet the Criteria of Site Plan Review in Section 7.06, the Planning Commission shall grant approval.

2. Approval with Minor Revisions. Upon finding the Application and Site Plan meet the Criteria of Site Plan Review in Section 7.06, except for minor revisions, the Planning Commission may grant approval conditioned upon said revisions being made by the applicant.

3. Tabling. Upon finding that the Application and Site Plan do not, but could, meet the Criteria of Site Plan Review in Section 7.06, upon making the revisions, the Planning Commission may table its decision until the revised Plan is resubmitted to the Planning Commission.

4. Denial. Upon finding that the Application and Site Plan do not meet one (1) or more of the Criteria of Site Plan Review in Section 7.06, and that revisions necessary to meet said Criteria are so extensive as to require the preparation of a new Site Plan, the Planning Commission shall deny the application.

D. County Board Action – For PUD Only. All final site plans shall be considered after action is taken by the Planning Commission and within sixty (60) days of placement on the first available County Board agenda.

1. Approval. Upon finding that the Application and Site Plan meet the Criteria of Site Plan Review in Section 7.06, the County Board shall approve the site plan.

2. Approval with Minor Revisions. Upon finding that the Application and Site Plan meet the Criteria of Site Plan Review in Section 7.06, except for minor revisions, the County Board may approve the site plan conditioned upon said revisions being made by the applicant and reviewed by appropriate County staff and/or consultants.

3. Tabling. Upon finding that the Application and Site Plan do not, but could, meet the Criteria of Site a Plan Review in Section 7.06, upon the making of revisions, the County Board may table action until the revised Plan is resubmitted.

4. Denial. Upon finding that the Application and Site Plan do not meet one (1) or more of the Criteria of Site Plan Review in Section 7.06, and that revisions necessary to meet said Criteria are so extensive as to require the preparation of a new Site Plan, the County Board shall deny the site plan.

E. Filing of Approved Site Plan. Upon approval of the final site plan, the applicant and/or owner(s) of record, and the Zoning Administrator or his designated replacement, shall sign two (2) copies of the approved plan, one copy for the Zoning Office and one copy for the applicant.

F. Effect of Approval. Approval of a final site plan authorizes issuance of a building permit or, in the case of uses without buildings or structures, issuance of a certificate of zoning compliance. Approval shall expire and be of no effect after three hundred sixty-five (365) days

following approval. The Planning Commission may extend the time limits upon a showing of good cause.

SECTION 7.06 CRITERIA OF SITE PLAN REVIEW

The Site Plan shall be reviewed and approved upon a finding that the following criteria are met:

A. The proposed use will not be injurious to the general health, safety and welfare of the County and surrounding neighborhood.

B. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

C. The design of storm sewers, stormwater facilities, roads, parking lots driveways, water mains, sanitary sewers and other site improvements meets the design and construction standards of the County and other appropriate agencies.

D. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.

E. Site planning and design of specific improvements will accomplish, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slopes, groundwater, trees, and wooded areas, including understory trees.

F. The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.

G. The proposed development will not cause soil erosion or sedimentation. The drainage plan is adequate to handle anticipated stormwater runoff.

H. A stormwater management system and facility will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.

I. Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or ground water quality.

J. Sites which include storage of hazardous materials waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the air or to the

ground, groundwater or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the site plan.

K. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.

L. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

M. The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. In general, this standard shall be met based upon the design of ingress and egress in terms of the number, location and design of access(es), and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require improvements accordingly.

N. The site plan complies with all County Ordinances and design standards, and any other applicable laws.

SECTION 7.07 INFORMATION REQUIRED ON SITE PLAN

A Site Plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review and recommendation as provided in Article 7. Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a maximum scale of 1" = 50' for property less than five (5) acres or a maximum scale of 1" = 100' for property) five (5) or more acres. Included on the Site Plan shall be all dimensions and the following:

A. General Information.

1. Proprietors', applicants, and owners' names, addresses and telephone numbers.

2. Date (month, day, year), including revisions.

3. Title block.

4. Scale.

5. Northpoint.

6. Legal description and certified survey.

7. Location map drawn at a scale of 1” = 2,000' with north point and indicating the proximity of the site to major roads and intersections.

8. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.

9. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site.

10. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within one hundred (100) feet of the site.

11. Centerline and existing and proposed right-of-way lines of any street.

12. Zoning classification of petitioner's parcel and all abutting parcels.

13. Gross and net acreage figures.

14. Proximity to major thoroughfares and section corners.

B. Physical Features.

1. Acceleration, deceleration and passing lanes and approaches.

2. Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.

3. Location of existing and proposed service facilities above and below ground, including:

(a) Well sites.

(b) Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly distinguished.

(c) Chemical and fuel storage tanks and containers.

(d) Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.

(e) Water mains, hydrants, pump houses, standpipes and building

(f) Sanitary sewers and pumping stations.

(g) Storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes.

(h) Location of all easements.

4. All structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.

5. Dimensioned parking spaces and calculations, drives and method of surfacing.

6. Exterior lighting locations, fixture details, and illumination patterns.

7. Location and description of all existing and proposed landscaping berms, fencing and walls.

8. Trash receptacle pad location and method of screening.

9. Transformer pad location and method of screening.

10. Dedicated road or service drive locations.

11. Entrance details including sign locations and size.

12. Designation of fire lanes.

13. Any other pertinent physical features.

C. Natural Features.

1. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Schoolcraft County Michigan".

2. On parcels of more than one (1) acre, existing topography with a maximum contour interval of two (2) feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filing and grading.

3. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.

4. Location of all existing wetlands, regardless of whether state regulated or not.

5. Location, species, and listing of trees of six (6) inches caliper or greater measured at dbh.

6. Listing of rare or endangered species of flora or fauna, as identified by the State of Michigan and/or the Michigan Natural Feature Inventory (MNFI).

D. Additional Requirements for Single-Family and Multiple-Family.

1. Density calculations by type of unit by bedroom counts.

2. Designation of units by type and number of units in each building.

3. Carport locations and details where proposed.

4. Specific amount and location of recreation spaces.

5. Type of recreation facilities to be provided in recreation space.

6. Details of Community Building and fencing of swimming pool if proposed.

E. Additional Requirements for Commercial and Industrial Developments.

1. Loading/unloading areas.

2. Total and usable floor area.

3. Number of employees in peak usage.

SECTION 7.08 ADMINISTRATIVE REVIEW

The County Zoning Administrator may review a site plan without submission to the Planning Commission, subject to all of the criteria, requirements and standards set forth in this Article and the following standards:

A. The Zoning Administrator may review and consider for approval, conditional approval or denial of site plans without submission to the Planning Commission in the following cases:

1. Expansion or reduction to an existing conforming structure or use of one thousand (1,000) square feet or less.

2. Provision for additional parking, loading/unloading spaces and landscape improvements as required by Ordinance.

B. The Zoning Administrator may contact other experts to assist in the review of site plans submitted under this section; if a charge may be incurred, then permission by the County Board will be needed.

C. At the direction of the Zoning Administrator, any information required in Section 7.07 of the Zoning Ordinance may be required for administrative site plan approval. However, at a minimum, submissions of a site plan including the following information:

1. Proprietors', applicants', and owners' names, addresses and telephone numbers.

2. Date (month, day, year), including revisions.

3. Title Block and Scale.

4. Northpoint.

5. Proposed and existing structures, parking areas, etc. on the parcel, and within one hundred (100) feet of the parcel.

D. The Zoning Administrator shall consider the criteria set forth in Section 7.06 in the review of the site plans submitted under this Section.

SECTION 7.09 AMENDMENT OF APPROVED SITE PLAN

A. A site plan may be amended upon application and in accordance with provisions and the procedures provided in Section 7.05 herein for a final site plan. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Schoolcraft County, are subject to the provisions of this ordinance. The County Zoning Inspector shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

B. Minor changes of an approved final site plan may be incorporated without amendment to the approved preliminary site plan at the discretion of the Planning Commission.

SECTION 7.10 MODIFICATIONS DURING CONSTRUCTION

All improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the County will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes. The Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.

SECTION 7.11 PHASING OF DEVELOPMENT

An applicant may divide a proposed development into two (2) or more phases with the approval of the Planning Commission. Such phasing shall be in conformance with Section 7.05.F. Future development beyond approved phases shall not appear on the approved final site plan.

SECTION 7.12 CONDOMINIUM PROJECT REGULATIONS

A. Intent. Pursuant to the authority conferred by the Condominium Act, site plans for all condominium projects shall be regulated by the provisions of this Ordinance and approved by the County.

B. General Requirements.

1. Where a site condominium is proposed, each site condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.

2. Relocation of boundaries between adjoining site condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

3. Each site condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

4. No permit for construction shall be issued until final engineering plans have been approved and all applicable permits and approvals have been secured from other governmental entities.

C. Site Plan Approval. Approval of the site plan and condominium documents by the County shall be required as a condition to the right to construct, expand or convert a condominium project.

1. Preliminary Site Plan. A preliminary site plan pursuant to the standards and procedures set forth in Article 7 of this Ordinance may be requested by an applicant and be submitted to the Planning Commission for preliminary review.

2. Final Site Plan. The following information shall be submitted for final site plan approval:

a. A final site plan in accordance with the standards and procedures set forth in Article 7.

b. Master Deed and Bylaws which shall be reviewed with respect to all matters subject to regulation by the County including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.

c. Engineering plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations for the construction of the project.

d. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, District Health Department, and the Michigan Department of Natural Resources. The County shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

D. Monuments. Monuments shall be established in the manner required by the Michigan Condominium Act, P.A. 59 of 1978, as amended.

E. Approval Required Prior to Occupancy.

1. Following construction of the condominium development, and prior to the issuance of any certificates of occupancy, the applicant shall submit to the County:

a. A copy of the recorded Master Deed and Bylaws (including exhibits).

b. Two (2) copies of an "as-built plan or survey" for required improvements including streets, utilities and drainage facilities.

c. A copy of the site plan on photographic hard copy laminated photostatic copy or mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches and a scale of at least 1" = 100'.

2. The Zoning Administrator shall review the information submitted to insure that the condominium development has been constructed in accordance with the approved condominium plan, approved condominium documents, applicable County Ordinances and County engineering standards and any other applicable laws or regulations. The Zoning Administrator may refer any documents to the County attorney, planner, or engineer for review.

3. In the event required monuments, storm water drainage facilities, sewage disposal facilities, water supply facilities, or any other required improvements are not completed at the time the request for occupancy is made, the County Board may allow temporary occupancy permits for a specified period of time, and for any part of the condominium development, provided that a deposit in the form of cash, bond, certified check, or irrevocable letter of credit be made with the County, in form and amount as determined by the County, to insure the installation and/or completion of such improvements without cost to the County, in accordance with Section 3.09. Financial guarantees shall not be required for improvements under the jurisdiction of other governmental agencies provided the applicant can prove that appropriate guarantees are in place.

F. Revision of Site Condominium Plan. If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the County before any building permit may be issued, where such permit is required.

G. Amendment of Condominium Documents. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the County before any building permit may be issued, where such permit is required. The County may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

SECTION 7.13 UTILITIES

Reserved.

SECTION 7.14 INSPECTION

All sub-grade improvements such as utilities sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Building Inspector and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the County Board, the Building Inspector and the Planning Commission, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Building Inspector, the County Board, and the Planning Commission, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Board and Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the County Board and Planning Commission of progress towards compliance with the approved final site plan, and when compliance is achieved.

ARTICLE 8

CONDITIONAL USE REVIEW

SECTION 8.01 GENERAL

The formulation and enactment of this Ordinance is based upon the division of Schoolcraft County into districts in which certain specified uses are permitted by right. In addition to permitted uses, there are certain other conditional uses which may be necessary or desirable to allow in certain locations but, due to their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated.

SECTION 8.02 AUTHORITY TO GRANT PERMITS

The Planning Commission shall have the authority to grant conditional use permits, subject to such conditions of design and operation, safeguards and time limitations as it may determine for all conditional uses specified in the various district provisions of this ordinance.

SECTION 8.03 APPLICATION AND FEES

Application for a conditional use permit shall be made to the Zoning Office, along with the required information and the required fee. After receipt for filing, the Zoning Office shall transmit a copy of the application form and the required information to the County Planning Commission.

SECTION 8.04 INFORMATION REQUIRED

A. The applicant's name, address, and telephone number.

B. The names and addresses of all owners of record and other parties of interest.

C. The applicant's interest in the property, and if the applicant is not the fee-simple owner, the owner's signed authorization for the application.

D. Recorded legal description, address, and tax parcel number of the property.

E. A scaled and accurate survey drawing, correlated with the recorded legal description, and showing all existing buildings, drives, and other improvements.

F. A detailed written description of the proposed use, addressing the standards set forth in Section 8.07.

G. A preliminary site plan, meeting the requirements as set forth in Section 7.03 herein.

SECTION 8.05 PLANNING COMMISSION PUBLIC HEARING

A. Notification Requirements - The Planning Commission shall hold a public hearing on an application for a conditional use permit within sixty-five (65) days of the filing date. A notice of the public hearing shall be published once in a newspaper which circulates in the County. A notice shall also 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 three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. 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 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, 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 structure 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.

B. Contents of Notification - The notice of public hearing shall:

1. Describe the nature of the conditional use request.

2. Describe the property which is the subject of the conditional use request.

3. State date, time and place of the public hearing.

4. Indicate when and where written comments will be received concerning the request.

SECTION 8.06 PLANNING COMMISSION ACTION

The Planning Commission shall review the application for a conditional use permit in reference to the standards and findings required herein and in relation to the information provided at the public hearing. The Planning Commission may request additional information it deems necessary to make a decision. The Planning Commission shall grant, approve with conditions or deny the application for a conditional use permit.

SECTION 8.07 REQUIRED STANDARDS AND FINDINGS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel meets the following standards:

A. Will be harmonious, and in accordance, with the objectives and regulations of this Ordinance.

B. Will be compatible with the natural environment and existing and future land uses in the vicinity.

C. That the proposed use will be served adequately by essential public facilities and disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

D. That the proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, property or the public welfare.

E. That the proposed use will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

F. Will be compatible with the County's Master Plan.

If the facts do not establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not grant a conditional use permit.

A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances and state and federal statutes.

No application for a conditional use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of three hundred and sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

SECTION 8.08 CONDITIONS OF APPROVAL

In granting a conditional use permit, the Planning Commission may impose conditions it deems necessary to achieve the objectives and standards of this ordinance, the Michigan Zoning Enabling Act, Act 110 of 2006, and the public health, safety and welfare of Schoolcraft County. Failure to comply with any such conditions shall be considered a violation of this ordinance. An approved conditional use permit, including all attached conditions, shall run with the parcel in the approval and shall be binding upon all successors and assigns.

ARTICLE 9

PLANNING AND DEVELOPMENT REGULATIONS FOR PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The Planned Unit Development District (PUD) regulations are set forth in Article 9 of this Ordinance.

SECTION 9.01 INTENT

The district is intended to accommodate developments that are exclusively residential, exclusively non-residential, or a compatible and complementary mix of residential and non-residential uses. The PUD District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 9.01 and criteria set forth in Section 9.02 can be achieved through use of the PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protects valuable natural resources of the County as identified in documents such as the County Master Plan and Natural Features Inventory, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

A. Encourage innovation in land use and excellence in design, layout, and type of structures constructed through the flexible application of land development regulations;

B. Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;

C. Encourage the provision of open space for active and passive use;

D. Emphasize a planning approach which identifies and integrates natural resources and features in the overall site design concept;

E. Provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the County;

F. Incorporate design elements that unify the site through landscaping, lighting, coordinated signage, and pedestrian walks and pathways;

G. Encourage the use, reuse and improvement of existing sites and buildings when developed in a compatible manner with surrounding uses.

SECTION 9.02 GENERAL PROVISIONS

A. Where Permitted. A planned unit development (PUD) which includes only residential and accessory recreational uses may be applied for in any zoning district. A planned unit development (PUD) which is either exclusively non-residential or includes a mix of residential and non-residential uses may be applied for in all districts. Approval of a planned unit development application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 9.03.B. The final step, as set forth in Section 9.03.C, shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the County Board.

B. Uses Permitted. Any land use authorized in this Ordinance may be included in a planned unit development, subject to the limitations of non-residential and mixed use developments to all districts and the adequate protection of public health, safety, and welfare to protect and ensure the compatibility of varied land uses both within and outside the development.

C. Qualifications of Subject Parcel for Consideration as PUD. The applicant for a planned unit development must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:

1. The intent of Section 9.01 is met.

2. Approval of the planned unit development will result in one (1) or more of the following:

   (a) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

   (b) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

   (c) A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.

3. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.

4. The proposed development shall be consistent with the public health, safety, and welfare of the County.

5. The proposed development shall minimize any negative environmental impact on the subject site or surrounding land.

6. The proposed development shall minimize any negative economic impact upon surrounding properties.

7. The proposed development shall be consistent with the Goals and Policies of the Schoolcraft County Master Plan.

D. Project Responsibilities. The written authorization of all parties claiming legal or equitable ownership of the property must be provided as part of the PUD application. The PUD application shall include a statement indicating who has responsibility and authority for completing the project in conformity with the approved plan and authority or acknowledgment that any successors shall be bound by conditions of approval.

SECTION 9.03 PROCEDURE FOR REVIEW

A. Preliminary Meetings. Prior to the submission of an application for planned unit development approval, the applicant is encouraged to meet with the Zoning Administrator to review required information and procedures.

B. Staff/Consultants Review Meeting. Following receipt of an application together with the plans and information set forth below, the Zoning Office shall schedule a meeting with the applicant, County staff, and/or consultants to review the following:

1. A preliminary site plan of the proposed planned unit development, in accordance with Section 7.03A of this Ordinance.

2. A site inventory and analysis depicting existing topography, woodlands, wetlands and other significant natural features, addressing the criteria set forth in Section 9.04.

3. An area analysis which shows the location of the project in relation to existing and proposed uses in the surrounding area.

4. A written statement how the PUD application meets the criteria in this Article. Specifically, the statement shall address Sections 9.01 and 9.02.

5. For any project contains a residential component, a preliminary plan with a conventional layout, as set forth in Section 9.05.A.

6. A preliminary list of all anticipated deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.

C. Preliminary Review. Following the Staff/Consultants Review Meeting, the applicant shall submit the preliminary site plan of the proposed planned unit development, prepared in accordance with the standards set forth in Section 9.0.2.A along with the site and area analyses described in Section 9.04.B.

A project narrative report shall also be submitted by the applicant providing a description of the project and proposed uses, the market concept and feasibility of the project, the manner in which the criteria set forth in Sections 9.01 Intent and 9.02 General Provisions have been met, and the known deviations from current Ordinance requirements and standards.

1. *Staff/Consultant Review.* The Zoning Office shall submit the application, PUD plan and supporting materials to the Zoning Administrator for review and comment. The plan may also be reviewed by appropriate County staff.

2. *Planning Commission Action.* The Preliminary Plan shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment. The Planning Commission shall review the preliminary site plan and make a recommendation to the County Board.

3. *County Board Action.* Upon receiving the recommendation of the Planning Commission, the County Board shall review the preliminary site plan and take one of the following actions:

   (a) Approval. Upon finding that the Preliminary Plan meets the criteria set forth in Sections 9.01 Intent and 9.02 General Provisions, the County Board shall grant preliminary approval. Approval shall confer upon the applicant the right to proceed to preparation of the Final Plan, but shall not bind the County Board to approval of the Final Plan.

   (b) Tabling. Upon finding that the Preliminary Plan does not meet the criteria set forth in Sections 9.01 Intent and 9.02 General Provisions, but could meet such criteria if revised, the County Board may table action until a revised Preliminary Plan is resubmitted. The County Board may refer a tabled Preliminary Plan back to the Planning Commission for additional review.

   (c) Denial. Upon finding that the Preliminary Plan does not meet the criteria set forth in Sections 9.01 Intent and 9.02 General Provisions, the County Board shall deny preliminary approval.

D. Final Plan Review. Within six (6) months following receipt of County Board approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following the date of County Board approval, the preliminary plan approval becomes

null and void. An extension of the preliminary plan, beyond the specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the six (6) month expiration period.

1. *Information Required.* A final site plan and application for a PUD shall contain the following information:

   (a) A site plan meeting all requirements of Section 7.05, Final Site Plan.

   (b) A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.

   (c) A specific schedule of the intended development including phasing or timing.

   (d) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.

   (e) A specification of the exterior building materials for the structures proposed in the project.

   (f) A draft of the proposed master Deed and Bylaws, if applicable.

   (g) Signatures of all parties having an interest in the property.

2. *Staff/Consultant Review.* The County shall submit the application, final PUD plan, and supportive materials to relevant County staff, review agencies and the County Planner and County Engineer for review and comment. In addition to customary reports prepared for the County, the County Planner shall prepare draft Permit Conditions and Development Agreement.

3. *Planning Commission and County Board Action.* The final plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission, and the County Board, as provided by law.

   The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the County Board must exercise discretion.

SECTION 9.04 SITE DEVELOPMENT CAPABILITY

A. Inasmuch as it is the intent of the Ordinance to permit development which preserves and protects natural resources and natural features, the applicant shall establish the development capability of the site and indicate the specific area(s) of the site within which the development activity shall be contained.

B. In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

1. Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.

2. Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan.

3. Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.

4. Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.

5. Stream corridor and wetland protection and buffering.

6. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature.

7. Floodplains and floodways.

8. Wildlife movement corridors.

9. Natural area buffer zones as delineated below.

10. The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

11. Hydrology and groundwater flow.

SECTION 9.05 PROJECT DENSITY

A. Residential Density.

1. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to classification under this Article. If the parcel is not zoned for residential use immediately prior to classification under this Article, the County shall make a

determination as to appropriate density based upon existing and planned residential densities in the surrounding area, the availability of utilities and services, and the natural features and resources of the subject parcel.

2. Project density shall be demonstrated by a preliminary site plan with a conventional layout and with all applicable ordinances and laws observed, including proof of water supply and sewage disposal as set forth below.

3. An applicant shall demonstrate that all dwelling units proposed within a planned unit development are capable of meeting applicable County and/or State agency approvals for on-site water supply and sewage disposal where such on-site systems are proposed. Inasmuch as the capability of the parcel for on-site water supply and sewage disposal is material to the determination of potential development density, the County shall require percolation tests, soil borings and other information to determine suitability of soils for on-site sewage disposal. These tests must be conducted under the supervision of a registered engineer, certified sanitarian, or other competent licensed professional in accordance with uniform procedures established by the Michigan Department of Environmental Quality.

   A preliminary site plan with a conventional layout is required in order to demonstrate project density. The County Board may waive the requirement for percolation tests, soil borings, and other information on each individual lot of the preliminary site plan with a conventional layout, when it can be demonstrated by the applicant that one or more of the following conditions exist:

   (a) Conducting the necessary testing would result in unreasonable damage to significant natural resources and features that are intended to be preserved.

   (b) Previous studies acceptable to the County Board have been conducted on the site which verify the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.

   (c) Other evidence and data exists which, in the opinion of a registered engineer, certified sanitarian, or other competent licensed professional and such evidence is acceptable to the County Board, verifies the suitability of soils and sub-surface conditions for on-site water supply and sewage disposal.

4. Additional density for residential uses may be allowed in the discretion of the County Board upon the recommendation of the Planning Commission and based upon a demonstration by the applicant of consistency with the Master Plan and of planning and design excellence resulting in a material benefit to the County, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations.

In the determination whether a project warrants additional density, the County Board may also consider the following factors including, without limitation: innovative design; pedestrian or vehicular safety; long term aesthetic beauty; protection and preservation of natural resources and features; preservation of open space which avoids fragmentation of the resources base and contributes to an area wide open space network; and improvements to the County's infrastructure.

B. Mixed Use Projects. For planned unit development projects which contain a residential component, the County shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

SECTION 9.06 DESIGN STANDARDS

A. Open Space Preservation.

1. When completed, the development shall have significant areas devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, single-family residential uses in and surrounding the development. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis prepared in accordance with Section 9.04. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.

2. In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways convenient to the majority of the residents within the development, connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

3. Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:

   (a) The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.

   (b) The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.

   (c) The area within any manmade stormwater detention or retention pond.

(d) The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.

B. Setbacks within the PUD Project. All regulations applicable to front, side and rear yard setbacks, shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a Permitted Principal or Conditional Use.

C. Preservation of Natural Resources and Natural Features. Taking into consideration the criteria set forth in Section 9.01 and 9.02, the County shall evaluate the site analysis and the proposed plan to determine the following:

1. Natural resources will be preserved to the maximum extent feasible.

2. The proposed development respects the natural topography and minimizes the amount of cutting, filling, and grading required.

3. The development will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands, and will preserve and incorporate such features into the development's site design.

4. The proposed development will not cause off-site soil erosion or sedimentation problems.

5. The conveyance and storage of stormwater will enhance aesthetics of the site.

6. The development will not substantially reduce the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution at this site or other locations.

D. Buffering from Adjacent Property. There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the County Board, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The County Board may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features such as woodlands and topographical features provide adequate buffering to protect adjacent uses.

If natural features, such as woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms such as landscaping, berms and/or decorative walls.

E. Vehicular and Pedestrian Circulation.

1. Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.

2. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.

3. Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the County Board may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through portions of the development or along any public right-of-way abutting the development.

4. Locations for school bus stops shall also be provided on the site plan.

F. Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the County.

G. Design Elements. It is the intent of this Article to promote excellence and innovation in design. Signage, lighting, landscaping, architecture and building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

Residential projects shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping and choice of colors and building materials shall be utilized in such matter that scenic views across or through the site are protected, and man-made facilities are screened from off-site observers and blend with natural character of the area.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the County adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

H. Stormwater Drainage/Erosion Control. All stormwater drainage and erosion control plans shall meet the standards adopted by the County for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:

1. limitation of land disturbance and grading;

2. maintenance of vegetated buffers and natural vegetation;

3. minimization of impervious surfaces;

4. use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;

5. use of infiltration devices;

SECTION 9.07 RESOLUTION OF AMBIGUITIES AND ORDINANCE DEVIATIONS

The County Board, based upon the recommendation of the Planning Commission, shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, and other County standards or policies as a guide.

Notwithstanding the immediately preceding standards, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the County Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Article.

SECTION 9.08 CONDITIONS

A. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

B. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

SECTION 9.09 PHASING AND COMMENCEMENT OF CONSTRUCTION

A. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary

components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the County Board after recommendation from the Planning Commission.

B. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the County. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the County Board upon good cause shown if such request is made to the County Board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the County Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

SECTION 9.10 EFFECT OF APPROVAL

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded at the Schoolcraft County Register of Deeds.

SECTION 9.11 AMENDMENT AND REVISION

A developer may request a change in an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or change in an approved final PUD plan which results in a major change, as defined in this section, shall require an amendment to the preliminary PUD plan and final PUD plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved final PUD site plans and approval by the County Board following review by the Planning Commission.

1. The following changes shall be considered major:

    a) change in the concept of the development,

    b) change in use or character of the development,

    c) change in the type of dwelling unit,

d) change in the number of dwelling units (density)

e) change in non-residential floor area,

f) change in lot coverage or floor area ratio of the entire PUD,

g) change in the character or function of any street,

h) change in land area set aside for common space or the relocation of such areas,

i) change in building height.

2. The following changes shall be considered minor:

a) a change in residential floor space,

b) minor variations in layout which do not constitute major changes.

3. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the applicant to show good cause as to any requested change.

ARTICLE 10

ACCESS, CIRCULATION AND PARKING

SECTION 10.01 INTENT AND PURPOSE

This Article is intended to ensure that the parking and circulation aspects of all developments are well designed with regards to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within developments and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Article is also intended to ensure off-street parking and loading facilities are sufficient in number, adequately sized and properly designed to meet the needs and demands associated with land uses now in place in the County or with land uses allowed by this Ordinance.

SECTION 10.02 ACCESS TO PUBLIC AND PRIVATE STREETS

A. In any zoning district, every use, building or structure established after the effective date of this ordinance, shall be on a lot or parcel that adjoins a public road or private road, except as provided in Section 10.02 C below. The area of a private road easement shall not be included in the minimum required area of the lot.

B. When a proposed building structure is not serviced by an approved driveway or private road, or is not serviced by a dedicated public road, the County Zoning Administrator shall not issue a Certificate of Zoning Compliance for the proposed structure.

C. Two (2) or more contiguous parcels of commercially zoned land used for commercial, industrial, office, or multiple family residential purposes may share driveway access provided all other standards are met. Where shared driveway access is proposed, evidence of the appropriate access easement agreements shall be provided.

SECTION 10.03 VISIBILITY AT INTERSECTION

On any corner lot, no fence, wall hedge, screen, structure, planting or other obstruction to vision shall be placed in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the triangular area formed at the intersection of street right-of-way lines. The triangular shall be measured a distance of twenty-five (25) feet along each right-of-way line from the point of intersection.

SECTION 10.04 TRAFFIC IMPACT ANALYSIS

The County may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner.

SECTION 10.05 ACCESS MANAGEMENT STANDARDS

A. Applicability.

All principal permitted and conditional uses that are subject to site plan review shall meet the requirements set forth in this Section. Access to public roads shall be controlled in the interest of public safety.

B. Access Barrier.

Each building or group of buildings parking and/or service areas, shall be physically separated from public roads by a curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for driveway access authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with Section 12.06.

C. Driveway Access Standards.

Driveways shall conform to the following performance standards or to standards adopted by the Schoolcraft County Road Commission, whichever is more stringent:

1. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.

2. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.

3. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.

4. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.

5. Loading and unloading activities shall not hinder vehicle ingress or egress.

6. Driveways placement must be such that an exiting vehicle has an unobstructed sight distance according to the minimum adopted by the Schoolcraft County Road Commission.

7. Driveway tapers and acceleration, deceleration, and passing lanes shall be designed and constructed in accordance with the standards of the Schoolcraft County Road Commission for roadways under their jurisdiction and the Michigan Department of Transportation for roadways under their jurisdiction.

SECTION 10.06 PEDESTRIAN AND NON-MOTORIZED ACCESS AND CIRCULATION

A. General Standard. The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined and connect to a County's network.

B. Development Standards. All developments shall meet the following standards:

1. Safety Considerations. To the maximum extent feasible, pedestrians shall be separated from vehicles.

   (a) Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.

   (b) Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines. Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.

2. Curb cuts and Ramps. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of curb cuts and ramps shall meet the requirements of the Michigan Barrier Free Code and the Americans With Disabilities Act ramp standards and shall avoid crossing or funneling pedestrian traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.

3. Site Amenities. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Development plan for any commercial and office site shall include one (1) bike rack for each five thousand (5,000) square feet of floor area. Site amenities may also include drinking fountains, canopies and benches.

4. Walkways.

   (a) Directness and continuity. Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall link safety paths with building entries through parking lots. Such connecting walkways shall either be grade separated from the parking lot or clearly delineated as to avoid pedestrian/vehicular conflicts with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on at least one side of the drive aisle.

   (b) Street Crossings. Where it is necessary for the pedestrian access to cross drive aisles or internal roadways, crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked using such pavement treatments, signs, striping, signals, lighting, techniques as special, median refuge areas, landscaping, and other traffic calming techniques.

SECTION 10.07 OFF-STREET PARKING

A. Applicability.

1. In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or expanded after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

2. No parking facility or parking space which exists at the time this Ordinance becomes effective or which subsequent hereto is provided for the purpose of complying with provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

B. Parking and Vehicle Storage Restrictions.

1. Residential Districts.

(a) Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and no more than one (1) commercial vehicle of the light, delivery type, not to exceed three-fourths (3/4) ton, shall be permitted for each dwelling unit. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited in this district. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this Ordinance.

(b) Unlicensed operative and licensed or unlicensed inoperative automotive vehicles or trailers of any type shall not be parked or stored in the front yard of residentially zoned property other than in completely enclosed buildings.

(c) No major recreational equipment shall be parked or stored in the front yard of any lot in a residential district, except for a period not to exceed seventy-two (72) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, for no more than 180 calendar days.

2. Other Districts.

(a) In any commercial or office zoning district, parking or storage of semi-trailers, except semi-trailers owned and operated by the principal use of the lot, shall be prohibited for a period of more than twenty-four (24) hours in a month.

C. Location of Parking.

1. One and Two-Family Dwellings. The off-street parking facilities required for one and two-family dwellings shall be located on the same lot or parcel of ground as the building they are intended to serve, but shall not be considered a parking facility under the provisions of this Article.

2. All Other Uses. Off-street parking required for all uses, other than one and two-family dwellings shall be located on the same lot or parcel as the building or buildings they are intended to serve, and within five hundred (500) feet of the main entrance of the building intended to be served, unless otherwise modified by Section 10.07.G.4.

D. Required Greenbelt, Setbacks, and Screening.

1. Off-street parking facilities, including maneuvering lanes, shall not be located within the front greenbelt required in accordance with Section 12.06. Off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street parking and the abutting side and rear lot lines.

2. Off-street parking shall be landscaped and screened in accordance with Section 12.06.

E. Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Floor Area: Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, excluding such floor area within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses.

2. Employees: For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

3. Places of Assembly: In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

F. Parking Duration. The requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not intended to provide for the storage or prolonged parking in any such parking area. Except when land is used as storage space in connection with the business of a motor vehicle repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail.

G. Off-street Parking Requirements.

1. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the Schedule set forth in Section H. Parking requirements listed in Section H shall not include off-street stacking spaces for drive-thru facilities set forth in Section 10.09.

2. Similar Uses and Requirements. When a use is not specifically mentioned, the requirements of off-street parking for similar use shall apply.

3. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section H. of this Article.

4. Flexibility in Application. The County recognizes that, due to the specific requirements of any given development, inflexible application of the parking

standards set forth in Section H. may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section H. and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission may attach conditions to the approval of a deviation from the requirement of Section 10.07.H. that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, if needed. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.

H. Schedule of Off-street Parking Requirements.

Use	Required No. of Parking Spaces Per Each Unit of Measure as Follows:	
1. Residential Uses.		
a) Single or Two-Family Dwelling	2	Per each dwelling unit
b) Multiple-Family Dwelling	2 1	Per each dwelling unit plus Per each ten (10) dwelling units
c) Senior Citizen Housing	1.5	Per each dwelling unit
2. Places of Assembly/Institutional Uses.		
a) Churches	1	Per each three (3) seats based on maximum seating capacity in the main place of assembly therein
b) Private Clubs and Lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes
c) Hospitals	1	Per each two (2) beds

d)	Convalescent Homes, Homes for the Aged, Nursing Homes, Children' Homes	1	Per three (3) beds
e)	High Schools, Trade Schools, Colleges, and Universities	8	Per each classroom
f)	Elementary and Middle Schools	5	Per each classroom
g)	Child Care Center, Day Nurseries, or Nursery Schools	1 1	Per each five (5) students, plus Per each employee
h)	Stadiums, Sports Arenas, Auditoriums, Banquet Halls and Meeting Facilities	1	Per each four (4) seats, based on maximum seating capacity
i)	Libraries and Museums	1	Per each 500 sq. ft. of floor area

3. General Commercial Uses

a)	Retail Stores, except as otherwise specified herein	1	Per 100 sq. ft. of floor area
b)	Supermarkets, drugstores, and other self-serve retail establishments	1	Per 150 sq. ft. of floor area
c)	Convenience Stores	1	Per 100 sq. ft. of floor area
d)	Planned shopping center	1 1	Per 100 sq. ft. of floor area for the first 15,000 sq. ft., plus Per 150 sq. ft. of floor area in excess of 15,000 sq. ft.
e)	Furniture, Appliances, Hardware and Household Equipment Sales	1	Per each 300 sq. ft. of floor area
f)	Lodging	1.5	Per each guest bedroom, plus amount required for accessory uses, such as a restaurant or cocktail lounge
g)	Fast Food Restaurant	1	Per each 75 sq. ft. of floor area

h)	Sit-Down Restaurant	1	Per each two (2) seats, based on maximum seating capacity
i)	Taverns and Cocktail Lounges (other than fast food restaurants)	1	Per each two (2) persons allowed within maximum occupancy load as established by fire and/or building codes
j)	Garden Stores and Building Material Sales	1	Per each 800 sq. ft. of floor area
k)	Open Air Business, not otherwise provided for herein	1	Per each 800 sq. ft. of lot area used for said business
l)	Movie Theaters	1	Per each three (3) seats based on the maximum seating capacity
m)	Wholesale Stores, Machinery Sales	1	Per each 1,000 sq. ft. of floor area

4. Automotive Uses

a)	Auto Sales	1	Per each 200 sq. ft. of showroom floor area
			plus
		3	Per each service stall
b)	Automobile Repair Facilities	3	Per each service stall
		1	Per each service vehicle
c)	Gasoline Stations without Convenience Store	1	Per pump unit, plus
		3	Per each service stall,
d)	Gasoline Stations with Convenience Store	1	Per pump unit, plus
		3	Per each service stall,
			plus
		1	Per each 100 sq. ft. of floor area devoted to retail sales and customer service
e)	Car Washes (self-serve)	1	Per each wash stall, plus
		1	Per each vacuum station

f)	Car Washes (Automatic)	1 1	Per 200 sq. ft. of floor area of customer waiting and service area, plus Per vacuum station
g)	Collision or Bump Shop, and other	3	Per each stall or service area

5. Office and Service Uses

a)	Medical and Dental Office	1	Per each 150 sq. ft. of floor area
b)	Business and Professional Offices	1	Per each 200 sq. ft. of floor area
c)	Banks	1	Per each 200 sq. ft. of floor area
d)	Barber and Beauty Shops	3	Per each chair

6. Recreational Uses

a)	Bowling Alleys	4	Per bowling lane, plus Amount required for accessory uses such as a restaurant or cocktail lounge
b)	Private Tennis, Swim or Golf Clubs or other similar uses	1	Per each two (2) memberships, plus Amount required for accessory uses such as a restaurant or cocktail lounge
c)	Golf course, open to the general public	5	Per each hole, plus Amount required for accessory uses such as a restaurant or cocktail lounge

7. Industrial Uses

a)	Industrial, Manufacturing or Research Establishments	1	Per each 500 sq. ft. of floor area
b)	Warehouse and Storage Buildings	1	Per each 1,500 sq. ft. of floor area
c)	Contractors Office	1	Per 200 sq. ft. of floor area

I. Off-street Parking Design and Construction.

1. The construction of any parking facility shall be in accordance with the requirements of this Ordinance. Plans for the development of any parking lot must comply with Article 7, Site Plan Review.

2. All such parking facilities, driveways, or loading areas required for uses other than single or two-family residential shall be hard-surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. The Planning Commission shall have the discretion of waiving certain hard surface paving requirements provided the following conditions are met:

   (a) The proposed driveways, loading, turn-around, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.

   (b) Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.

3. All illumination for all such parking facilities shall meet the standards set forth in Section 11.07.

4. Adequate ingress and egress to the parking facility, by means of clearly defined drives, shall be provided for all vehicles.

5. Connecting curbs shall be provided and located to prevent any vehicle from encroaching upon necessary pedestrian walkways or damaging required landscaping.

6. Landscaping shall comply with Section 12.06.

7. Plans for the layout of automobile off-street parking facilities shall be in accordance with the following minimum regulations.

	Maneuvering Lane Width		**Parking Space Dimensions**	
Parking Pattern	One-way	Two-way	Space Width	Space Length
0 - parallel	12ft	20ft	9ft	24ft
30º - 53º	16ft	22ft	9ft	18ft
54º - 74º	16ft	22ft	9ft	18ft
75º - 90º	20ft	22ft	9ft	18ft

8. Truck Parking. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments, shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck space shall not be less than ten (10) feet in width and fifty-five (55) feet in length.

9. Barrier-Free Parking. Off-street barrier-free parking facilities shall be provided in accordance with requirements of the State of Michigan.

SECTION 10.08 OFF-STREET LOADING REQUIREMENTS

A. On the same premises with every building or use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking facilities.

B. Such loading and unloading space shall have sufficient area and height clearance to accommodate vehicles using the loading space, based upon evidence supplied by the applicant and shall be provided according to the following schedule:

Gross Floor Area (sq. ft.)	**Loading & Unloading Spaces Required in Terms of Sq. Ft. Gross Floor Area**
0-2,000	None
2,001 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,001 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

C. Required Greenbelt, Setbacks, and Screening.

1. Off-street loading areas, including maneuvering aisles, shall not be located within the front greenbelt required in accordance with Section 12.06. Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum fifty (50) foot setback is provided adjacent to residentially zoned or used properties and a minimum of ten (10) foot setback is provided adjacent to non-residential property.

2. Off-street loading which abuts residentially zoned or used property shall be screened in accordance with Section 12.06.

3. Any loading space shall not be closer than fifty (50) feet to any lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

D. Double Count. Off-Street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

SECTION 10.09 OFF-STREET STACKING SPACE FOR DRIVE-THRU FACILITIES

All businesses which provide drive-thru facilities for serving customers within their automobile shall provide adequate off-street stacking space within a defined stacking lane which meets the following requirements.

A. Each stacking lane shall be a minimum of twelve (12) feet in width. Each stacking space shall be computed on the basis of twenty (20) feet in length.

B. Clear identification and delineation between the drive-thru facility and parking lot shall be provided. Drive-thru facilities shall be designed in a manner which promotes pedestrian and vehicular safety, and do not interfere with access to parking and maneuvering lanes.

C. For all drive-thru facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be served.

D. The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

USE	STACKING SPACES PER SERVICE LANE
Banks	4
Photo Service	4
Dry-Cleaning	4
Fast-food Restaurants	8
Car Washes (self-service)	
Entry	3
Exit	1
Car Washes (Automatic)	
Entry	6
Exit	3

ARTICLE 11

ENVIRONMENTAL REGULATIONS

SECTION 11.01 PURPOSE

Environmental performance regulations are established in order to preserve the short and long-term environmental health, safety, and quality of the County. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan Right to Farm Act, PA 93 of 1981.

SECTION 11.02 AIRBORNE EMISSIONS

A. Smoke and Air Contaminants. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the State of Michigan.

B. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

C. Gases. The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

SECTION 11.03 NOISE

A. Noise which is objectionable as determined by the County due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

Octave Band in Cycles Per Second	**Along Residential District Boundaries- Maximum Permitted Sound Level in Decibels**	**Along All Non-Residential District Boundaries- Maximum Permitted Sound Level in Decibels**
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1200	46	53
1200 to 2400	40	47
above 2400	34	41

B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses.

C. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

SECTION 11.04 VIBRATION

A. No use shall generate any ground transmitted vibration in excess of the limits set forth in (D) below. Vibration shall be measured at the nearest adjacent lot line.

B. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

C. The vibration maximums set forth in (D) below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV =	Particle velocity, inches-per-second
F =	Vibration frequency, cycles-per-second
D =	Single amplitude displacement of the vibration in inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

D. Table of Maximum Ground-Transmitted Vibration

Particle Velocity, Inches-Per Second

Along Non-Residential District Boundaries	**Along Residential District Boundaries**
0.10	0.02

E. The values stated in (D) may be multiplied by two (2) for impact vibrations, i.e. non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.

F. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

SECTION 11.05 USE, STORAGE AND HANDLING OF HAZARDOUS SUBSTANCES

A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the County through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances shall obtain the appropriate permits or approval from the State of Michigan, and/or other designated enforcing agencies.

C. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances or petroleum products shall complete a Hazardous Chemicals Survey and a Pollution Incidence Protection Plan (PIPP) in conjunction with the following:

1. Upon submission of a site plan.

2. Upon any change of use or occupancy of a structure or premise.

3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

D. All business and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to or greater than twenty-five (25) gallons or two hundred-twenty (220) pounds) shall comply with the following standards:

1. Above Ground Storage and Use Areas for Hazardous Substances.

   (a) Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

   (b) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.

   (c) Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

   (d) Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designated and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.

2. Underground Storage Tanks.

   (a) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and the State Police Fire Marshal Division.

   (b) Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshall and Schoolcraft County. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.

(c) Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Natural Resources, and Schoolcraft County.

3. Loading and Unloading Areas.

Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

E. All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

SECTION 11.06 ELECTRICAL DISTURBANCE, ELECTROMAGNETIC, OR RADIO FREQUENCY INTERFERENCE

No use shall:

A. Create any electrical disturbance that adversely affects any operation or equipment other than those of the creator of such disturbance.

B. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

SECTION 11.07 GLARE AND EXTERIOR LIGHTING

A. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

B. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.

C. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.

Any operation, which produces intense glare or heat, shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view form any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

D. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

E. On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:

1. It is the goal of the County to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote "dark skies" in keeping with the rural character of Schoolcraft County.

2. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.

3. Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-pak type lighting shall be prohibited.

4. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.

   Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning

Commission may allow for an increased level of lighting above maximum permissible levels when the Planning Commission determines that the applicant has demonstrated that such lighting is necessary for safety and/or security purposes.

For the purposes of this ordinance, all lighting measurements shall be taken at ground level.

5. For parking lots of less than one hundred (100) parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.

6. Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

7. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

8. Subdivision or site condominium street lighting is not permitted. The Planning Commission may allow for street lighting when the Planning Commission determines that the applicant has demonstrated a need for such lighting.

SECTION 11.08 FIRE HAZARD

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

SECTION 11.09 SAFETY

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

SECTION 11.10 SEWAGE TREATMENT AND DISPOSAL

In addition to the requirements established by the State of Michigan, the following site development and use requirements shall apply:

A. All operations shall be completely enclosed by a fence not less than six (6) feet high.

B. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width within which grass, vegetation, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The County Planning Commission shall have the authority to review the design and treatment of all buffer strips.

C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the LMAS District Health Department, or, when development occurs within a sewer service area, the appropriate utility department.

ARTICLE 12

NATURAL RESOURCE PROTECTION AND ENHANCEMENT REGULATIONS

SECTION 12.01 PURPOSE

The purpose of this Section is to ensure that property is used in a manner which is consistent with the goals and objectives of the Master Plan and is designed in a manner which protects and enhances natural resources and features. The regulations of this Section are intended to achieve the mutually compatible objectives of reasonable use of land and protection of County natural resource and features.

SECTION 12.02 STORMWATER MANAGEMENT

A. Purpose. It is the intent of this Ordinance to encourage the use of structural, vegetative, or managerial practices, commonly referred to as best management practices (BMP's), designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff. All development projects subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained using best management practices (BMP's) to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands, and watercourses on the site to the maximum extent feasible.

B. Stormwater Drainage/Erosion Control. All stormwater drainage and erosion control plans shall meet the standards of the Schoolcraft County Road Commission and shall, to the maximum extent feasible, utilize nonstructural control techniques, including but not limited to:

1. limitation of land disturbance and grading;

2. maintenance of vegetated buffers and natural vegetation;

3. minimization of impervious surfaces;

4. use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales;

5. use of infiltration devices;

C. General Standards.

1. Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.

2. All properties which are subject to this ordinance shall provide for on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets the standards of the Schoolcraft County Road Commission.

3. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.

4. The use of swales and buffer strips vegetated with desirable native materials, in accordance with the standards of the Schoolcraft County Road Commission is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle, and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.

5. Drainage systems shall be designed to be visually attractive. The integration of stormwater conveyance systems and retention and detention ponds in the overall landscape concept is recommended. Ponds with a naturally contoured, design and appearance shall be required.

6. Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of impervious surfaces for parking, oil separators shall be required.

7. For sites that store or use chemicals, a spill response plan shall be submitted and approved by the County.

D. Use of Wetlands. Wetlands may be used for stormwater management if all the following conditions are met:

1. Wetlands shall be protected from impairment due to the discharges of stormwater. Measures shall be taken reduce erosive velocities of stormwater and to remove sediment and other pollutants prior to discharge to a wetland.

2. Wildlife, fish or other beneficial aquatic organisms and their habitat within the wetland will not be impaired

3. The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the County.

4. On-site erosion control shall be provided to protect the natural functioning of the wetland.

5. Provisions approved by the County shall be established so as to insure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.

6. Applicable permits from the Michigan Department of Environmental Quality are obtained.

E. Impervious Surface Reduction/Infiltration Enhancement. The County recognizes that, due to the specific requirements of any given development, inflexible application of the design standards may result in development with excessive paving and stormwater runoff and a waste of space which could be left as open space.

Either through procedures prescribed by Ordinance or creative land development techniques permitted by Ordinance, the County may permit deviations from requirements allowing for reduction in impervious surfaces whenever it finds that such deviations are more likely to meet the intent and standards of this Ordinance and accommodate the specific characteristics of the use in question.

The County may attach conditions to the approval of a deviation that bind such approval to the specific use in question. Measures that reduce impervious surface and increase infiltration may include, but are not limited to, the following:

1. Streets and Access.

   (a) Design residential streets with the minimum required pavement width needed to support travel lanes, on-street parking, and emergency, maintenance, and service vehicle access and function based on traffic volumes.

   (b) Decrease the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

   (c) Minimize the number of street cul-de-sacs and where cul-de-sacs do exist, provide landscape center islands.

   (d) Use vegetated open channels in the street right-of-way/private road easements to convey and treat stormwater runoff.

   (e) Use alternative driveway surfaces and shared driveways that connect two or more sites.

2. Parking.

(a) Base parking requirements on the specific characteristics of the use, landbanking in open space parking required to satisfy Ordinance requirements.

(b) Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in the spillover parking areas where possible.

(c) Encourage shared parking between compatible users.

3. Site Design.

(a) Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas and avoid routing rooftop runoff to the roadway and the stormwater conveyance system.

(b) Create a naturally vegetated buffer system which may vary in width as determined by the County along all drainage ways. Critical environmental features such as the one hundred (100) year floodplain, steep slopes, and wetlands shall be considered.

(c) Minimize clearing and grading of woodlands and native vegetation to the minimum amount needed to build lots, allow access, and provide fire protection.

(d) Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants.

F. Maintenance. Whenever a landowner is required to provide on-site storm water retention and/or surface drainage to wetlands, or whenever other protective environmental measures including monitoring devices are required, such measures or facilities shall be provided and maintained at the landowner's expense. The landowner shall provide assurance to the County that the land owner will bear the responsibility and cost of providing and maintaining such methods or facilities, by written agreement, suitable for recording at the office of the Schoolcraft County Register of Deeds, that will act as a perpetual restriction on the land, the form and content of which shall be approved by the County Attorney. A maintenance plan shall be provided, including notation and description of maintenance requirements and timelines.

SECTION 12.03 WATERCOURSE, WETLAND AND NATURAL FEATURE SETBACK PROTECTION

A. Intent. All developments subject to review under the requirements of this Ordinance shall be designed, constructed and maintained to protect County watercourses and wetlands in accordance with the applicable laws of the State of Michigan and any other applicable law, ordinance or regulation.

It is the intent of this section to require a minimum setback from natural features and to regulate property within such setback, in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It is also the intent of this section to establish and preserve a minimum setback from natural features in order to recognize the relationship between the natural features and the setback area in terms of plant species, animal species, surface and subsurface hydrology, water table, and water quality.

If a greater setback or prohibition is required by other ordinances, or other provision of this ordinance, such a greater setback or prohibition shall apply.

B. Applicability. A natural feature setback shall be maintained in relation to all natural feature areas as defined in this Ordinance unless, and to the extent, it is determined to be in the public interest not to maintain such setback.

C. Authorization and Prohibition.

1. In conjunction with the review of plans submitted for authorization to develop or use property within or adjacent to a natural feature, a setback area as set forth in subsection 12.03 F shall be required.

2. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling or land balancing. This prohibition shall not apply to exempt activities set forth in Section 12.03D.

3. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation. The following general criteria shall be applied in making a determination:

   (a) The relative extent of the public and private need for the proposed activity.

   (b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

   (c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.

   (d) The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural features to be protected.

(e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health.

(f) The size and quantity of the natural feature setback being considered.

(g) The amount and quantity of the remaining natural feature setback.

(h) Proximity of the proposed construction or operation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected.

(i) Economic value of the proposed construction or operation.

(j) The necessity for the proposed construction and/or operation.

D. Exemptions. The following activities shall be exempt:

1. Installation of a fence within a setback area.

2. Maintenance of previously established lawn areas.

3. Grading and filling necessary in order to conform to express requirements imposed by the County Engineer.

4. Installation of seasonal recreational structures for watercourse use.

5. Planting of trees and other vegetation.

E. Application Form. Application shall be made under this section on the form approved by the Zoning Administrator.

F. Setback Standards. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:

1. A twenty (20) foot setback from the boundary or edge of a wetland, as defined and regulated by the State of Michigan.

2. A twenty (20) foot setback from the ordinary high water mark of a watercourse.

SECTION 12.04 FLOODPLAIN MANAGEMENT

A. Intent. It is the intent of the County in adopting this article to significantly reduce hazards to persons and damage to property as a result of flood conditions in the County; to comply with the provisions and requirements of the National Flood Insurance Program; to protect human life, health and property from dangerous and damaging effects of flood conditions; to minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of

flooding, repair of flood damage public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas; to maintain stable development patterns not subject to the blighting influence of flood damage; to designate floodplains and institute floodplain development regulations and general development standards; to establish regulations concerning the same; and to provide for the administration of this article and to provide penalties for violation.

B. Delineation of the flood hazard area overlay zone.

1. The flood hazard area zone shall overlay existing zoning districts delineated on the official Schoolcraft County Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the one hundred (100) year flood on the Federal Flood Insurance Rate Map currently in effect for Schoolcraft County. The Flood Insurance Rate Map is adopted by reference. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone.

2. Disputes as to the location of a flood hazard area zone boundary shall be resolved by the Zoning Board of Appeals.

3. In addition to other requirements of this ordinance applicable to development in the underlying zoning districts, compliance with the requirements of this Section shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Section, except where the conflicting requirement is more stringent and would further the objectives of this Section to a greater extent than the requirements of this Section. In such cases, the more stringent requirement shall be applied.

C. Principal and Accessory Uses Permitted.

1. Within the flood hazard area overlay zone, no land shall be used except for one or more of the following principal uses.

(a) Agriculture, pastureland and animal grazing.

(b) Parks and recreation facilities provided no permanent structures are constructed.

(c) Swimming beaches, fishing and boating docks in accord with the provisions of the Inland Lakes and Streams Act of 1972.

(d) Required open space or lot area for structural uses that are landward of the overlay zone.

2. The following accessory structures and uses are permitted, provided they are also permitted in the underlying zoning district.

(a) Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump-houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances; provided each of the following requirements are met:

1) The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the floodplain.

2) All equipment and structures shall be anchored to prevent flotation and lateral movement.

3) Compliance with these requirements is certified by an engineering finding by a registered engineer.

D. Filling and Dumping.

1. Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant to the Natural Resources and Environmental Protection Act, P.A. 451 of 1993, as amended ("NREPA").

E. General Standards for Flood Hazard Reduction.

1. No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood hazard area unless permission is obtained from the County and the State of Michigan, if required under applicable law.
2. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

3. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.

4. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section.

F. Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes. Thus, approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This article does not imply that areas outside the flood hazard area will be free from flood damage. This article does not create liability on the part of the County or any officer or employee thereof for any flood damage that results from reliance on this article, or any administrative decision lawfully made.

G. Flood Hazard Area Variances.

1. Variances from the provisions of Section 12.04 Floodplain Management shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in Article 14 of this ordinance and each of the following specific standards.

   (a) A variance shall be granted only upon:

      1) a showing of good and sufficient cause;

      2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

      3) a determination that the granting of a variance will not result in a harmful increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances; and

      4) a determination that the granting of a variance will not result in any violations of applicable state or federal laws.

   (b) The variance granted shall be the minimum necessary, considering the flood hazards, to afford relief to the applicant.

2. The Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.

3. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

H. Mapping disputes.

1. Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by Federal Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.

2. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the

floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.

3. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

SECTION 12.05 NATURAL RIVERS SETBACK AND MAINTENANCE REGULATIONS

A. WATERFRONT SETBACK

Any building or structures within Districts Residential 1, Residential 2, Rural Residential, Resource Production, Timber Production, Public Land, Agricultural, Commercial, Industrial, and Town abutting any body of water, including, but not limited to, inland lakes, rivers, streams, creeks, impoundments, and Lake Michigan, shall maintain a minimum setback of 50 feet from ordinary high water mark. All uses shall be subject to this setback except marinas, boat liveries, bathing facilities, fishing piers, commercial fishing docks, recreational docks, and associated facilities when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses and water resources.

B. WATERFRONT SETBACK IN LAKESHORE AND RIVER DISTRICTS

Any building or structure within Districts Lakeshore and River 1, Lakeshore and River 2, or Lakeshore and River 3 abutting any body of water, including, but not limited to, inland lakes, rivers, streams, creeks, impoundments, and Lake Michigan, shall maintain a minimum setback from the ordinary high water mark as follows:

Lakeshore and River 1	50 feet
Lakeshore and River 2	50 feet
Lakeshore and River 3	50 feet for parcel in a recorded subdivision
Lakeshore and River 3	75 feet for parcel <u>not</u> in a recorded subdivision

Property in the Lakeshore and river 1, 2, & 3 Zoning Districts and the Residential 1 & 2 Zoning Districts are not subject to these setback requirements, from the water's edge, along non-navigable creeks and streams unless said creek or stream is a "designated trout stream"

All uses shall be subject to this setback except marinas, boat liveries, fishing piers, commercial fishing docks, recreational docks, when located and designed so as not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses and water resources.

C. WATERFRONT SETBACKS IN NATURAL RIVER PLAN DISTRICT

Any building must be 100 feet from the Ordinary High Water mark, and all structures must be setback at least 50 feet from the top of the bluff. A 100 foot vegetation strip must be maintained on both sides of river pursuant to the Fox River Natural River Plan.

D. WATERFRONT LOT USE REGULATIONS

1. Intent: It is the intent of this section to promote the integrity of Dodge, Island, Gulliver, McDonald and Indian Lakes while preserving the quality of recreational

use of those lakes; to protect the quality of those lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this section shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

2. Regulations: In any zoning district where a parcel of land is contiguous to a lake, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront, only if the following conditions are met:

   (a) That said parcel of land contain a minimum of 7,000 square feet, fifty (50) lineal feet of water frontage for each individual dwelling unit or each single family unit to which such privileges are extended or dedicated. The minimum depth for such a parcel shall be one-hundred forty (140) feet. No access property so created shall have less than two hundred (200) feet of water frontage with at least fifty (50) lineal feet of water frontage for each individual dwelling unit. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.

   (b) That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.

   (c) That access property, as provided for in and meeting the conditions of this section, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

3. Nonconforming uses: In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such accesses shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

4. Definitions: "Access Property" shall mean a property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from off-shore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

E. DECKS AND STORAGE SHEDS WITHIN SETBACK AREA

Decks and (Storage sheds of 120 square feet or less, with maximum height of 6') may extend 16' into the front and rear setbacks of Residential 1, Residential 2 and 16' into the waterfront setback area of Lakeshore and River 1, Lakeshore and River 2 and Lakeshore and River 3 Districts.

F. 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:

1. Customary home occupations are permitted as an accessory to residential use or occupancy but only to the extent authorized by Section 2.02: DEFINITIONS: HOME OCCUPATION in this Ordinance.

2. Privies shall be an allowed accessory use in the Lakeshore and River 1, Lakeshore and River 2, Lakeshore and River 3, Rural Residential, Resource Production, Timber Production and Agricultural Districts. They are also considered an accessory use on a construction site.

3. When converting a residence to a storage building for the purpose of complying with Section 5.06 I, no toilet facilities may remain in the building with the
4. the total wall area. (Perimeter x height to eaves to a maximum of 10 feet.)

4. No single accessory building in zoning districts Lakeshore and River 1,2, 3, and Residential 1 and 2 shall exceed 1200 square feet, nor shall the total area of all accessory buildings exceed 2000 square feet, nor shall any accessory building exceed 14 feet at the eaves. These restrictions apply only to lots having less then the minimum lot size and width as called for in Section 6.05 of the Zoning Ordinance.

G. FLOOR AREA REGULATIONS

1. Every dwelling unit in the Lakeshore and River 3 District shall have a floor area of not less than 600 square feet. Every dwelling unit in the Residential 1, Lakeshore and River 1, Town, and Lakeshore and River 2 Districts shall have a floor area of not less than 600 square feet. Every dwelling unit in the Resource Production and Timber Production Districts shall have a floor area not less than 400 square feet, except if the dwelling unit is located within 330 feet from a federal, state or county roadway, said floor area shall not be less than 600 square feet. Every dwelling unit in the Residential 2, Rural Residential, and Agricultural Districts shall have a floor area of not less than 600 square feet. 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 carport, such space must be fully enclosed by weatherproof material and any ventilators shall be screened.

2. Resort structures shall have a minimum floor area of 480 square feet.

SECTION 12.06 LANDSCAPING, GREENBELT, BUFFERS AND SCREENING

The intent of this section is to promote the public's health, safety, and general welfare by: counteracting noise, improving air quality and counteracting visual blight; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between non-compatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and, promoting soil water retention.

To the greatest extent possible, applicants are encouraged to satisfy Ordinance requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of landscape materials native to Schoolcraft County is encouraged.

A. Application. These requirements shall apply to all uses for which site plan review is required under Article 7. No site plan shall be approved unless it shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Section.

B. Landscape Plan Required. A separate detailed landscape plan shall be submitted as part of the site plan review process. On sites of greater than one (1) acre, landscape plans shall be prepared and sealed by a registered landscape architect, licensed in the State of Michigan. The landscape plan shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, root type and descriptions for each plant and type proposed for use within the required landscape area.

2. Minimum scale: 1” = 40' for property less than five (5) acres, or 1” = 100' for property five (5) acres or more. A different scale may be used provided it is sufficient to properly illustrate the landscape plan concept and that Ordinance requirements are met.

3. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.

4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

5. Planting and staking details in either text or drawing form to ensure proper installation of proposed plant materials.

6. Identification of existing wetlands, forested areas, trees and vegetative cover to be preserved.

7. Identification of grass and other ground cover and method of planting.

8. Identification of mulch in planting beds.

9. Typical straight cross-section including slope, height and width of berms.

C. Buffering Between Land Uses.

1. Upon any improvement for which a site plan is required, a landscape buffer shall be required to create a visual screen at least six (6) feet in height along all adjoining boundaries whenever a non-residential use or a residential use of higher density abuts residentially zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of plant material as set forth in Section 12.15 K at the time of installation, the opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. The applicant shall agree in writing to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.

2. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall or fence may be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the materials just named. In addition, a minimum of one (1) tree and six (6) shrubs meeting the minimum size requirements set forth in Section 12.15 K shall be planted adjacent to and for each thirty (30) lineal feet of wall or fence.

D. Parking Lot Landscaping.

1. Interior Areas. Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following: divide and break up the expanse of pavement; define parking areas; designate vehicular circulation; and separate parking lots from off-street parking. The following specific standards shall apply:

(a) Separate landscaped islands shall be required within parking lots of sixteen (16) spaces or greater. No more than a row of twenty-four (24) spaces are permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission may approve alternative landscaping along the perimeter of the parking lots.

(b) There shall be one (1) canopy tree meeting the minimum size requirements set forth in Section 12.06 K for every eight (8) parking spaces, landscaped islands within a designated parking area shall be a minimum of one hundred-fifty (150) square feet in area and nine (9) feet in width.

(c) A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

2. Perimeter Areas. In order to reduce the visual impact, minimize conflicts between neighboring uses and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards:

(a) Parking lots which are adjacent to residentially zoned or used property, which serve a non-residential use or a residential use of higher density shall be screened from that residential use in accordance with the standards set forth in Section 12.06.C.

(b) Parking lots which are visible from a public road shall be screened from view with a landscaped berm varied in height from between two (2) to three (3) feet along the perimeter of those sides which are visible. The berm shall be planted with a minimum of one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs, meeting the minimum size requirements set forth in Section 12.06.K. for every thirty (30) lineal feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.

(c) Minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.

E. Front Greenbelt Landscaping. A landscaped greenbelt equivalent in depth to the required front yard setback shall be required for any lot or any portion of a lot fronting on a public or private road, and shall be landscaped with a minimum of one (1) deciduous tree or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs meeting the minimum size requirements set forth in Section. 12.06.K. for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material.

Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.

F. Subdivision and site condominium landscaping. Landscaping for subdivisions and site condominiums, which shall include, but not be limited to, residential, office commercial, and industrial development, shall be provided in accordance with the following requirements:

1. Street trees. The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one (1) tree for every forty (40) lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in Section 12.06.K. and shall be an appropriate species for a street environment. The Planning Commission may determine that existing trees which are preserved within the road right-of-way or easement may meet all or part of the street tree requirement.

2. Screening from public roads. Where a subdivision or site condominium abuts a public right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section 12.06 C shall be met.

3. Other site improvements. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

G. Foundation Landscaping. Foundation plantings shall be provided along the front or sides of any buildings which faces a public road and/or is adjacent to a parking lot or other area which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building and the parking area and/or associated driveways) adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of eight (8) feet in width.

H. General Site Landscaping. In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely grass. In meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases, entry ways, and/or retention and detention areas. In particular, the integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged. Fenced retention/detention ponds within a front yard shall be strictly prohibited.

I. Refuse Containers. Refuse containers shall be required for all uses other than single-family uses subject to the following standards:

1. Outside trash disposal containers shall be screened on all sides with an opaque masonry wall, and gate at least as high as the container, but not less than six (6)

feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.

2. Containers shall be consolidated to minimize the number of collection sites.

3. Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible.

4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of size thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with capacity of 1.5 cubic yards or more. The minimum size of an enclosure shall be eight (8) feet in depth and twelve (12) feet in width to accommodate a single container and eight (8) feet in depth and twenty (20) feet in width to accommodate two (2) containers.

6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.

7. Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders, and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

J. Miscellaneous Landscape Requirements. The following minimum standards shall apply:

1. Quality. Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to Schoolcraft County, shall conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

2. Composition. A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended to discourage insect and disease infestation; however, a limited mixture of hardy species is recommended in order to unify the design and visually blend with neighboring plants. Where plantings are adjacent to a road right-of-way, selection of plant materials that are tolerant of road salt spray and air pollutants are recommended.

3. Berms. Berms shall be constructed with slopes not to exceed a 1:3 gradient and shall be planted to prevent erosion. Berm slopes shall be protected with grass, shrubs or other form of natural ground cover. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment.

4. Existing Trees. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the County, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed prior to construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the County.

   In the event that healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain, are cut down, destroyed, damaged, or excavated at the dripline, as determined by the County, the Property Owner shall replace them with trees which meet Ordinance requirements.

5. Installation, Maintenance, and Completion. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy. In the alternative, a surety bond, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping, to be released only after landscaping is completed.

   All landscape elements shall be installed, and earth moving or grading performed according to accepted good planting and grading procedures.

   The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

6. Prohibited Trees. Installation of the following trees to satisfy landscape ordinance requirements shall be strictly prohibited:

All willow species	Salix sp.
Silver Maple (pure species only)	Acer Sacharinum
Boxelder	Acer negundo
Russian Olive	Elaeagnus angustifolia
Buckthorn	Rhamnus cathartica
Siberian Elm	Ulmus pumila
Black Locust	Robinia psuedoacacia
Prickly Ash	Zanthoxylum americanum
Tree of Heaven	Ailanthus altissima
Mulberry	Morus sp
Norway Maple	Acer platanoides

K. Minimum Size and Spacing Requirements. Where landscaping is required, the following schedule sets forth minimum size and spacing requirements; for representative landscape materials:

SECTION 12.06 K SIZE AND SPACING REQUIREMENTS

The following trees are representative.	Minimum Size Allowable			
	Height		Caliper	
TREES	**6'**	**3'-4'**	**1.75”**	**2.5”**
Evergreen Trees:				
Fir	✔			
Spruce	✔			
Pine	✔			
Hemlock	✔			
Douglas Fir	✔			
Narrow Evergreen Trees				
Red Cedar		✔		
Arborvitae		✔		
Juniper (selected varieties)		✔		
Large Deciduous Canopy Trees				
Oak				✔
Maple				✔
Beech				✔
Linden				✔
Ash				✔
Ginko (male only)				✔
Honeylocust (seedless, thornless)				✔
Birch				✔
Sycamore				✔
Small Deciduous Ornamental Trees				
Flowering Dogwood			✔	
Flowering Cherry, Pear			✔	
Hawthorn			✔	
Redbud			✔	
Magnolia			✔	
Flowering Crabapple			✔	
Serviceberry			✔	
Hornbeam			✔	

The following shrubs are representative.	Minimum Size Allowable Height/Spread			
SHRUBS	**6'**	**3'-4'**	**24”-36”**	**18”-24”**
Evergreen Shrubs				
Pyramidal Yew		✔		
Hicks Yew				✔
Brown and Wards Yew			✔	
Alberta Spruce		✔		
Chinensis Juniper Varieties			✔	
Sabina Juniper				✔
Mugho Pine				✔
Horizontal Juniper Varieties				✔
Boxwood				✔
Euonymous varieties				✔
Deciduous Shrubs				
Honeysuckle			✔	
Lilac			✔	
Sumac			✔	
Pyracantha				✔
Weigela			✔	
Flowering Quince			✔	
Dogwood			✔	
Viburnum varieties			✔	
Spirea				✔
Fragrant Sumac				✔
Potentilla				✔

L. Exceptions to Requirements.

1. Buildings Abutting Property Lines. Required screening may be omitted along any lot line where a building wall exists immediately abutting the lot line.

2. Location Adjustments. Where property line screening is required, the location may be adjusted at the discretion of the Planning Commission so that the screening may be constructed at or within the setback line, provided the areas between the screening and the property lines are landscaped, or in rural areas, retain their natural vegetative state.

3. Existing Screening. Any fence, screen, wall or hedge which does not conform to the provisions of this section and legally exists at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.

4. Planning Commission Modification. Any of the requirements of this section may be waived or modified through Site Plan approval, provided the Planning Commission first makes a finding:

   (a) That the topographic features or special characteristics of the site create conditions so that the strict application of the provisions of this section will result in less effective screening and landscaping than alternative landscape designs.

   (b) That the public benefit intended to be secured by this section will exist with less than the required landscaping or screening.

ARTICLE 13

SIGN REGULATIONS - DELETED

Billboards

1. Federal Highways – regulated by MDOT
2. County Roads – Apply for a right of way permit from road commission

ARTICLE 14

NONCONFORMING USES, STRUCTURES AND LOTS OF RECORD

SECTION 14.01 GENERAL

Certain existing lots, structures, and uses of lots and structures were lawful before this ordinance was adopted, but have become nonconforming under the terms of this ordinance and its amendments. It is the intent of this ordinance to permit such nonconformities to remain until they are discontinued or removed but not to encourage their survival, or where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Nonconforming uses and structures shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Nonconforming uses and structures are declared by this ordinance to be incompatible with the structures and uses permitted in the various districts.

SECTION 14.02 NONCONFORMING LOTS OF RECORD

A. A permitted principal structure and uses, and customary accessory structures and uses may be erected or placed on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lots must be in separate ownership and not contiguous with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals.

B. If two (2) or more lots or combinations of lots and portions of lots, which are contiguous and in single ownership, are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area less that the requirements stated in this ordinance.

C. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject of a deed or land contract not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a lot of record. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the

parcel to said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the County, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other conditions set forth in Section 3.03 in order that a building permit be granted.

SECTION 14.03 NONCONFORMING STRUCTURES

A. A nonconforming structure shall be a structure which was lawful prior to the effective date of adoption or amendment of this ordinance and which does not conform to the new ordinance regulations currently in effect.

B. A nonconforming structure may continue after the effective date of adoption or amendment of this ordinance. A nonconforming structure which is damaged by any means to an extent of more than fifty (50%) percent of its replacement cost shall not be reconstructed except in conformity with the regulations of the district in which it is located, unless the lot is a nonconforming lot of record, in which case Section 14.02 shall apply. Any structure which is damaged to an extent of fifty (50%) percent or less of its replacement cost may be replaced in its location existing prior to such damage, provided such replacement is commenced within three (3) years of the date of damage and is diligently pursued to completion. Failure to complete replacement shall result in the loss of legal, nonconforming status.

C. A nonconforming structure which is moved within a site or to another site shall conform, after is moved, to the regulations of the district in which it is located.

D. Expansion of Nonconforming Structures. Nonconforming structures may be expanded in compliance with the following regulations:

1. Nonconforming buildings used in farm operations may be expanded if approved by the Zoning Administrator subject to the following requirements:

   (a) Farming shall be a permitted use and the intended use of the structure shall be a permitted use in the district in which it is located.

   (b) The expansion shall meet all requirements of the zoning district in which it is located. The existing structure(s) and the expansion shall not exceed the ground floor coverage or floor area ratio limits of the district in which they are located.

2. A single-family detached residential dwelling unit and accessory buildings may be expanded if approved by the Zoning Administrator subject to the following requirements:

(a) The single-family residence shall be a permitted use in the district in which it is located.

(b) The expansion shall meet all yard requirements of the zoning district in which it is located.

3. All other nonconforming structures may be expanded provided such expansion does not increase the nonconformance of the structure. The County may attach conditions to the approval of the expansion of a nonconforming structure. Conditions imposed shall be designed to protect the public health, safety and welfare of individual users of the site, those immediately adjacent property owners, and community as a whole.

E. A nonconforming structure may be altered to decrease its nonconformity.

SECTION 14.04 NONCONFORMING USES

Where, on the date of adoption or amendment of this Ordinance, a lawful use exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. An existing building or structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.

B. When a nonconforming use of a lot, building or structure is discontinued for more than one hundred eighty (180) consecutive days, except where government action prevents access to the premises, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

C. Any lot, structure, or lot and structure in combination, in or on which a nonconforming use is succeeded by a permitted use, shall thereafter conform to the regulations for the districts. The Zoning Administrator shall be authorized to establish a reasonable time schedule within which the lot and/or structure shall be required to conform to the district regulations as required herein, assuming that such corrections as required will be commenced at the earliest time that weather conditions permit.

D. Where a nonconforming status applies to a lot and structure in combination, intentional removal or destruction of the structure shall eliminate the nonconforming status of the lot.

Should any building or structure devoted to a use not permitted by this Ordinance in the District in which it is located be destroyed by causes beyond the control of the owner or occupant, such building or structure may be replaced providing such replacement does not result in any enlargement or expansion. Such replacement shall be subject to the provisions of Article 7 Site Plan Review.

E. A nonconforming use of a lot shall not be enlarged, expanded or extended to occupy a greater area of the lot than was occupied on the date of adoption or amendment of this ordinance, and no accessory use, building, or structure shall be established therewith.

G. In commercial and industrial districts, a nonconforming residential use may expand to occupy the floor area necessary for living purposes provided no increase in the number of families residing therein results, and subject to Zoning Board of Appeals approval.

H. A nonconforming use in any zoning district may expand into a part of the building originally designed and constructed for such use, after approval by the Zoning Board of Appeals, provided that no structural alterations are made, the floor area of the building is not increased, and that such use shall not be extended to occupy any land outside such building.

SECTION 14.05 REPAIRS AND MAINTENANCE

Except as provided in Section 14.03 and 14.04, herein, alteration or repair work may be done on a nonconforming structure containing a nonconforming use in any period of twelve (12) consecutive months to an extent not to exceed ten (10%) percent of the replacement cost of the nonconforming structure at the time of the repair, provided that the floor area or volume of such building, or the number of families housed therein, or the dimensions, height, or number of stories of such structure as it existed on the date of adoption or amendment of this ordinance shall not be increased. No other alterations or repairs shall be permitted unless the structure or use is made to conform to all requirements of this ordinance.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition, of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety.

If a nonconforming building or structure, or a portion of a building or structure containing a nonconforming use which has structurally deteriorated to an extent that has been condemned by any duly authorized official and the cost of repair of which to meet standards for occupancy exceeds fifty (50%) percent of the structure's replacement costs, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 14.06 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure.

SECTION 14.07 EXPANSION AND SUBSTITUTION

A. Where the Zoning Board of Appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the following provisions shall apply:

1. Limitations: The reasons for the nonconformity shall be limited to minimum lot area, lot width, required yard, and off-street loading and parking requirements. In no case shall a building or structure that is nonconforming because of lot coverage, floor area ratio, or height requirements be permitted to expand without removing the nonconformity, except as permitted under a variance.

2. Permitted Uses: The existing and proposed uses of such buildings and structures must be among those permitted in the district in which situated.

3. Conformance Required: The proposed improvement shall conform to all requirements of the district in which situated.

4. Determinations: The Board of Appeals shall determine the following in approving a request:

   (a) That the retention of the nonconforming building or structure is necessary for the proposed improvement or that the requiring of removal of such building or structure would cause unnecessary hardship.

   (b) That the proposed improvement is necessary for the continuation of activities on the property.

   (c) That the enlarged or otherwise improved nonconforming building or structure will not adversely affect the public health, safety and welfare.

5. Authority of Board: The Board of Appeals shall have authority to require modification of the nonconformity, where such is reasonable, as a condition for approval. The Board of Appeals may attach other conditions for its approval which it deems necessary to protect the public health, safety and welfare.

6. All expansions permitted under this section shall meet all requirements of Article 7, herein, Site Plan Review, if a site plan is required.

B. A nonconforming building or structure shall not be substituted for, or replace, another nonconforming building or structure. A nonconforming use of a building or structure may be substituted for another nonconforming use upon permission by the Board of Appeals, as set forth in Article 15 herein, provided that no structural alterations are made and that such other nonconforming use is equal to or more appropriate than the existing nonconforming use in the district in which it is located. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions and intent of this Ordinance. A nonconforming use not including a building or structure shall not be substituted for another nonconforming use not involving a building or structure.

ARTICLE 15

ZONING BOARD OF APPEALS

SECTION 15.01 BOARD ESTABLISHED; PRIOR BOARD ACTIONS RATIFIED

A Zoning Board of Appeals, hereinafter referred to as the Board of Appeals, is hereby established, in accordance with Act 184 of the Public Acts of 1943, as amended. All actions of the Zoning Board of Appeals established under any prior zoning ordinance are hereby ratified and confirmed.

SECTION 15.02 MEMBERSHIP AND TERMS

A. The Board of Appeals shall consist of five (5) members appointed by the County Board. The first member shall be a member of the County Planning Commission. The remaining members shall be selected from the electors of the County residing in the unincorporated area of the County, one of which may be from the Planning Commission. One (1) regular member may be a member of the County Board. The members selected shall be representative of the population distribution and of the various interests present in the County. An elected officer of the County shall not serve as chairman of the Board of Appeals.

The County Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified in the Zoning Ordinance to serve as a regular member of the Zoning Board of Appeals in absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

B. Members of the Board of Appeals shall be removable by the County Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

C. The term of office of each member shall be three (3) years, except for members serving because of their membership on the Planning Commission or County Board, whose terms shall be limited to the time they are members of the Planning Commission or County Board respectively, and the period stated in the resolution appointing them. A successor shall be

appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration of the terms of members appointed from the electorate shall be adjusted so that all do not expire at the same time. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 15.03 RULES AND PROCEDURES FOR THE BOARD OF APPEALS

A. Rules. The Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary from its membership at its first meeting following January 1, of each year. The officers shall serve until successors are elected.

B. Votes. A concurring vote of a majority of the members of the Board of Appeals shall be necessary for any decision. The Board of Appeals shall not conduct business unless a majority of its members is present.

C. Representation. Any person(s) may appear on his/her behalf at a hearing or may be represented by an agent or attorney.

D. Time Limit. The Board of Appeals shall decide upon all matters within a reasonable time, not to exceed ninety (90) days from the filing date. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and appellant and the Board of Appeals.

E. Meetings. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board in its rules and regulations might specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions of approval, facts, or other relevant factors, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting. All meetings and records shall be open to the public. All records of meetings shall be filed in the office of the County Clerk.

F. Oaths. The Chairman of the Board of Appeals, or in the Chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

G. Public Hearings and Notification

1. The Board of Appeals shall hold a public hearing on each question submitted to it for decision. The Chairman shall fix a reasonable time and date for the hearing, said date not to exceed forty-five (45) days from the filing date. A notice of the public hearing shall be published once in a newspaper which circulates in the County. A notice shall also 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 three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Board of Appeals prior to the public hearing. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. 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,, one (1) occupant from 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 structure who shall be requested to post the notice at the primary entrance to the structure. Where the hearing, as determined by the Board of Appeals, concerns matters of general applicability in Schoolcraft County and does not concern only individual lots or parcels, the notice of the hearing need only be given in a newspaper of general circulation within Schoolcraft County.

2. Contents of Notification – The notice of public hearing shall:

(a) Describe the nature of the request.

(b) Describe the property which is the subject of the request.

(c) State date, time and place of the public hearing.

(d) Indicate when and where written comments will be received concerning the request.

SECTION 15.04 POWERS AND DUTIES OF BOARD OF APPEALS

A. General. The Board has the power to act on matters as provided in this Ordinance and Act 184, of the Public Acts of 1943, as amended. The specific powers of the Board are enumerated in the following sections of this Article.

B. Delegated Duties. To hear and decide on all matters referred to it upon which it is required to pass under this ordinance.

C. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this ordinance. In exercising the powers set forth in this article, the Board of Appeals may reverse or affirm wholly or partly, or may modify, the order,

requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

D. Interpretation.

1. The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Waste Plan.

2. In an interpretation of the Zoning Map, the Board shall be governed by the Rules of Interpretation set forth in Section 4.02.D.

3. A record shall be kept by the Board of all decision for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this Section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

E. Variances. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would involve practical difficulties or cause unnecessary hardship within the meaning of this Article, the Board of Appeals shall have power upon appeal in specific cases to authorize such variation or modification of the provisions of this ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done. No such variance or modification of the provisions of this ordinance shall be granted unless it appears that all of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district;

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity;

3. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located;

4. That the granting of such variance will not adversely affect the purpose or objectives of the master plan of the County;

5. Absent exceptional circumstances which would otherwise result in substantial injustice, the circumstances or conditions upon which the variance is based do not result from the actions of the applicant or his predecessors in title.

F. Limitation of Authority. The Board shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.

SECTION 15.05 SPECIFIC PROCEDURES FOR ADMINISTRATIVE APPEALS

A. All questions concerning administrative decisions under this ordinance shall first be presented to the applicable County official. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the applicable County official.

B. Appeals shall be filed within sixty (60) days of the decision in question at the County office. The County Clerk shall transmit a copy of the appeal and related information to the Zoning Administrator and each member of the Board of Appeals within three (3) days of the filing date. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Board of Appeals to submit additional information to clarify the appeal. The Zoning Administrator shall transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken, within seven (7) days of the filing date.

C. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of County, County, State or Federal governments.

D. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.

SECTION 15.06 SPECIFIC PROCEDURES FOR VARIANCES

A. An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the County Clerk. The applicant shall provide such information as is required by the Board of Appeals by way of completed application form, fee and additional information.

B. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such a period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. Upon reapplication to the Board of Appeals, extensions not exceeding six (6) months each may be granted upon a showing of good cause and good faith efforts being made to achieve completion.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such a period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of the permit. Upon reapplication to the Board of Appeals, extensions not exceeding six (6) months each may be granted upon a showing of good cause and good faith efforts being made to achieve completion.

C. An application for a variance which has been denied wholly or in part by the Board of Appeals shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or changed conditions found by the Board of Appeals to be valid.

SECTION 15.07 SITE PLAN REQUIREMENTS

If an application or appeal to the Board of Appeals requires site plan approval by the Planning Commission, the applicant or appellant shall first apply for preliminary site plan approval as set forth in Article 7.0. The Planning Commission shall review said plan and shall determine the layout and other features required to obtain approval of said plan. The Planning Commission shall then transmit the plan and the Commission's findings thereon to the Board of Appeals. The Board of Appeals shall, upon deciding on the application or appeal, return the plan and its decision thereon to the Planning Commission for Commission action on the preliminary site plan.

ARTICLE 16

AMENDMENTS

SECTION 16.01 INITIATING AMENDMENTS

The County Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the County Board, the County Planning Commission, by petition of one or more property owners of Schoolcraft County, or by one (1) or more persons acting on behalf of a property owner(s) of Schoolcraft County. All proposed amendments shall be referred to the County Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the County Board.

SECTION 16.02 AMENDMENT PROCEDURE

Only the County Board of Commissioners may amend this Ordinance. Proposals for amendments or changes may be initiated by the County 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. Amendments are governed by the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3101 *et seq.* ("MZEA").

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 held in accordance with the MZEA.

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 County Board.

C. The County Board will either accept or reject proposed changes as an Ordinance amendment or, if the County 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 County Board. After receiving the report, the County Board shall grant a hearing on a proposed ordinance provision to a property owner who has filed a written request for same prior to the regular meeting at which the proposed amendment is to be considered, as provided by the MZEA. The County Board may then adopt, by a majority vote of its membership, pursuant to the MZEA, 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 County Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the County 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 site plan 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 County 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 County or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;

4. Whether any significant and negative environmental impacts 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; and

5. Effect of approval of the petition on adopted development policies of the County and other governmental units.

G. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the County Board.

SECTION 16.03 INFORMATION REQUIRED

A. If a petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

1. A legal description of the property, including a street address and tax code number(s).

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, the record owner, and all other parties claiming an interest in said property.

4. The petitioners interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties signed consent to the petition. The consent of mortgagees, lienors, and similar such parties shall not be required.
5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the information.

6. Identification of the zoning district requested and the existing zoning classification of property.

7. A vicinity map showing the location of the property, and adjacent land uses and zoning districts.

B. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:

1. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

2. Name and address of the petitioner.

3. Reasons for the proposed amendment.

SECTION 16.04 REVIEW

A. In reviewing any petition for a zoning amendment, the Planning Commission shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition, to the County Board within a period of sixty (60) days from the date of the Public Hearing. The time limit may be extended by mutual written agreement between the Planning Commission and the applicant.

B. The factors to be considered by the Planning Commission may include, but shall not be limited to, the following:

1. Whether or not 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 result from approval or denial of the petition.

3. The capability of the County or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

4. Effect of approval of the petition on the condition and/or value of property in the County or in adjacent civil divisions.

5. Effect of approval of the petition on adopted development policies of Schoolcraft County and other government units.

C. All findings shall be made a part of the public records of the meetings of the Planning Commission and the County Board.

SECTION 16.05 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the County Board and the amendment published

SECTION 16.06 PUBLICATION

Following County Board approval of a petition to amend the zoning ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Schoolcraft County. The notice of adoption shall include the following information:

A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

B. The effective date of the amendment.

C. The place and time where a copy of the ordinance may be purchased or inspected.

SECTION 16.07 REFERENDUM

Within seven (7) days after publication of a Zoning Ordinance under Section 16.07, a registered elector residing in the portion of the County outside the limits of the cities and villages, may file with the County Clerk a notice of intent to file a petition under this section. If a notice of intent is filed, then within thirty (30) days following the publication of the Zoning Ordinance, a petition signed by a number of registered electors residing in the portion of the County outside the limits of cities and villages equal to not less than fifteen (15%) percent of the total vote cast for all candidates for governor, at the last preceding general election, at which a governor was elected in the County may be filed with the County Clerk requesting the submission of an ordinance or part of an ordinance to the electors residing in the portion of the County outside the limits of cities or villages for their approval.

Upon the filing of a notice of intent, the ordinance or part of the ordinance adopted by the County Board shall not take effect until one (1) of the following occurs: (a) The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed within that time. (b) If a petition is filed within thirty (30) days after publication of the ordinance, the County Clerk determines that the petition is inadequate. (c) If a petition is filed within thirty (30) days after publication of the ordinance, the County Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the portion of the County outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The County Board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.

ARTICLE 17

ZONING MAPS

SECTION 17.01 ZONING MAPS

The location and boundaries of the zoning district established by this Ordinance are set forth on the zoning maps of the County of Schoolcraft which accompany this Ordinance, and which maps, with all notions, references, and other information shown thereon, is incorporated herein and is as much a part of the Ordinance as if fully described and set forth herein. All Lakeshore and River 1, Lakeshore and River 2, and Lakeshore and River 3 areas designated on zoning maps extend 300 feet inland from the ordinary high water mark of that particular body of water unless otherwise specifically designated as being different from this on the zoning maps. The zoning maps of the County of Schoolcraft are available in the office of the Schoolcraft County Zoning Department.

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