

# *Zoning Ordinance*

## *Gratiot County, Michigan*

Gratiot County Planning Commission  
Public Hearing and Affirmative Recommendation: September 14, 1999  
Gratiot County Board of Commissioners  
Adoption date: October 19, 1999  
Effective date: November 19, 1999  
Printing date: April 1, 2002

**Revisions adopted November 7, 2000:**

Chapter 2, Section 2.2, paragraph C  
Chapter 4, Section 4.5, paragraph A  
Chapter 16, Section 16.7, paragraph F, subparagraph 3  
Chapter 18, Section 18.6, paragraph C, subparagraphs 7, 9, & 10

**Revisions adopted March 20, 2001:**

Definitions - E, Section 1.6  
Definitions - I, Section 1.10  
Chapter 2, Section 2.22, paragraph E, subparagraph 1  
Chapter 4, Section 4.4, paragraph G  
Chapter 12, Section 12.2, paragraph A, subparagraphs 8 & 9  
North Star Township Zoning Map

**Revisions adopted April 17, 2001:**

Chapter 2, Section 2.24, paragraph A, subparagraph 10

**Revisions adopted November 20, 2001:**

Chapter 2, Section 2.3, paragraph C  
Chapter 2, Section 2.10, paragraph A, subparagraph 2  
Chapter 2, Section 2.22, paragraph E, subparagraphs 2 & 3  
Chapter 2, Section 2.23, paragraph A, subparagraphs 2a & b, and paragraph B, subparagraphs 1, 3, & 4  
Chapter 2, Section 2.24 paragraph A, subparagraph 10  
Chapter 4, Section 4.5 paragraph A, subparagraphs 1 & 2, and paragraph C  
Elba, Hamilton, Newark, & Sumner Township Zoning Maps

**Revisions adopted April 1, 2003:**

Chapter 2, Section 2.3 paragraph E  
Chapter 16, Section 16.7, paragraph Z, subparagraph 4

**Revisions adopted May 5, 2009:**

Chapter 1, Section 25: Wind Energy Facility Special Use Definitions  
Chapter 14, Section 4, E: Wind Energy Facility Special Use Site Plan Review Required  
Chapter 16, Section 7, QQ: Wind Energy Facility

**Revisions adopted June 16, 2015:**

General revisions in regards to formatting and clarity to the entire book  
General revisions and updates in regards to Home Occupations & Wind Development:  
Chapter 1: Incorporate Wind Energy definitions appropriately  
Chapter 1, Section 1.9  
Chapter 2, Section 2.11, paragraph A  
Chapter 2, Section 2.12, paragraph B  
Chapter 4, Section 4.2, paragraph F  
Chapter 4, Section 4.5, paragraph A, subparagraph 2  
Chapter 5, Section 5.2, paragraph D, and Section 5.3, paragraph M  
Chapter 6, Section 6.2, paragraph D, and Section 6.3, paragraph O  
Chapter 7, Section 7.2, paragraph D, and Section 7.3, paragraph H  
Chapter 8, Section 8.2, paragraph E, and Section 8.3, paragraph H  
Chapter 9, Section 9.2, paragraphs C & D, and Section 9.3, paragraph C  
Chapter 15, Section 15.9, paragraph B, subparagraph 8, and Section 15.14, paragraph A  
Chapter 16, Section 16.7, paragraph O, subparagraph 9  
Chapter 16, Section 16.7, paragraph S  
Chapter 16, Section 16.7, paragraph Z, subparagraph 5b

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**The following townships have zoning administered through Gratiot County, for information please call 989-875-5201.**

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Lafayette  
Newark  
North Star  
Sumner

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# **CHAPTER 1 DEFINITIONS**

## **SECTION 1.1        RULES APPLYING TO TEXT**

The following listed rules of construction apply to the text of this Ordinance:

- A.     The particular shall control the general.
- B.     In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C.     The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D.     Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and words used in the plural shall include the singular, unless the context clearly indicates the contrary
- E.     A “building” or “structure” includes any part thereof.
- F.     The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G.     Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1.     “And” indicates that all connected items, conditions, provisions, or events shall apply.
  - 2.     “Or” indicates that connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3.     “Either . . . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H.     Terms not herein defined shall have the meaning customarily assigned to them.

## **SECTION 1.2        DEFINITIONS - A**

### **ACCESSORY BUILDING, OR STRUCTURE**

A subordinate building or structure on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage, lawn equipment shed, or mechanical equipment building for a swimming pool.

## ACCESSORY USE, OR ACCESSORY

A use of a zoning lot that is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

## ADULT USES

Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

## ADULT BOOKSTORE

An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, compact discs or other similar recorded medium, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.

## ADULT LIVE ENTERTAINMENT THEATER

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed, to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

## ADULT MOTION PICTURE THEATER

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any similar visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.

## AGRIBUSINESS

Any business establishment including buildings, structures, lots, parcels, or parts thereof which provides services, goods, storage, transportation, or other activities directly related to agricultural production. An AGRIBUSINESS may include, but is not limited to: farm machinery sales, service, and repair; grain elevators for storage, drying, and sales; bulk feed and fertilizers outlets and distributions centers; seed dealership outlets and distribution centers; grain and livestock truck and cartage facilities; auctions for livestock; and agricultural production and processing operations.

## AGRICULTURE

Undeveloped land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and

poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

## ALTERATIONS

Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

## ALTERNATIVE ENERGY

Renewable energy sources, such as wind, flowing water, solar energy and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.

## AMBIENT

Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

## ANSI

American National Standards Institute.

## ANIMAL, DOMESTICATED

An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, which is not likely to bite without provocation, nor cause death, maiming or illness to human beings. Such animals may include, but are not limited to the following: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster, or guinea pig), cat (domesticated), lizard or snake (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated.

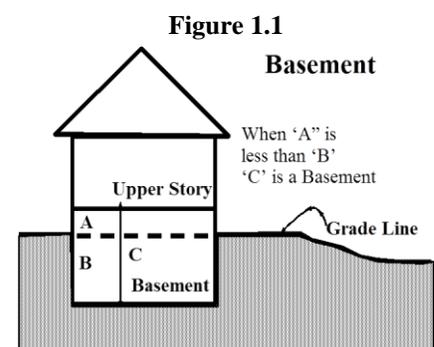
## ANIMAL, EXOTIC

Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal.

## SECTION 1.3 DEFINITIONS – B

BASEMENT (see Figure 1.1)

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



## BED AND BREAKFAST ESTABLISHMENT

A house, or portion thereof, where short-term lodging rooms and meals are provided as a commercial operation.

## BERM

A mound of earth graded, shaped and improved with landscaping in a way that is used for visual or sound screening purposes.

## BUFFER STRIP

A strip of land required between certain Districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

## BUILDING

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

## BUILDING CODE

The code or codes governing the erection and maintenance of buildings as currently adopted by Gratiot County.

## BUILDING INSPECTOR

The person or persons designated by the County Board of Commissioners to administer the provisions of the adopted Building Codes for Gratiot County.

## BUILDING LINE

A line formed by the building, or the most horizontal appendage of the building, except as permitted in Section 2.7. For the purposes of this Ordinance, a minimum building line is the same as the required front setback.

## **SECTION 1.4      DEFINITIONS - C**

### CELLULAR COMMUNICATION TOWERS

A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

## CERTIFICATE OF OCCUPANCY

A document signed by an authorized County official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

## CHILD CARE CENTER

A facility other than a private residence, licensed by the Michigan Family Independence Agency, in which one (1) or more children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class conducted by a religious organization where children are present for not greater than four (4) 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, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

## COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of goods and materials.

## CONVALESCENT OR NURSING HOME

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care. Said home shall conform to, and qualify for license under applicable State law.

## COUNTY

For the purposes of this Ordinance, this term shall mean, Gratiot County, Michigan.

## COUNTY BOARD, or COUNTY COMMISSIONERS

For the purposes of this Ordinance this term shall mean the Gratiot County Board of Commissioners of Gratiot County, Michigan.

## COUNTY ZONED TOWNSHIPS

Shall mean Elba, Hamilton, Lafayette, Newark, North Star & Sumner.

## **SECTION 1.5        DEFINITIONS - D**

### **DAY CARE HOME, FAMILY**

A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Family Independence Agency, in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

### **DAY CARE HOME, GROUP**

A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Family Independence Agency, 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 per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

### **db(A)**

The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

### **DECIBEL**

The unit of measure used to express the magnitude of sound pressure and sound intensity.

### **DECK**

An unenclosed platform, commonly constructed of wood, which is typically, but not necessarily, attached to a house and used for outdoor leisure activities.

### **DISTRICT**

A Zoning District as described in Section 3.1 of this Ordinance.

### **DRAIN COMMISSION**

For the purposes of this Ordinance, this term shall mean the Gratiot County Drain Commission.

## DRIVE-THROUGH FACILITIES

A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out. Examples of typical drive-through facilities include banks, cleaners, and restaurants. Vehicle service stations and vehicle washes are not included in this definition.

## DRIVEWAY

An improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants and visitors thereto.

## DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

## DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

## DWELLING, TWO-FAMILY

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

## DWELLING UNIT

A dwelling is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but a motor home, trailer coach, automobile chassis, tent, or portable building shall never be considered a dwelling.

## **SECTION 1.6            DEFINITIONS - E**

### ELECTRIC GENERATING FACILITY

A facility designed to produce electricity through the combustion of diesel or natural gas through any combination of gas turbines and heat recovery units. An EGF can be a “Merchant Plant” meaning that long-term (greater than one year) contracts for the sale of all of the plant’s electrical output have not been executed or a “Contracted Plant” meaning that all of the plant’s electrical output has been sold under long-term agreements.

## ERECTED

Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, excavation, fill, drainage, etc.

## ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead, gas, electrical, steam, fuel, or water transmission, distribution, collection, communication (except cellular communication towers), supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

## EXCAVATION

Any breaking of ground, except common household gardening and ground care.

## SECTION 1.7 DEFINITIONS - F

### FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.
- C. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

### FARM

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities; including machinery, equipment, and other appurtenances used in the commercial production of farm products. Farm products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, cervine, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product that incorporates the use of food, feed, fiber, or fur.

FAA

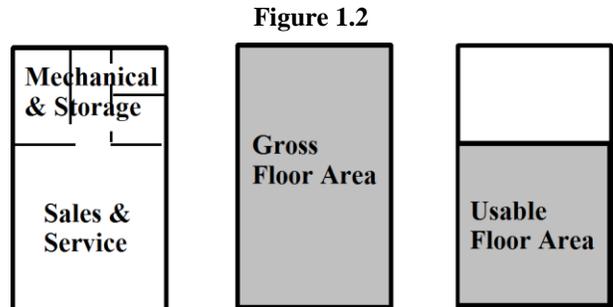
The Federal Aviation Administration.

**FLOOD PLAIN**

For the purpose of this Ordinance, FLOOD PLAIN shall refer to the 100-year FLOOD PLAIN of lakes, ponds, rivers, and streams and their branches and tributaries as determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official Federal of State public agency responsible for defining and determining FLOOD PLAIN areas.

**FLOOR AREA, GROSS (GFA) (see Figure 1.2)**

The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls, but excluding decks, porches, patios, terraces, breeze ways, carports, verandahs, garages, and basements.



**FLOOR AREA, USABLE (UFA) (see Figure 1.2)**

That area used, or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area used, or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

**FLOOR AREA**

**SECTION 1.8 DEFINITIONS - G**

**GRADE, AVERAGE**

The average ground elevation at the center of all walls of a building established for regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

**GREENBELT**

A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

## SECTION 1.9 DEFINITIONS – H

### HABITABLE STRUCTURE

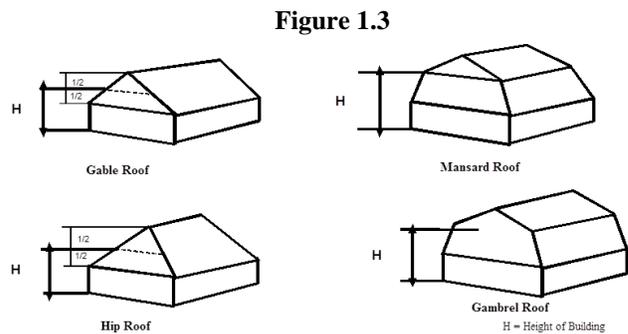
Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

### HEALTH DEPARTMENT

For the purposes of this Ordinance, this term shall mean the Mid-Michigan District Health Department.

### HEIGHT (see Figure 1.3)

The vertical distance measured from the average grade to the highest point of a structure. For a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the mean height for gable, hip, and gambrel roofs.



### HOME OCCUPATION

Any occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling or accessory building or structure.

### HOUSING FOR THE ELDERLY

A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

### HUB HEIGHT

When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub. Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

## **SECTION 1.10      DEFINITIONS - I**

### **INOPERATIVE VEHICLE**

A motor vehicle that is unlicensed or can no longer propel itself.

### **INTENSIVE LIVESTOCK OPERATIONS**

Please refer to the Generally Accepted Agricultural And Management Practices For Site Selection And Odor Control For New And Expanding Livestock Production Facilities.

### **IEC**

International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

### **ISO**

International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

## **SECTION 1.11      DEFINITIONS - J**

### **JUNK**

Any worn out, previously used, dilapidated, discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

### **JUNK YARD**

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

## **SECTION 1.12      DEFINITIONS - K**

### **KENNEL, COMMERCIAL**

Any lot or premises on which four (4) or more dogs, cats, or other household pets, four (4) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where two (2) or more household pets are bred or sold for commercial purposes.

**SECTION 1.13      DEFINITIONS - L**

**LIVING AREA**

To compute the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwelling units. The floor area measurements shall exclude areas of basements, unfinished attics, attached garages, breeze-ways, and enclosed and unenclosed porches.

**LOADING SPACE**

An area off the street, on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

**LOT**

A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for the principal and accessory use(s) with yards and open spaces required under the provisions of this Ordinance, either platted or unplatted. A LOT may or may not be specifically designated as such on public records. A LOT may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use. All lots shall have permanent access to a public or private street.

**LOT, CORNER (see Figure 1.4)**

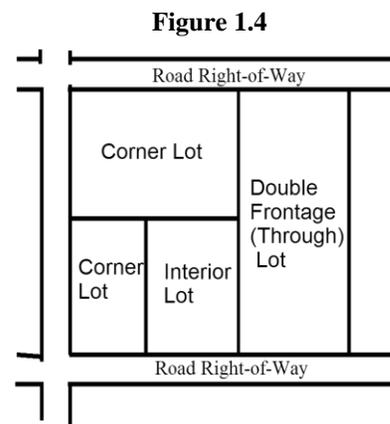
Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle or less than one hundred thirty-five (135) degrees.

**LOT, INTERIOR (see Figure 1.4)**

A lot other than a corner lot or through lot.

**LOT, THROUGH (see Figure 1.4)**

Any interior lot having frontage on two (2) parallel streets. In the case of a row of through frontage lots, one (1) street will be designated as the front street for all lots in the plat. If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.



## LOT AREA

The total horizontal area within the lot lines, excluding areas within road rights-of-way.

## LOT COVERAGE

The part of the lot occupied by any building, including accessory buildings.

## LOT DEPTH (see Figure 1.5)

The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

## LOT LINES (see Figure 1.5)

The lines bounding a lot as defined herein:

### A. FRONT LOT LINE

In the case of an interior lot, it is the line separating the lot from the street right-of-way. In the case of a through lot, it is that line separating said lot from the right-of-way along the street designated as the front street. In the case of a waterfront lot, the front lot line shall be considered that lot line on the waterfront.

### B. REAR LOT LINE

That lot line opposite the front lot line. In the case of a lot that is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

### C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

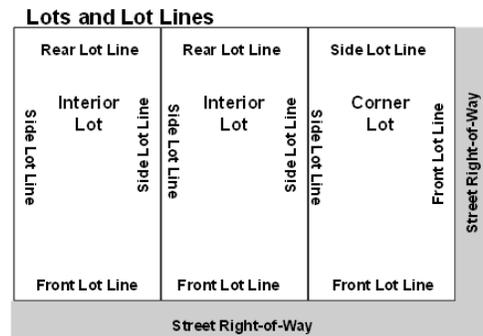
## LOT OF RECORD

A lot that exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

## LOT, WATERFRONT

A lot having a property line abutting a shoreline.

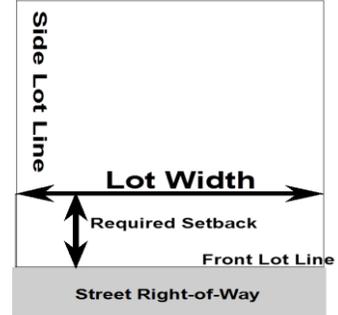
**Figure 1.5**



**LOT WIDTH** (see Figure 1.6)

The horizontal straight line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

**Figure 1.6  
Lot Width  
(Frontage)**



**SECTION 1.14 DEFINITIONS - M**

**MAIN BUILDING**

A building in which the main or principal use of the lot is conducted.

**MANUFACTURED HOME**

A transportable, factory-built home, designed to be used as a year-round residential dwelling.

**MANUFACTURED HOME PARK**

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and 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 manufactured home that is not intended for use as a temporary trailer park.

**MET TOWER**

A meteorological tower used for the measurement of wind speed.

**MICHIGAN TALL STRUCTURE ACT (M.C.L. 259.481 and following)**

Governs the height of structures in proximity to airport related uses and is included as a standard in the Article by reference.

**MOTEL/HOTEL**

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units, each with individual bathrooms, which may or may not be independently accessible from the outside with a garage or parking spaces on the lot and designed for, or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

## **SECTION 1.15      DEFINITIONS – N**

### **NONCONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the Zoning Ordinance in the District in which it is located.

### **NONCONFORMING USE**

A use or activity, which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and does not conform to the use regulations of the District in which it is located.

### **NON-PARTICIPATING PARCEL**

Any parcel of property in the County not within the Wind Energy Overlay District.

## **SECTION 1.16      DEFINITIONS - O**

### **OFF-STREET PARKING LOT**

A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

### **ON SITE USE WIND ENERGY SYSTEMS**

This system is intended to primarily serve the needs of the consumer, and is considered an accessory building.

### **OPEN AIR BUSINESS**

Retail sales establishments operated substantially in the open air, including:

- A.     Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B.     Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C.     Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D.     Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

## **SECTION 1.17      DEFINITIONS – P**

### **PARCEL**

A tract of land that can be legally described with certainty and is capable of being located by survey.

### **PARKING SPACE**

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

### **PERFORMANCE STANDARDS**

Criteria established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration, fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

### **PERSONAL SERVICE ESTABLISHMENT**

A commercial business conducting services performed primarily on the premises.

### **PLANNED UNIT DEVELOPMENT**

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

### **PLANNING COMMISSION, OR COMMISSION**

For the purposes of this Ordinance, these terms shall mean the Gratiot County Planning Commission.

### **PRIMARY ROAD**

A County Primary roadway as designated by the Gratiot County Road Commission. For purposes of this Ordinance only, a State Trunkline shall also be considered as a PRIMARY ROAD.

### **PRINCIPAL USE**

The primary use to which the premises is devoted.

## PRIVATE ROAD

A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces that afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare. A PRIVATE ROAD shall include any drive or roadway that is not a dedicated public right-of-way that provides or has the potential for providing access to three (3) or more parcels, dwellings, or main buildings.

## PUBLIC UTILITY

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication (except cellular communication towers), telegraph, transportation, or water.

## SECTION 1.18 DEFINITIONS - R

### RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use, but shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and camper trailers;
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

### RECYCLING CENTER

A building in which used material is separated and processed prior to shipment for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

**REQUIRED YARD** (see Figure 1.7)

The required yard shall be that set forth as the minimum yard requirement for each District.

**RESIDENTIAL DISTRICT**

RP, RR, R-1, R-2, and MHP Districts, as described in this Ordinance.

**RIGHT-OF-WAY**

Public or private land, property, or interest therein, devoted to transportation or utility purposes, or providing access to property.

**ROAD COMMISSION**

For the purposes of this Ordinance, this term shall mean the Gratiot County Road Commission.

**ROADSIDE STAND**

A building used to market farm produce or products directly to the public on a farm.

**ROTOR**

An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**SECTION 1.19 DEFINITIONS - S**

**SALVAGE YARD**

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

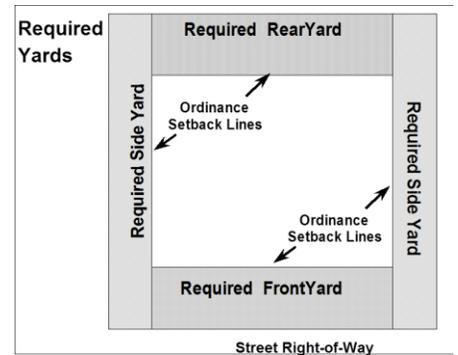
**SATELLITE DISH ANTENNA, OR DISH ANTENNA**

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

**SCADA TOWER**

A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**Figure 1.7**



## SETBACK

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

## SHADOW FLICKER

Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.

## SHORELINE OR ORDINARY HIGH WATER MARK

The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ORDINARY HIGH WATER MARK shall be the higher of the levels generally present.

## SIGN

A name identification, description, display or illustration affixed to or represented directly or indirectly upon a building, structure, or piece of land and is intended to direct attention to an object, product, place, activity, person, institution, organization or business.

## SIGNIFICANT NATURAL FEATURE

A natural area as designated by the Planning Commission, County Board, or the Michigan Department of Natural Resources that exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

## SOUND PRESSURE

Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

## SOUND PRESSURE LEVEL

The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

## SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### STORY

That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

#### STORY, HALF

An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of at least seven (7) feet six (6) inches at its highest point. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

#### STREET

A public dedicated right-of-way other than an alley, or a private access easement, which affords the principal means of access to abutting property.

#### STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

### **SECTION 1.20      DEFINITIONS – T**

#### TEMPORARY DWELLING

A dwelling not used for permanent residence and not occupied for more than six (6) months in each year.

#### TIP HEIGHT

When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

## TRUCK TERMINAL

A building or area in which freight brought by truck is assembled or stored for routing or reshipment, or in which trailers, including tractors and other trucks, are parked or stored.

### **SECTION 1.21      DEFINITIONS - U**

## UTILITY GRID WIND ENERGY SYSTEMS

This system is designed and built to provide electricity to the electric utility grid.

### **SECTION 1.22      DEFINITIONS - V**

## VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

## VEHICLE SERVICE STATION

Any building or premises used for the retail sale of fuel, lubricants, air, water, and other operating commodities for motor vehicles (including trucks, aircraft, and boats); and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined herein.

## VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

### **SECTION 1.23      DEFINITIONS - W**

## WASTE DUMPSTER

A container used for the temporary storage of rubbish or materials pending collection, having capacity of at least one (1) cubic yard.

## WATERWAY

Any natural or artificial lake, pond or impoundment, river, stream, creek, or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water.

## WIND ENERGY CONVERSION FACILITY, (WECF) OR WIND ENERGY FACILITY

An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off- site customers.

## WIND ENERGY FACILITY SITE PERMIT

A permit issued upon compliance with the standards enunciated in this Section.

## WIND ENERGY OVERLAY DISTRICT

Districts created by the Gratiot County Board of Commissioners upon receiving a recommendation from the Planning Commission, by identifying specific areas within the County best situated for development of wind energy facilities. This District will be defined by the Gratiot County Wind Energy Overlay District Map, as approved by the Gratiot County Planning Commission.

## WIND ENERGY OVERLAY DISTRICT MAP

This will be a Map showing the areas that are considered to be acceptable siting locations for Wind Energy Facilities. This overlay Map will be created and approved by the Gratiot County Planning Commission. This Map will also include exclusionary zones that are considered to be unsuitable for location of these facilities.

## WIND ENERGY SYTEM

A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

## WIND SITE ASSESSMENT

An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

## **SECTION 1.24      DEFINITIONS – Y**

### YARDS

The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

A. FRONT YARD (see Figure 1.8)

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

B. REAR YARD (see Figure 1.8)

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building.

C. SIDE YARD (see Figure 1.9)

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

Figure 1.8

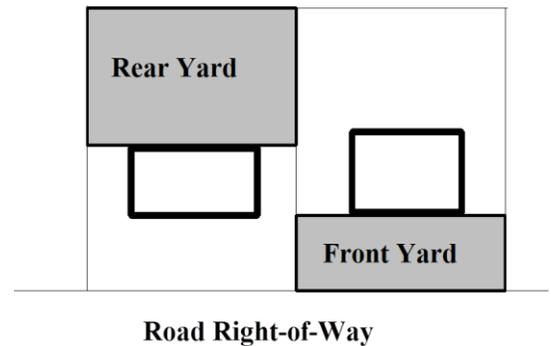
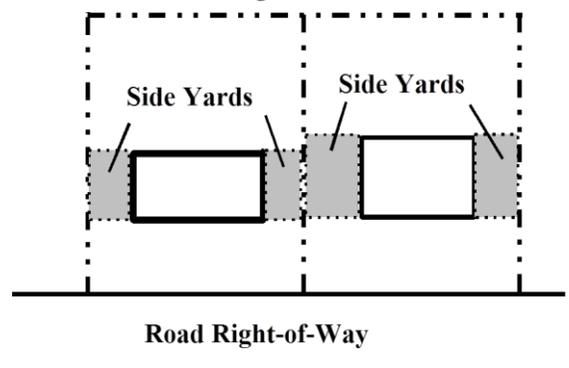


Figure 1.9



**SECTION 1.25 DEFINITIONS - Z**

**ZONING ACT**

The County Rural Zoning Act; Act 183 of 1943 of the Public Acts of Michigan.

**ZONING ADMINISTRATOR**

The person designated by the County Board of Commissioners to administer the provisions of this Zoning Ordinance.

**ZONING BOARD OF APPEALS**

For the purposes of this Ordinance, this term shall mean the Zoning Board of Appeals of Gratiot County.

## CHAPTER 2 GENERAL PROVISIONS

### SECTION 2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters lying outside the limits of incorporated cities and villages, and in Lafayette, Sumner, Newark, North Star, Hamilton, and Elba Townships, within Gratiot County. All buildings or structures built hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance, and are subject to the standards outlined in the zoning district in which such buildings, uses, or land shall be located. The provisions of this Chapter shall be applicable to all Districts and uses.

### SECTION 2.2 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

- A. **Required Area or Space** - A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced to make it nonconforming with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. **Dwellings on More Than One (1) Lot** - If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.
- C. **Division of Lots** - The division of a parcel of land into two (2) or more lots or parcels shall require the approval of the individual or body designated within the Township in which the parcel is located. The individual or body so designated within the Township shall not approve such division of land unless it is determined that the proposed division complies with the requirements of this Ordinance, the Michigan Land Division Act (Act 288 of the Michigan Public Acts of 1967, as amended), and all other applicable County ordinances. No lot split should be recorded by Gratiot County until notification has been received by the County that the individual or body designated within the Township in which the parcel is located has approved it.
- D. **Height Exceptions** - The following buildings and structures shall be exempt from height regulations in all Districts, provided such buildings are not in the Airport Flight Path as defined in the "Gratiot Community Airport Zoning Ordinance": Parapet walls not exceeding four (4) feet in height, Chimneys, Cooling towers, Elevator bulkheads, Fire towers, Grain elevators, Silos, Stacks, Elevated water towers, Stage towers, Scenery lofts, Monuments, Cupolas, Domes, Spires, Penthouses for necessary mechanical appurtenances, Wind-powered electrical generators, Essential public service towers and

poles, and Television and radio reception and transmission antennas and wireless communication towers that do not exceed one-hundred (100) feet in height.

### **SECTION 2.3 REQUIRED LOTS, YARDS, AND FRONTAGE**

- A. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. All lots or parcels shall have frontage upon a public or a private street or easement, meeting the requirements of this Ordinance.
- C. All lots adjacent to a lake, river, stream, or other body of water shall have frontage on the body of water, measured along the shoreline, equal to, or greater than the minimum lot width required by the Zoning District in which the lot is located. The yard adjacent to the body of water shall meet the front yard requirements for the Zoning District in which the lot is located.
- D. No lot or parcel shall be created which is greater than four (4) times deeper in length than its width.
- E. Any lot that is adjacent to or along a railroad right-of-way, shall not be used for any residential purpose unless it has a depth of at least 150 feet. In no case, on a lot created, transferred or recorded after the adoption of this ordinance, shall any dwelling unit or accessory building be constructed closer than 50 feet from the railroad right of way

### **SECTION 2.4 PRINCIPAL USES OR MAIN BUILDINGS ON A LOT**

In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking and access.

### **SECTION 2.5 DOUBLE FRONTAGE AND CORNER LOTS**

- A. The front lot line of a corner lot shall be the shorter of the two lot lines. Where the lot lines are of equal length, or the front lot line is not evident, then the Zoning Administrator shall determine the front lot line. The width of a corner lot shall be determined to be the entire dimension of that front lot line that is opposite the rear lot line.
- B. The required front setback shall be measured from the front lot line. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the front lot line.
- C. Buildings on lots having frontage on through lots shall comply with front yard requirements on both frontage streets.

**SECTION 2.6            MINIMUM LOT WIDTH FOR CUL-DE-SAC LOTS**

The minimum lot width for a lot on a cul-de-sac shall be measured at the front setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a front lot line of at least fifty (50) feet, and in no case shall the lot width within the required front yard be less than forty (40) feet.

**SECTION 2.7            PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than three (3) feet into a required front, rear, or side yards.
- B. Uncovered stairs, landings, and fire escapes may project into any side yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.
- C. Except for water front lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning constructed above the average grade may project no farther than ten (10) feet into a required front or rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- D. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, or deck may be constructed within any front yard (that yard abutting the water), provided the following conditions are met:
  - 1. The height of such structure within the required front yard shall not exceed the maximum height allowed by the BOCA Building Code adopted by the County for structures without protective hand rails, even if such a rail is provided.
  - 2. The height shall be measured from the average grade adjacent to the structure to the top of the floor or deck.
  - 3. Any rail, fence or other enclosure constructed on that portion of the structure located within the required front yard shall be substantially opaque, so as not to obstruct the view of the water from adjoining properties.
  - 4. No such structure shall be constructed within any required side yard.
- E. Any porch, deck, balcony, terrace or similar structure covered by a roof shall not be permitted within the required setback area of any yard.

**SECTION 2.8            CLEAR VISION CORNERS**

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet

above the established abutting road grade in accordance with the Gratiot County Road Commission clear corner distance standards.

**SECTION 2.9 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS**

Reasonable and practicable measures shall be taken to minimize the effect of odor, vapor, glare, heat, or smoke, from the use, on adjacent properties.

**SECTION 2.10 TEMPORARY DWELLINGS OR STRUCTURES AND SEASONAL DWELLINGS**

Unless as may otherwise be exempted in this Ordinance, all temporary dwellings or structures and seasonal dwellings shall not be occupied unless a permit has been issued by the Zoning Administrator.

A. Permits.

1. Each permit shall specify the location and use for such temporary dwelling or structure, and shall be valid for a period of not more than twelve (12) calendar months, unless otherwise provided for herein.
2. Upon applying for a temporary dwelling or structure permit, the applicant shall pay a fee as determined by the County Board of Commissioners. A fee shall also be collected by the County, for any extensions requested by the applicant, and granted by the Zoning Administrator.
3. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months, or less, at the same location and for the same purpose.
4. Each application for a temporary dwelling or structure shall include the information required as outlined in Chapter 14 for Site Plan Review, except for those requirements that may be waived by the Zoning Administrator.

B. Types of dwellings or structures allowed by this section.

1. Temporary construction office building, storage building, or storage yard for construction materials and equipment during construction of a permanent building may be permitted, under the following conditions:
  - a. The requirements of Section 2.10, A, have been met.
  - b. Extensions shall only be granted if such building or yard is still incidental and necessary to construction at the site where it is located.

2. Temporary sales office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision, condominium project, or other housing project may be permitted, under the following conditions:
  - a. The requirements of Section 2.10, A, have been met.
  - b. Extensions may only be granted if the Zoning Administrator determines that such office or model home is still incidental and necessary for the sale or rental of real property in said residential project.
3. Temporary dwellings in any Residential District may be permitted for a period of not more than eight (8) calendar months, however, permits may be renewed by the Zoning Administrator for one (1) additional successive period of two (2) calendar months, or less, at the same location and for the same purpose only after the Zoning Administrator finds the following conditions outlined below to be true:
  - a. The temporary dwelling is a manufactured home meeting the United States Department of Housing and Urban Development regulations entitled, “Mobile Home Construction and Safety Standards” effective June 15, 1976, as amended.
  - b. The temporary dwelling is for the use and occupancy of the property owner, and his or her family while they are constructing a permanent residence at the same location.
  - c. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary dwelling permit.
  - d. The temporary dwelling meets the water and sewer requirements of the Public Health Department, and all other applicable County ordinances.
  - e. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
  - f. The applicant has signed an agreement of understanding of the requirements for removal of temporary dwellings as outlined below.
    - i. The temporary dwelling shall be removed upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, whichever occurs first.
    - ii. The temporary dwelling may be removed by the County upon expiration of the temporary permit, and any extensions thereto, or upon completion of the permanent residence, and any costs incurred by the County in carrying out this provision shall be charged to the property owner. If the property owner does not pay

the charges within six (6) months of the first billing notice, said charges shall become a lien on the property, and recorded as provided for by law.

4. Seasonal dwellings are permitted within the AG, RP, and RR Districts, provided that:
  - a. The seasonal dwelling shall be:
    - i. A wheeled vehicle, licensed and registered;
    - ii. In compliance with the Michigan Motor Vehicle Code;
    - iii. Have properly inflated tires; and
    - iv. Have working turn signals and brake lights.
  - b. The seasonal dwelling shall be designed for sleeping and camping, and shall contain, at a minimum, portable sanitary facilities.
  - c. The seasonal dwelling shall not be occupied for a period more than forty-five (45) consecutive days. Occupation for longer periods constitutes a temporary dwelling and the standards in Subsection 2.10, B, 3, shall be met.
  - d. The dwelling shall not be located in the required front or side yard.
  - e. Where possible, access to the parcel where the seasonal dwelling is located shall be limited to one (1) driveway.
  
5. Any person may apply for a temporary dwelling, accessory to the principle dwelling in the Agricultural and any Residential district, if a medical condition exists such that the potential occupant(s) requires continued supervision by the occupant(s) of the principle building. The permit shall only be issued after finding the following standards have been met:
  - a. The medical condition shall be attested to, and certified by a licensed physician stating the nature of the disorder and specifying the level and type of continued care needed by the patient. Such certification shall be provided to the County in writing.
  - b. The temporary permit shall be conditioned upon approval from the Mid-Michigan District Health Department.
  - c. The temporary permit shall be issued to the person(s) with the medical condition, and is for that applicant's use only, and shall not be transferable

to any other owner or occupant.

- d. The manufactured home must be placed on a permanent foundation as specified by the BOCA National Building Code, as adopted by Gratiot County.
- C. In considering authorization for any temporary dwelling or structure, the Zoning Administrator shall consider the following standards:
- 1. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
  - 2. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  - 3. That the structure does not impact the nature of the surrounding neighborhood;
  - 4. That access to the use, area, or structure is located at the least offensive point on the property; and
  - 5. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- D. A performance guarantee may be required as outlined in Section 18.2, to ensure the proper removal of the temporary dwelling or structure, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.
- E. The Zoning Administrator may attach reasonable conditions to temporary dwellings or structures to ensure the standards of this Section are met.

## **SECTION 2.11      ACCESSORY USES**

- A. In any District, accessory uses, incidental only to a Permitted Use or Special Land Use, are permitted when located on the same property; if such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations, nor shall it exclude the operation of a garage or yard sale in any Residential District. However, such sale shall not be operated for more than a total of five (5) days within any sixty (60) day period.
- B. Gardening and the keeping of domestic animals, shall be considered customary to, and commonly associated with, the operation of any Permitted or Special Land Use.

## **SECTION 2.12      ACCESSORY BUILDINGS OR STRUCTURES**

- A. Accessory Buildings or Structures - General
  - 1. An accessory building may be erected detached from the main building, or it may

be erected as an integral part of the main building.

2. When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this Ordinance applicable to the main building. However, its size shall be determined as outlined in this Section.
3. No accessory building or structure shall be erected in the required front yard, except as may be provided elsewhere in this Ordinance.
4. The distance between detached accessory buildings and garages, and the main building shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is less than ten (10) feet or enclosed by a breeze-way, portico, covered colonnade, or similar architectural devices.
5. No accessory building shall include residential or living quarters for human beings.
6. In all Zoning Districts, except for the RP and RR districts, no accessory building may be permitted on a parcel that does not contain a principal building.
7. Accessory buildings for farms (not Intensive Livestock Operations as defined in section 1.10) shall not be subject to the restrictions under the provisions of this section.

B. Residential Accessory Buildings and Structures. Accessory buildings shall be permitted within the AG, RP, RR, R-1, R-2, and MHP Districts, or with any residential use provided that the following restrictions are met:

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Zoning District	Lot Size	Maximum Square Footage of All Accessory Structures
R-1 or R-2 District	25,000 square feet or less	One-half (½) the gross ground floor area of the principal structure.
All single family residential districts	25,000 square feet through 2 acres	The gross ground floor area of the principal structure, or 1,200 square feet, whichever is greater.
All single family residential districts	2.01 acres through 5 acres	Two (2) times the gross ground floor area of the principal structure.
All single family residential districts	5.01 acres through 10 acres	Three (3) times the gross ground floor area of the principal structure.
All single family residential districts	10.01 acres or greater	Four (4) times the gross ground floor area of the principal structure.

Zoning District	Lot Size	Maximum Square Footage of All Accessory Structures
MHP District	NA	Each manufactured home site may have one (1) accessory structure up to 144 square feet in area.
		For Manufactured Home Parks with up to 300 manufactured home sites, one (1) accessory building for the storage of equipment for the Park equivalent to ten (10) square feet or area for each manufactured home site shall be permitted.
		For Manufactured Home Parks with 301 to 600 manufactured home sites, one (1) accessory building for the storage of equipment for the Park equivalent to seven (7) square feet or area for each manufactured home site shall be permitted.
		For Manufactured Home Parks with over 601 manufactured home sites, one (1) accessory building for the storage of equipment for the Park equivalent to five (5) square feet or area for each manufactured home site shall be permitted.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
3. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
4. No detached accessory building shall be located closer than five (5) feet to any side or rear lot line.
5. No accessory building shall exceed sixteen (16) feet in height.
6. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.

C. Other District Accessory Buildings and Structures

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Zoning Districts	Lot Size	Maximum Square Footage of All Accessory Structures
All nonresidential districts	2.0 acres or less	Gross ground floor area of the principal structure
All nonresidential districts	2.01 acres or greater	Two (2) times the gross ground floor area of the principal structure.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.

3. Detached accessory buildings shall meet all setback requirements for the zoning district in which they are located.
  4. No detached accessory building shall be located nearer than ten (10) feet to any other building on the property.
  5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- D. Accessory Buildings and Structures on Waterfront Lots. One (1) accessory building may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than ninety-six (96) square feet, and eight (8) feet in height. The area of such accessory building shall be counted toward the total number and area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of this section.

## **SECTION 2.13      FENCES**

- A. Fences in any Residential District shall not exceed six (6) feet in height, or ten (10) feet in height in any Non-residential District, measured from the surface to the uppermost portion of the fence. Exception: Farms, not including Intensive Livestock Operations as defined in Section 1.10, shall not be subject to the restrictions under the provisions of this section.
- B. Fences erected within the required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, in which case such fence may be up to six (6) feet in height.
- C. Fences within the required front yard shall be of a type that is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line.
- D. Fences may be constructed along the property line, except in the front yard, a two (2) foot setback shall be required from the road right-of-way.
- E. Fences in Non-residential Districts that enclose storage lots or other areas requiring security may contain barbed wire, provided, the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground.
- F. Fences shall not be erected within any public right-of-way in any District.
- G. Fences shall not be erected or maintained in any District in a way that obstructs the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting lines twenty (20) feet from the point of intersection.

## **SECTION 2.14 SWIMMING POOLS**

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section. However, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two-hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve permanent structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Administrator, and a construction permit from the county permits officer.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line or overhead power wire.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make such body of water inaccessible to small children. Such enclosure may have gates, however, the gates must be not less than four (4) feet above the underlying ground. All gates must be self-latching with latches placed at least four (4) feet above the underlying ground.
- E. All swimming pool installations shall comply with the BOCA Building Code and all standard codes referred to therein.

## **SECTION 2.15 EXCAVATIONS, HOLES, OR PONDS**

The construction, maintenance, or existence within the County of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits or wells, or water impoundments which constitute, or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited.

- A. This Section shall not prevent any excavation under a permit issued by the County Building Official where such excavations are properly protected and warning signs posted in such manner as approved by said Official.
- B. This Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of County, State, or Federal governmental units or agencies.
- C. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources as regulated by this Ordinance.
- D. Ponds created shall be subject to setbacks applicable to accessory buildings in Section 2.12. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not more than one (1) foot of vertical drop, for each three

(3) feet of horizontal run.

## **SECTION 2.16 MECHANICAL APPURTENANCES**

Mechanical appurtenances, such as central air conditioning units and other similar devices, shall not be located nearer than three (3) feet to any adjoining lot line.

## **SECTION 2.17 DISH ANTENNA**

- A. Dish antennae of twenty-four (24) inches, or less in diameter shall be exempt from these regulations. All others shall be subject to the provisions of this section.
- B. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the roof line of the building, including the mounting structure.
- C. Dish antennas mounted on the ground are permitted in all Districts upon approval of the Zoning Administrator, provided the setback requirements of Section 2.12, for detached accessory buildings are maintained and the following conditions satisfied:
  - 1. The antenna shall be permanently anchored to a foundation.
  - 2. No portion of the antenna shall contain or display any advertising, message, or other graphic representation other than the manufacturer's name.
  - 3. No dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
  - 4. No dish antenna shall be located in the required front yard or within thirty (30) feet of a shoreline.
- D. The Zoning Administrator may permit alternative locations for antennas that would not meet the above requirements of this Section. However, the applicant must establish to the satisfaction of the Zoning Administrator, that the receiving functions of the antenna would be restricted or blocked if constructed or placed to meet the requirements of this Section.

## **SECTION 2.18 ESSENTIAL SERVICE**

- A. The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any Zoning District. It is the intention hereof to exempt such erection, construction, alteration, and maintenance, Essential Services, from the application of this Ordinance. However, those that may be considered a danger to the community health, safety and welfare, shall be held to comply with Section 2.18, B, and this Ordinance. (See definition "Essential Service," Section 1.6).

B. Notwithstanding the exceptions contained above:

1. Electrical substations, gas/oil well equipment, or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials, except through securable gates.
2. Public utility buildings when in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
3. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner. Any building constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

### **SECTION 2.19 ILLEGAL DWELLINGS**

- A. No permit shall be issued for the construction of a building or structure that is to have drinking water or sanitary facilities therein, and is to be located on a lot not served by public water and sanitary sewer facilities, unless on-site private water supply or sewage disposal facilities, as the case may be, are approved by the Health Department. Outdoor restrooms/outhouses shall not be permitted for any residential use.
- B. Any unfinished basement or finished basement without a direct outside access, and at least one (1) exposed wall, shall not be considered as living area, for the calculation of required living area of a dwelling. Any dwelling without a full floor above grade shall be considered a basement dwelling.
- C. No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this Ordinance, the Health Department, and the adopted Building Code of Gratiot County, except as otherwise permitted in this Ordinance.

### **SECTION 2.20 BASIS FOR DETERMINING FRONT YARD REQUIREMENTS**

The required front yard shall be measured from the right-of-way line to an imaginary line across the width of the lot that represents the minimum required front setback distance for that District. Where an existing setback line has been established by buildings occupying fifty (50) percent or more of the frontage within the same block, or where unplatted, within two hundred (200) feet of the proposed building, such established setback shall apply.

### **SECTION 2.21 MOVING OF BUILDING**

No existing building or structure of any type shall be moved into the County or moved from one lot in the County to another lot in the County unless the Zoning Administrator has issued a Building Permit. All such buildings shall meet the requirements of this Ordinance, and the

construction code as adopted by the County Board of Commissioners.

## **SECTION 2.22      NONCONFORMING USES, BUILDINGS OR STRUCTURES**

### **A.      Nonconforming Building or Structure**

1.      Maintenance Permitted - A nonconforming building or structure lawfully existing upon the effective date of this Ordinance may be maintained, except as otherwise provided in this Section.
2.      Repairs - A nonconforming building or structure may be repaired and maintained provided no structural change shall be made.
3.      Additions, Enlargements or Moving
  - a.      A building or structure nonconforming as to height, yard requirements or lot area shall not be added to, or enlarged in any manner unless such addition or enlargement conforms to the height, yard and area requirements of the District in which it is located.
  - b.      No nonconforming building or structure shall be moved in whole, or in part, to any other location on the lot that it is located, unless every portion of such structure is made to conform to all the requirements of the District in which it is located.

### **B.      Nonconforming Uses**

1.      Continuation and Change of Use - Except as otherwise provided in this Ordinance:
  - a.      A nonconforming use lawfully existing upon the effective date of this Ordinance may be continued. Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses, and shall be discontinued following the effective date of this Ordinance.
  - b.      A nonconforming use may be changed only to a use of the same or more restricted classification, as determined by the Zoning Board of Appeals.
2.      Expansion Prohibited
  - a.      A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
  - b.      A nonconforming use on a part of a lot shall not be expanded or extended

into any other portion of such lot.

- c. Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District, or another classification, the foregoing provisions also shall apply to any existing uses that become nonconforming as a result of the boundary changes.

3. Existing Livestock Farming Operations, including Intensive Livestock Operations.

- a. Intensive livestock operations in existence at the time of the adoption of this amendment shall not be required to receive approval in accordance with the requirements of this Ordinance unless all of the following occur:

- i. The number of animal units exceeds fifty percent (50%) of the number of animal units existing on the facility at the time of the adoption of this amendment.
- ii. New building(s) exceeding ten thousand (10,000) square feet in total area are constructed.
- iii. Waste storage facilities are constructed which increase storage capacity by fifty percent (50%) or more above the capacity existing at the adoption of this amendment.

C. Nonconforming Variance Permitted by Zoning Board of Appeals - The Zoning Board of Appeals may, in accordance with the provisions of Chapter 17, authorize upon appeals in specific cases such variance from the terms of this Section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Section will result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

D. Discontinuance and Reconstruction of Nonconforming Uses, Buildings or Structures.

- 1. Whenever a nonconforming use has been discontinued for twelve (12) consecutive months, such use shall not be re-established, and the use, thereafter, shall conform to the provisions of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use:

- a. Utilities, such as water, gas and electricity to the property, have been disconnected;
- b. The property, buildings, and grounds, have fallen into disrepair;
- c. Signs or other external indications of the existence of the nonconforming

have been removed;

- d. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
  - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
2. Any nonconforming structure damaged or destroyed by fire or any other natural cause, shall be permitted to be repaired or rebuilt; provided the structure conforms with all other provisions of this Ordinance and all applicable codes and regulations; and provided further that a building permit for such repairs shall be applied for within twelve (12) months of the damage or destruction.

E. Substandard Lot

1. In all Districts that permit single family residences, only single family residences and buildings accessory thereto may be erected on nonconforming lots of record. The Zoning Administrator shall approve all applications for single family residential purposes on nonconforming lots of record existing prior to November 19, 1999, provided the owner or builder presents his plan and specifications to the Zoning Administrator and provided the following requirements are complied with:
  - a. The lot complies with front and rear yard requirements;
  - b. No side yard is less than five (5) feet;
  - c. The lot has a width not less than seventy-five (75) percent of the zoning district requirement;
  - d. Health Department approval is obtained, as necessary, for on-site water and sanitary sewer service.
2. In the event the Zoning Administrator believes the plan for construction on said lot does not comply with the requirements as set forth above the applicant may submit the plans and specifications to the Zoning Board of Appeals for review.
3. The Zoning Board of Appeals shall review the plans and specifications and may reduce any or all of the area requirements, not including use regulations, it reasonably believes are necessary to allow construction of a single family residence on said lot. However, such construction shall not be detrimental to the public health, safety, and general welfare of the County, and further, the Zoning Board of Appeals shall have the right to require conditions for said structure or construction as will secure substantial compliance with the intent of this Ordinance.

4. If two (2) or more contiguous lots are under the same ownership, no waiver of the District requirements shall be granted. Such lots shall be combined to create one (1) conforming lot.
- F. Nonconformance Under Previous Zoning Ordinances - Any structures or uses that fail to conform to the previous Gratiot County Zoning Ordinance or other law or ordinance, and were not permissible nonconforming uses or structures thereunder, or, which violate the provisions within this Ordinance, shall not be considered permissible nonconforming uses under this Ordinance, but shall be considered impermissible nonconforming uses subject to the applicable provisions of this Section and Chapter 18.

## **SECTION 2.23 RAISING AND KEEPING FOWL OR ANIMALS**

- A. The keeping of dogs shall be permitted as an accessory use in any Residential District as outlined below:
1. Kennels may be permitted as indicated in Chapters 4 - 9.
  2. Keeping of dogs for personal enjoyment without remuneration:
    - a. A maximum of four (4) dogs per household.
  3. A litter of dogs may be kept on the property for a period of four (4) months after birth. However, no more than two (2) such litters shall be allowed in any consecutive twelve (12) month period.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, pigeons, and poultry is prohibited in the R-1, R-2, and MHP districts. Keeping animals is permitted with the following restrictions in the AG, RP, and RR zoning district. EXCEPTION farms as defined in this Ordinance may operate customarily:
1. A minimum lot size of one (1) acre shall be required for each animal unit.
  2. For this subsection, one (1) animal unit shall be equal to the following:
    - a. One (1) horse, donkey, mule, or cow;
    - b. Two (2) pigs;
    - c. Five (5) sheep or goats;
    - d. Ten (10) poultry, pigeons, or rabbits;
    - e. Or any combination of the above.

3. An accessory building used to house, feed or shelter the animals shall not be nearer than twenty (20) feet to any property line, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
4. Any grazing or exercise area shall not be nearer than twenty (20) feet to any property line.

**SECTION 2.24 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOME PARKS**

- A. All dwelling units located outside approved manufactured home parks shall comply with all of the following:
1. All dwelling units shall provide a minimum height between the floor and ceiling of seven (7) feet, six (6) inches.
  2. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the County.
  3. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling with a vapor barrier on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space.
  4. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the building code currently adopted by the County, or if a manufactured home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction and Safety Standards."
  5. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
  6. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the Health Department.
  7. All dwellings shall provide steps or a landing where there exists an elevation differential of more than ten (10) inches, between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
  8. All additions to existing dwellings shall meet all of the applicable requirements of this Ordinance.

9. The single family dwelling, including manufactured homes shall have a minimum ground floor area of nine hundred sixty (960) square feet. Breezeways, garages, porches, and other appurtenances shall not be considered part of the required footage.
- B. The foregoing shall not be construed to prohibit skirting or innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans (drawn at a scale at least 1/4" = 1'), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- D. All manufactured homes shall, at a minimum, meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development regulations entitled, "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the building code adopted by the County.

## **SECTION 2.25 RIPARIAN ACCESS**

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the County.

- A. In all Districts there shall be at least fifty (50) feet of lake, river, or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

## **SECTION 2.26 PRIVATE ROADS**

- A. Purpose. The County determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement extension, relocation, and use of private roads. These provisions have been enacted to assure that:
  1. Proposed private roads will not be detrimental to the public health, safety, or general welfare;

2. Proposed private roads will not adversely affect the long term development policies of Gratiot County;
3. Private roads will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. Private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the County.

B. Definitions.

1. "Condominium Act" means Public Act 59 of the Michigan Public Acts of 1978, as amended.
2. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project.
3. "Condominium project" means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
4. "Master Deed" means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the project.
5. "Frontage" means the continuous linear distance of that portion of a parcel abutting upon a public or private road right-of-way.
6. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
7. "Private road" means an undedicated, privately controlled and maintained right-of-way, designed and maintained in compliance with the provisions of this Ordinance that provides the means of access to three (3) or more abutting parcels or lots. The term "road" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
8. "Road Commission" means the Gratiot County Road Commission.
9. "Private driveway" means an improved or unimproved path or road extending from a public or private road easement or right-of-way to one or two buildings, dwellings, or structures, intended to provide ingress and egress primarily for occupants thereof.

C. Frontage and Access.

1. All parcels utilizing a private road shall have a minimum frontage of sixty (60) feet on the approved private road easement or right-of-way and shall meet the minimum lot width required for the District in which the parcel is located.
2. All private roads shall have direct access to a public road.

D. Permits.

1. No individual, association, corporation, or entity, either public or private, shall construct, upgrade, or extend a private road after the effective date of this Ordinance without first having obtained a private road permit from the County Board of Commissioners.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots or condominium units served by a private road until construction of the private road as approved by the County Board of Commissioners has been completed.
3. A driveway permit shall be obtained from the Gratiot County Road Commission prior to issuance of any building permit.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Gratiot County Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.

E. Application. The application for a private road shall be submitted and processed under the following procedures:

1. An application shall be submitted through the Zoning Administrator and shall contain the following:
  - a. An application form and fee as established by the County Board of Commissioners.
  - b. A detailed written description of the development to be served by the private road.
  - c. Ten (10) copies of a site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public roads which the private road is to intersect. The plan may be

prepared by a registered surveyor, rather than a registered engineer, if the proposed private road is to serve five (5) or fewer parcels, and the County Board of Commissioners waives said requirements in writing.

- d. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
- e. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
- f. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
- g. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private road right-of-way.

2. Review procedures will be as follows:

- a. The application, along with all other required information, shall be forwarded to the Planning Commission at its next scheduled meeting.
- b. The Planning Commission shall notify the Supervisor and Clerk of the Township in which the requested private road is located, of the request and of the date, time, and location of the hearing.
- c. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing notice of such hearing in a newspaper of general circulation in the County and to all property owners within 300 feet of the subject property at least (5) five days, but not more than fifteen (15) days prior to such hearing.
- d. The Planning Commission shall consider the request based on conformance with the standards of Section 2.26, G, as well as the design requirements of Section 2.26, F, and all other relevant provisions of this ordinance. The Planning shall make a recommendation to the County Board of Commissioners to approve, approve with conditions, or deny the request.
- e. The County Board of Commissioners shall review the application and any other information available to it through the public hearing or from any other sources, including recommendations and reports of the Planning Commission, Planning Consultant, County Engineer, or County Attorney. The Board shall approve, approve with conditions, or deny the request,

and state the basis for the decision and any conditions which should be imposed.

- f. No petition for Private Road approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

F. Design Requirements. The construction of private roads shall conform to the Road Commission construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this Ordinance, as follows:

1. No private road shall extend for a distance of more than two-thousand six-hundred and forty (2,640) feet in length from the nearest public road right-of-way, as measured along the centerline of the private road, without a second direct access thereto being available from another public road.
2. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
3. The area in which the private road is to be located shall have a minimum cleared width of twenty-eight (28) feet, which clearing shall always be maintained.
4. Pavement widths shall conform to the following table. Any private road serving two (2) or fewer parcels which is subsequently extended to serve more than two (2) parcels shall be upgraded in its entirety to meet the pavement width requirements of this Section.

Standards	Serving More Than 2 Lots
Pavement Width	20 feet
Materials	Road surface shall be paved with bituminous aggregate and shall meet the minimum construction standards of the Gratiot County Road Commission for paved local roads.

5. Any private road which terminates at a dead-end shall have a means for a vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this Section.
6. The road surface shall have a minimum crown of .02 feet per foot from the centerline of the private road to the outside edge thereof
7. A road shoulder at least two (2) feet wide, composed of six (6) inches of

compacted gravel, shall be provided on each side of the private road surface and shall slope one-half (½) inch per foot from the outside edge of the road surface to the toe of the slope.

8. The maximum longitudinal road grade shall not exceed six percent (6%), provided that the County Board of Commissioners may allow up to a ten percent (10%) grade provided that the applicant produces written justification, satisfactory to the County engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the County engineer approves thereof in writing.
9. The layout of the private road and the intersections of the private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit are assured, as determined by the County engineer. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than three hundred (300) feet, as measured along the right-of-way line thereof.
10. The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the County Board of Commissioners and Gratiot County Drain Commission to ensure adequate drainage and runoff.
11. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the County engineer and any other agency having jurisdiction thereof.
12. The private road shall be given a name and road signs shall be installed in accordance with the standards and approval of the Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3) inches high. Private roads shall have a standard stop sign where the private road abuts the public road.

G. Approval Standards.

1. Prior to approving a private road permit application, the County Board of Commissioners shall determine the following:
  - a. The proposed private road will not be detrimental to the public health, safety, or general welfare.
  - b. The proposed private road will not adversely affect the use of land.
  - c. That the private road is designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private and safety vehicles.

- d. That the private road is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the County.
  2. The County Board of Commissioners may require that the applicant comply with reasonable conditions relative to the design and construction of the private road.
- H. Maintenance and Repairs.
1. Private roads shall be maintained in a manner that complies with the provisions of this Section.
  2. All driveways and private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the County. All driveways and private roads shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
  3. All costs for maintenance and repair of the private road shall be the responsibility of the property owners (if less than five [5] lots) or a property owners association (if five [5] or more lots) served by the private road.
  4. The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the County Board with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein (if less than five [5] lots) or a property owner's association (if five [5] or more lots) which shall provide that the private road shall be regularly maintained, repaired, and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the County Board of Commissioners prior to the issuance of the permit.
- I. Performance Guarantee. The County Board of Commissioners may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of Section 18.2.
- J. Inspections/Certificate of Compliance.
1. Upon completion of construction of the private road, the County Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.

2. The applicant(s), at the applicant(s)'s expense, shall provide the County with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.
  3. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.
- K. Fees. Fees for the permits required hereunder shall be set by the County Board of Commissioners from time to time by resolution. Additionally, the County Board of Commissioners may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the County attorney, engineer, planner, or other professional review the private road plans, specifications, and maintenance agreements, and to do the necessary inspections.
- L. Indemnification. The applicant(s)/owner(s) of the private road agree that by applying for or securing a permit to construct the private road they shall indemnify and will hold the County harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road or of the failure to properly construct, maintain, use, repair, and replace the private road.

## **SECTION 2.27 STORAGE AND REPAIR OF VEHICLES**

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, may be permitted subject to the following limitations:
1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage. Only one (1) such period shall be permitted within a single thirty (30) consecutive day period.
  2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in a Residential District to permit any of the following to be stored or parked outside of a building: manufactured homes not used as dwellings (except as may be permitted in Section 2.10), semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.
- C. Only vehicles owned by the property owner or occupant of the premises shall be repaired,

maintained, or stored on the premises.

## **SECTION 2.28 PRIVATE DRIVEWAYS AND DRIVEWAY SPACING**

- A. Two (2) residentially zoned lots or parcels may be served by a single private driveway. The driveway must meet the requirements and specifications set out by the Gratiot County Road Commission for private driveways. The minimum road frontage requirement for each lot or parcel shall equal the minimum lot or parcel width of each Zoning District.
- B. Any private one (1) or two (2) family driveway permitted under this Section shall not be located nearer than one hundred (100) feet to another private driveway that serves any parcel that does not have the required road frontage. The traveled surface of any such private driveway is to be centered within an easement.

## **SECTION 2.29 BUFFERS AND GREENBELTS**

In order to provide adequate protective screening for residential areas adjacent to nonresidential uses, Special Land Uses, or uses for which buffer and greenbelts are required under this Ordinance, except for farms as defined in Section 1.7, and intensive livestock operations as defined in Section 1.10, the following regulations shall apply for such buffers and greenbelts.

- A. Such greenbelt shall be a strip of at least twenty (20) feet in width planted and maintained with trees. Said trees shall be evergreen and deciduous varieties, and the greenbelt shall be composed of not more than thirty-three (33) percent evergreens. Trees shall be at least six (6) feet in height at the time of planting, and fifteen (15) feet on-center apart; a hedge-row of evergreen bushes at least four (4) feet in height, situated to provide an effective sound and visual buffer.
- B. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material. The greenbelt shall be kept in a healthy growing condition, and neat and orderly in appearance.
- C. Any shrubs, bushes, or other plants that project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- D. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- E. Where it is determined by the Planning Commission that insufficient area is available to provide the required greenbelt or that such vegetation screening would be ineffectual, a six (6) foot high sight-obscuring fence or wall or a combination of fence, wall, and plantings may be substituted, except in the front yard.

## **SECTION 2.30 FLOOD PLAIN**

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall

be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

### **SECTION 2.31 SITE CONDOMINIUMS**

- A. The minimum lot area, width, and coverage, as well as yard requirements, building height, and floor area shall conform to the requirements of the zoning district in which the project is located.
- B. All sites shall be required to use public water and sanitary sewer service if located and available within three hundred (300) feet of the property boundary of the overall development. If public water and sewer service are not available, individual on-site systems may be used if approved by the Health Department, or an on-site community system may be used only if approved by the Health Department.
  - 1. When an on-site community system is used as a lagoon type system, the lagoon shall be setback at least three hundred (300) feet from any side or rear lot lines, and six hundred (600) feet from the front property line.
  - 2. If an on-site community system is used as a lagoon type system, the lagoon shall be setback at least one hundred (100) feet from any waterway, flood plain, county drain, or water well.
  - 3. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities shall be reviewed by the County Drain Commissioner, and approved prior to issuance of a Building Permit.
- C. All site condominium lots shall have access to, and required frontage on, a public or approved private road.

## **CHAPTER 3 MAPPED DISTRICTS**

### **SECTION 3.1        DISTRICTS**

The County of Gratiot is hereby divided into the following Zoning Districts:

<b>DISTRICT NAME</b>	<b>ORDINANCE CHAPTER</b>
AG - Agricultural District	Chapter 4
RP - Rural Preservation District	Chapter 5
RR - Rural Residential District	Chapter 6
R-1 - Low Density Residential District	Chapter 7
R-2 - Medium Density Residential District	Chapter 8
MHP - Manufactured Home Park District	Chapter 9
B-1 - Local Business District	Chapter 10
B-2 - Highway Business District	Chapter 11
I-1 - Industrial District	Chapter 12

### **SECTION 3.2        ZONING MAP**

- A. The locations and boundaries of the Zoning Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Gratiot County Zoning Map” which accompanies and is hereby made a part of this Ordinance.
- B. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
  4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
  6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- C. When there is any question as to the location of any boundary line between Zoning Districts that cannot be resolved by the rules stated above, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- D. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, it shall be divided along a line half way between them, and each half shall become the adjacent zoning district, except when the County Board of Commissioners designates otherwise.

### **SECTION 3.3 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a District on the zoning map, such land shall be in the RP - Rural Preservation Zoning District.

## **CHAPTER 4**

### **AG – AGRICULTURAL DISTRICT**

#### **SECTION 4.1      PURPOSE**

This District is intended to preserve, enhance and stabilize areas within the County that are presently being used for production of food. It is the purpose of the regulations for this District to promote the preservation of these prime and important farm lands for future agricultural and related uses. This land should be protected from inappropriate development, and Gratiot County should preserve the essential characteristics and economic value of these areas as agricultural lands. All uses permitted within this District shall be conducted with due consideration for the potential effects that may result from the authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

#### **SECTION 4.2      USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A.     Agriculture.
- B.     Detached single family dwellings.
- C.     Roadside Stands.
- D.     Greenhouses and nurseries.
- E.     Accessory buildings and uses, as defined in Sections 2.11 and 2.12.
- F.     Home occupations.

#### **SECTION 4.3      CONDITIONAL LAND USES**

The following uses shall be permitted in this District, if all the conditions for each use are met:

- A.     Intensive Livestock Operations (ILOs) shall be permitted in any AG zoning district only if the following standards are met:
  - 1.     All livestock buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be set back at least two hundred fifty (250) feet from any property lines, and from any standing body of water, flowing stream, or open drain which is at a higher grade than the finished floor level of said building. If the standing body of water, flowing stream, or open drain is at the same grade or lower than said building or storage area, then the setback shall be five hundred (500) feet.

2. All livestock buildings, structures, enclosed areas, storage or confinement areas for animals, feeding areas (excluding natural grazing areas), and animal waste storage areas and structures (including manure tanks and lagoons) associated with the ILO shall be setback, at least five hundred (500) feet from any non-farm residential dwelling or residential district.
3. Such use shall be located on a paved county primary road, or the applicant shall have a written maintenance agreement with the Gratiot County Road Commission, for the road on which the use is located.
4. Site plans shall be submitted in accordance with the requirements of Section 14.4, and contain the following additional information:
  - a. Locations of principal buildings, manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted.
  - b. Separation distances between all facilities and uses associated with the ILO, and: adjacent property lines; on-site water wells; private homes; and any water body or flood plain, including wetlands, streams, or designated county drains.
  - c. An Animal Waste Management Plan containing information outlined in the Generally Accepted Agricultural Management Practices established by the Michigan Department of Agriculture.
5. If Conditional Land Use approval has been granted by the Zoning Administrator for any parcel, such approval shall be attached to, and shall run with the land for which the approval was granted. Further, such approval and standards shall be binding upon subsequent owners and all occupants of the subject land.

#### **SECTION 4.4 SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A. Agribusiness.
- B. Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources.
- C. Veterinary hospitals, animal clinics, and commercial kennels.
- D. Raising of fur bearing animals or game birds.
- E. Farm labor dwellings.

- F. One (1) farm-related dwelling in addition to the principal farm dwelling, and on the same parcel as the farm dwelling.
- G. Cellular or wireless transmission towers.

#### **SECTION 4.5 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be forty (40) acres, except as noted in subsection 4.5, A, 1 & 2 below.
  - 1. Each parent parcel of forty (40) acres or greater, or each parcel legally described and identified by a Gratiot County parcel identification number that is less than forty (40) acres existing prior to November 19, 1999 shall be permitted to divide into the number of lots or parcels otherwise permitted by the Land Division Act, Michigan Public Act 288 as amended, Land Divisions will be approved in accordance with the requirements of Section 2.2, C.
  - 2. Except as noted in this subparagraph, any lot created according to the above requirements shall be at least one (1) acre in area and shall have a minimum of two hundred (200) feet of public road frontage. The permitted lots shall be contiguous. The Zoning Administrator may permit a lot size of up to ten percent (10%) greater than that permitted by this subsection in order to accommodate setbacks for existing buildings.
- B. **Lot Width:** The minimum lot width in this District shall be six hundred sixty (660) feet, except as noted in subsection 4.5, A, 1, above.
- C. **Front Yard:** The minimum front yard setback in this District shall be fifty (50) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be fifty (50) feet.
- E. **Side Yard:** The minimum side yard setback in this District shall be twenty (20) feet.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty-five (35) feet, or two and one-half (2 ½) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of twenty (20) percent of the parcel size.
- H. **Floor Area:** The minimum total floor area for any dwelling constructed in this District shall be nine hundred sixty (960) square feet on the ground floor, unless otherwise specifically provided.
- I. A new non-farm residential use built adjacent to, or within the required setback area of an existing livestock operation (including ILOs), shall not preclude the farm from expanding

into an ILO, or an ILO from expanding. Further, the new residential structure shall maintain a two hundred fifty (250) foot setback from the property line separating the uses.

#### **SECTION 4.6            OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1        Definitions
- Chapter 2        General Provisions
- Chapter 14      Site Plan Review
- Chapter 15      Parking and Signs

**CHAPTER 5**  
**RP – RURAL PRESERVATION DISTRICT**

**SECTION 5.1        PURPOSE**

This District is intended to preserve areas in the County that would generally be characterized as primarily rural, and exhibit unique, fragile, or significant nature features. The District is to be applied to lands that are subject to periodic flooding, are adjacent to sources of water supply, contain unstable soils, or contain significant animal habitats or environmental features unique to the County. The regulations are designed to provide a degree of protection for sensitive natural features and open spaces. A variety of uses are permitted in this District, however, the intensity of development is limited in order to protect the natural character and abundant resources that are found within it.

**SECTION 5.2        USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A.     Detached single family dwellings.
- B.     Family day care homes.
- C.     Accessory buildings and uses, as outlined in Sections 2.11 and 2.12.
- D.     Home occupations.

**SECTION 5.3        SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A.     Country clubs and golf courses.
- B.     Riding stables.
- C.     Public or private campgrounds.
- D.     Private recreation areas, including gun clubs.
- E.     Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources.
- F.     Group day care homes or facilities.
- G.     Public or private schools.

- H. Bed and breakfast establishments.
- I. Cemeteries.
- J. Planned Unit Developments.
- K. Public utility buildings, without storage yards.
- L. Forest management operations; and, Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.

**SECTION 5.4 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be two (2) acres.
- B. **Lot Width:** The minimum lot width in this District shall be two hundred (200) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be one hundred (100) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be fifty (50) feet.
- E. **Side Yard:** The minimum side yard setback in this District shall be twenty-five (25) feet.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty-five (35) feet, or two and one-half (2 ½) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of twenty (20) percent of the parcel size.
- H. **Floor Area:** The minimum total floor area for any dwelling constructed in this District shall be nine hundred sixty (960) square feet on the ground floor, unless otherwise specifically provided.

**SECTION 5.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

**CHAPTER 6**  
**RR – RURAL RESIDENTIAL DISTRICT**

**SECTION 6.1      PURPOSE**

The regulations of the RR District are intended to provide for a stable and sound residential environment with large home sites, at a higher density than would be permitted in the Agricultural and Rural Preservation Districts, while still compatible with the County's rural character. The District provides for the orderly transition of land from agricultural to low density residential uses, without straining the land, or requiring public services or utilities, even if they exist, or are planned. Through this District, low density residential development will be permitted through the construction and occupancy of single family dwellings on large rural parcels.

**SECTION 6.2      USES PERMITTED BY RIGHT**

- A. Detached single family dwellings.
- B. Family day care.
- C. Accessory buildings and uses, as defined in Sections 2.11 and 2.12.
- D. Home occupations.

**SECTION 6.3      SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A. Public or private schools.
- B. Churches.
- C. Municipal buildings.
- D. Public utility buildings, without storage yards.
- E. Group day care homes or facilities.
- F. Country clubs and golf courses.
- G. Cemeteries.
- H. Bed and breakfast establishments.

- I. Planned Unit Developments.
- J. Commercial greenhouses or nurseries.
- K. Community centers and public parks.
- L. Cellular or wireless transmission towers.
- M. Funeral homes and mortuary establishments.
- N. Two family and multiple family dwellings.

#### **SECTION 6.4 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be two (2) acres.
- B. **Lot Width:** The minimum lot width in this District shall be two hundred (200) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be sixty (60) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be thirty (30) feet.
- E. **Side Yard:** The minimum side yard setback in this District shall be ten (10) feet.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty (30) feet, or two (2) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. **Floor Area:** The minimum floor area for any dwelling constructed in this District shall be nine hundred sixty (960) square feet on the ground floor, unless otherwise specifically provided.

#### **SECTION 6.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

## **CHAPTER 7**

### **R-1 LOW DENSITY RESIDENTIAL DISTRICT**

#### **SECTION 7.1      PURPOSE**

The regulations of the R-1 District are intended to provide for a residential neighborhood environment near the County's urban centers. The District provides a transition area between the high density urban centers with its commercial and sometimes industrial influences, to the low density residential and agricultural land uses.

#### **SECTION 7.2      USES PERMITTED BY RIGHT**

- A. Detached single family dwellings.
- B. Family day care.
- C. Accessory buildings and uses, as outlined in Sections 2.11 and 2.12.
- D. Home occupations.

#### **SECTION 7.3      SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A. Public or private schools.
- B. Churches.
- C. Municipal buildings.
- D. Public utility buildings, without storage yards.
- E. Group day care homes or facilities.
- F. Planned Unit Developments.
- G. Community centers and public parks.

#### **SECTION 7.4      DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be 2 acres. NOTE: Lot size may

be reduced to 12,000 square feet if public sanitary sewer is available to the lot.

- B. **Lot Width:** The minimum lot width in this District shall be two hundred (200) feet. However, if public sanitary sewer is available to the site, the minimum lot width shall be eighty (80) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be forty (40) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be thirty (30) feet.
- E. **Side Yard:** The minimum side yard setback in this District shall be ten (10) feet.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty (30) feet, or two (2) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. **Floor Area:** The minimum floor area for any dwelling constructed in this District shall be nine hundred sixty (960) square feet on the ground floor, unless otherwise specifically provided.

## **SECTION 7.5      OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1      Definitions
- Chapter 2      General Provisions
- Chapter 14     Site Plan Review
- Chapter 15     Parking and Signs

**CHAPTER 8**  
**R-2 – MEDIUM DENSITY RESIDENTIAL DISTRICT**

**SECTION 8.1        PURPOSE**

The regulations of the R-2 District are intended to provide for residential uses in a neighborhood environment in the County’s urban centers and Villages. The District provides for higher density residential uses on smaller lots. The District may or may not be served by public water or sewer service, but these public services shall be planned for these areas.

**SECTION 8.2        USES PERMITTED BY RIGHT**

- A.     Detached single family dwellings.
- B.     Family day care.
- C.     Two family and multiple family dwellings.
- D.     Accessory buildings and uses, as outlined in Sections 2.11 and 2.12.
- E.     Home occupations.

**SECTION 8.3        SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A.     Public or private schools.
- B.     Churches.
- C.     Municipal buildings.
- D.     Public utility buildings, without storage yards.
- E.     Group day care homes or facilities.
- F.     Planned Unit Developments.
- G.     Community centers and public parks.

**SECTION 8.4        DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be one-half (½) acre. NOTE: Lot size may be reduced to 8,712 square feet if public sanitary sewer is available to the lot.
- B. **Lot Width:** The minimum lot width in this District shall be one hundred (100) feet. However, if public sanitary sewer is available to the site, the minimum lot width shall be sixty-six (66) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be thirty (30) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be thirty (30) feet.
- E. **Side Yard:** The minimum side yard setback in this District shall be ten (10) feet.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty (30) feet, or two (2) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. **Floor Area:** The minimum floor area for any dwelling constructed in this District shall be nine hundred sixty (960) square feet on the ground floor, unless otherwise specifically provided.

**SECTION 8.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

**CHAPTER 9**  
**MHP – MANUFACTURED HOME PARK DISTRICT**

**SECTION 9.1        PURPOSE**

This District is intended to provide suitable areas for manufactured housing developments within Gratiot County. Public sewer and water facilities should be provided for each such development. However, if public sewer facilities are not available, a community treatment system and well, meeting all State and County regulations may be permitted. This type of development is to be located near essential community services and abutting paved public roads. All manufactured home parks shall comply with the applicable requirements of Public Act 419 of 1976, as amended, and Public Act 96 of 1987, as amended, and all other applicable local, county, or state regulations.

**SECTION 9.2        USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A.     Manufactured homes when located within an approved manufactured home park.
- B.     Family day care.
- C.     Home occupations.
- D.     Accessory buildings and uses, as outlined in Sections 2.11 and 2.12.

**SECTION 9.3        SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A.     Community centers and public parks.
- B.     Public utility buildings, without storage yards.

**SECTION 9.4        DISTRICT REGULATIONS AND OTHER PROVISIONS**

All applicable dimensional requirements, as specified by Public Act 419 of 1976 and Public Act 96 of 1987, as amended, shall be met for any use in this District.

**SECTION 9.5        MANUFACTURED HOME SALES**

The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development, provided the development permits the sale.

**CHAPTER 10**  
**B-1 – LOCAL BUSINESS DISTRICT**

**SECTION 10.1      PURPOSE**

This District is intended to permit local retail business and service uses which are desirable to serve the outlying residential areas of the County. The regulations of this District are designed to promote limited business development at an appropriate scale to surrounding residential areas. Uses that would create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic, are prohibited. The intent of this District is to encourage the concentration of conveniently located business uses, to the mutual advantage of both the consumers and merchants. More intensive, community wide businesses should be concentrated in the County's urban centers and will not be permitted in this District.

**SECTION 10.2      USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A.     Retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises.
- B.     Other retail businesses offering convenience items for nearby residents.
- C.     Restaurants, not including drive-through facilities.
- D.     Professional and business offices.
- E.     Banks, credit unions, and similar financial institutions, not offering drive-through facilities.
- F.     Personal service establishments that perform services on the premises, including barber and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- G.     Accessory buildings and uses, as defined in Sections 2.11 and 2.12.

**SECTION 10.3      SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A.     Establishments with drive-through facilities, including financial institutions, dry cleaners, pharmacies, and similar personal services, but not including drive-in restaurants.
- B.     Gas stations.

- C. Commercial day care centers.
- D. Municipal buildings.
- E. Planned unit developments.
- F. Public utility buildings, without storage yards.
- G. Veterinary hospitals, animal clinics, and commercial kennels.
- H. Cellular or wireless transmission towers.

#### **SECTION 10.4 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be one-half (½) acre. NOTE: Lot size may be reduced to 8,712 square feet if public sanitary sewer is available to the lot.
- B. **Lot Width:** The minimum lot width in this District shall be one hundred (100) feet. However, if public sanitary sewer is available to the site, the minimum lot width shall be sixty-six (66) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be twenty (20) feet.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be forty (40) feet. However, where a rear yard abuts any Residential District, a minimum of twenty (20) feet of such setback area shall contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. **Side Yard:** The minimum side yard setback in this District shall be twenty (20) feet. However, where a side yard abuts any Residential District, a minimum side yard of twenty (20) feet shall be provided, and shall contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty (30) feet, or two (2) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.

H. **Floor Area:** No minimum floor area is required in this District.

**SECTION 10.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

**CHAPTER 11**  
**B-2 – HIGHWAY BUSINESS DISTRICT**

**SECTION 11.1      PURPOSE**

This District is intended to provide for the general community and area-wide commercial and service needs of the County, to provide areas for commercial establishments which cater primarily to the needs of the motoring public, and to provide for the orderly development and concentration of such uses. The District should be established along major County roads and highways which can satisfactorily accommodate the large volumes of vehicular traffic typically associated with such commercial concentrations. Typical uses will offer specialized retail outlets and commercial amusement enterprises. The requirements of this District are developed to minimize traffic hazards and interference with other related uses in the vicinity.

**SECTION 11.2      USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A. Any use permitted by right in the B-1 District.

**SECTION 11.3      SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A. Establishments with drive-through facilities, including financial institutions, dry cleaners, pharmacies, and similar personal services.
- B. Restaurants with drive-through facilities.
- C. Funeral homes and mortuaries.
- D. Vehicle repair shops, including body shops.
- E. Vehicle wash establishments, either self-serve, or automatic.
- F. Gas stations.
- G. Commercial day care centers.
- H. Hotels and motels.
- I. Outdoor commercial recreation, including related accessory retail or restaurant uses, incidental to the primary use.
- J. Commercial storage warehouses.

- K. Lumber and planing mills.
- L. Municipal buildings.
- M. Open air businesses.
- N. Planned unit developments.
- O. Theaters, or similar places of public assembly.
- P. Public utility buildings, without storage yards.
- Q. Veterinary hospitals, animal clinics, and commercial kennels.
- R. Cellular or wireless transmission towers.
- S. Billboards.

#### **SECTION 11.4 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be two (2) acres.
- B. **Lot Width:** The minimum lot width in this District shall be one hundred fifty (150) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be one hundred (100) feet. No parking area, except for driveways, shall be located within thirty (30) feet of the right-of-way line. This required setback area shall be planted and maintained as a landscaped yard.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be fifty (50) feet. However, where a rear yard abuts any Residential District, a minimum of thirty (30) feet of such setback area shall contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. **Side Yard:** The minimum side yard setback in this District shall be thirty (30) feet. However, where a side yard abuts any Residential District, a minimum of thirty (30) feet of such setback shall contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. **Building Height:** No principal building in this District shall exceed a height of thirty (30) feet, or two (2) stories, whichever is less.

G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.

H. **Floor Area:** No minimum floor area is required in this District.

## **SECTION 11.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

## **CHAPTER 12**

### **I-1 – INDUSTRIAL DISTRICT**

#### **SECTION 12.1      PURPOSE**

This District is intended to provide a location for general industrial uses. The facilities will be kept from encroaching in areas or Districts where they would create a nuisance, and be incompatible with existing uses. The I-1 District should be located only in areas where public utilities and adequate paved County Primary roads are available.

#### **SECTION 12.2      USES PERMITTED BY RIGHT**

Land and/or buildings in this District may be used for the following purposes By Right:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
  - 1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
  - 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
  - 3. Furniture and fixtures;
  - 4. Printing, publishing, and allied industries;
  - 5. Electrical machinery, equipment and supplies, electronic components and accessories;
  - 6. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods; and
  - 7. Cut stone and stone products related to monuments.
  - 8. Public Utility
  - 9. Electric Generating Facility
  
- B. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
  - 1. Textile mill products, including woven fabric, knit goods, dyeing and finishing,

- floor coverings, yarn and thread, and other similar products;
2. Apparel and other finished products including clothing, leather goods, and canvas products;
  3. Lumber and wood products including mill work, prefabricated structural wood products and containers;
  4. Paper and paperboard containers and products;
  5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations;
  6. Glass products;
  7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;
  8. Pottery and figurines and other ceramic products using only previously pulverized clay; and
  9. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
- D. Warehousing, including refrigerated and general storage.
- E. Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
- F. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- G. Research and development facilities, including production activities, which shall be limited to fifty (50) percent of the floor area of the building.
- H. Trade or industrial schools.
- I. New building materials sales and storage, including building trade contractors and related storage yards.
- J. Accessory buildings and uses, as defined in Sections 2.11 and 2.12.

- K. Tool and die metal shops.

### **SECTION 12.3 SPECIAL LAND USES**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 16 are met.

- A. Truck and freight terminals, and maintenance facilities.
- B. Bulk oil and gasoline distribution facilities.
- C. Junk yards and salvage yards.
- D. Planned unit developments.
- E. Stamping or punch press operations.
- F. Cellular or wireless transmission towers.
- G. Adult uses.
- H. Commercial storage warehouses.
- I. Billboards.
- J. Sanitary Landfills.
- K. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.

### **SECTION 12.4 DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

- A. **Lot Area:** The minimum lot size in this District shall be one and one-half (1-½) acres.
- B. **Lot Width:** The minimum lot width in this District shall be one hundred fifty (150) feet.
- C. **Front Yard:** The minimum front yard setback in this District shall be fifty (50) feet. No parking area, except for driveways, shall be located within thirty (30) feet of the right-of-way line. This required setback area shall be planted and maintained as a landscaped yard.
- D. **Rear Yard:** The minimum rear yard setback in this District shall be forty (40) feet. However, where a rear yard abuts any Residential District, a minimum of thirty (30) feet

of such setback area shall contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.

- E. **Side Yard:** The minimum side yard setback shall be thirty (30) feet. However, where a side yard abuts any Residential District, a minimum side yard of thirty (30) feet shall be provided and contain a landscaped buffer in accordance with the requirements of Section 2.29, suitable to provide visual screening from adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. **Building Height:** No principal building in this District shall exceed a height of forty-five (45) feet, or three (3) stories, whichever is less.
- G. **Lot Coverage:** The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.
- H. **Floor Area:** No minimum floor area is required in this District.

## **SECTION 12.5 OTHER PROVISIONS**

All uses permitted by Right or Special Approval shall comply with all applicable provisions of this Zoning Ordinance, including but not limited to those listed below as a reference guide.

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 14 Site Plan Review
- Chapter 15 Parking and Signs

**CHAPTER 13**  
**SCHEDULE OF DISTRICT REGULATIONS**

**SECTION 13.1 SCHEDULE OF DISTRICT REGULATIONS**

ZONING DISTRICTS	MINIMUM LOT SIZE		MINIMUM SETBACKS			MAXIMUM HEIGHT (stories/ft.)	MAXIMUM LOT COVERAGE (%)	MINIMUM FLOOR AREA (sq. ft.)
	Area	Width	Front	Rear	Side			
<b>AG - Agricultural District (g)</b>	40 acres	660 ft.	100 ft.	50 ft.	20 ft.	2 ½ / 35	20	960 (f)
<b>RP - Rural Preservation District</b>	2 acres	200 ft.	100 ft.	50 ft.	25 ft.	2 ½ / 35	20	960 (f)
<b>RR - Rural Residential District</b>	2 acres	200 ft.	60 ft.	30 ft.	10 ft.	2 / 30	30	960 (f)
<b>R-1 - Low Density Residential District</b>	2 acres (a)	200 ft. (b)	40 ft.	30 ft.	10 ft.	2 / 30	30	960 (f)
<b>R-2 - Medium Density Residential District</b>	½ acre (a <sup>1</sup> )	100 ft. (b <sup>1</sup> )	30 ft.	30 ft.	10 ft.	2 / 30	30	960 (f)
<b>MHP - Manufactured Home Park District</b>	See Chapter 8 for specific regulations							
<b>B-1 - Local Business District</b>	½ acre (a <sup>1</sup> )	100 ft. (b <sup>1</sup> )	20 ft.	40 ft. (c)	20 ft. (c)	2 / 30	35	NA
<b>B-2 - Highway Business District</b>	2 acres	150 ft.	100 ft. (e)	50 ft. (d)	30 ft. (d)	2 / 30	35	NA
<b>I-1 - Industrial District</b>	1.5 acres	150 ft.	50 ft. (e)	40 ft. (d)	30 ft. (d)	3 / 45	35	NA

**SECTION 13.2 FOOTNOTES TO THE SCHEDULE OF DISTRICT REGULATIONS**

- (a) The minimum lot size may be reduced to 12,000 square feet, if public sanitary sewer is available to the lot.
- (a<sup>1</sup>) The minimum lot size may be reduced to 8,712 square feet, if public sanitary sewer is available to the lot.

- (b) The minimum lot width may be reduced to eighty (80) feet, if public sanitary sewer is available to the lot.
- (b<sup>1</sup>) The minimum lot width may be reduced to sixty-six (66) feet, if public sanitary sewer is available to the lot.
- (c) Where a side or rear yard abuts a Residential District, there shall be a minimum of twenty (20) feet, set aside which shall contain a landscaped buffer in accordance with the requirements of Section 2.29 suitable to provide visual screening from the adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- (d) Where a side or rear yard abuts a Residential District, there shall be a minimum of thirty (30) feet, set aside which shall contain a landscaped buffer in accordance with the requirements of Section 2.29 suitable to provide visual screening from the adjacent property. This area shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- (e) No parking area, except for entry drives, shall be located within thirty (30) ft. of the right-of-way line. This required setback area shall be planted and maintained as a landscaped yard.
- (f) Minimum floor area shall be the Gross Floor Area, as defined in this Ordinance.
- (g) See Chapter 4, AG - Agricultural District for regulations for permitted lot splits.

It should also be noted that other provisions of this Zoning Ordinance may be applicable as well.

## **CHAPTER 14 SITE PLAN REVIEW**

### **SECTION 14.1      PURPOSE**

The intent of this Chapter is to provide for consultation and cooperation between the applicant and the Gratiot County Planning Commission so that the applicant may accomplish planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and general vicinity.

### **SECTION 14.2      SITE PLANS REVIEWED**

- A. No principal use shall be established on a parcel until a site plan has been reviewed and approved by the Planning Commission under the following circumstances:
  - 1. Permitted Uses in the MHP, Commercial, and Industrial Districts.
  - 2. Special Land Uses in any District.
  - 3. Expansions, alterations, and addition to Permitted Uses and Special Land Uses allowed by this Ordinance and otherwise requiring site plan review.
  - 4. As otherwise might be required in this Ordinance.
- B. All plans not reviewed by the Planning Commission shall be reviewed by the Zoning Administrator, who shall ensure that the site plan is in conformance with the Zoning Ordinance.
- C. Review of a site plan for Planned Unit Developments, Site Condominiums, and private roads is also required in accordance with the procedures noted in this Ordinance.

### **SECTION 14.3      APPLICATION PROCEDURES**

- A. An application for Site Plan Review, shall be submitted to the Zoning Administrator who will review all plans for conformance to the review standards of Section 14.5.
- B. An application for Site Plan Review shall consist of the following:
  - 1. Nine (9) copies shall be provided in conjunction with a Site Plan Review, or a Special Land Use request.
  - 2. A completed application form, as provided by the County.

3. Payment of a fee, in accordance with a fee schedule, as determined by the County Board from time to time.
4. A legal description of the entire property that is the subject of the Site Plan Review.
5. Other materials as may be required by the Planning Commission.

#### **SECTION 14.4 SITE PLAN REVIEW**

- A. The Planning Commission shall approve, deny, or approve with conditions, any Site Plan, based on the purposes, objectives, and requirements of this Ordinance and specifically the considerations listed in Section 14.5.
- B. The Planning Commission shall notify the Supervisor and Clerk of the Township in which the site is located, of the requested review and of the date, time, and location of the meeting.
- C. The site plan shall be prepared and presented in a neat and orderly manner. The Plan shall include the following information:
  1. Legal description of the property.
  2. Small area sketch to show adjacent properties, streets, and uses of land within one half (1/2) mile of the area.
  3. The site plan shall be presented at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100') for property over three (3) acres in size, and not less than one (1) inch equals twenty (20) feet (1" = 20') for those of three (3) acres or less. The following items shall be shown on the plan:
    - a. Date of preparation/revision.
    - b. Name and address of the preparer.
    - c. Zoning of the site.
    - d. The topography of the site at a minimum of five (5) foot intervals, and its relationship to adjoining land.
    - e. Existing structures on the site.
    - f. Proposed buildings and structures.
    - g. Adjacent street rights-of-way and proposed streets, driveways, and sidewalks. All driveways or access points within one-hundred (100) feet of the property lines of the subject property shall also be shown.

- h. Significant natural features, including but not limited to open space, stands of trees, brooks, ponds, lakes, flood plains, hills, and similar natural assets both on the subject property, and within one-hundred (100) feet of the property lines.
  - i. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
  - j. Location and type of fences, landscaping, buffer strips, and screening.
  - k. Location and type of signs and on-site lighting.
  - l. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces, and shall conform with the provisions outlined in Chapter 15.
  - m. Easements shall be shown, if any.
  - n. Dimensions and number of proposed lots or parcels.
- D. Prior to granting approval of a site plan, the Planning Commission may request additional graphic or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but not be limited to, aerial photography, photographs; traffic impact studies; impact on significant natural features and drainage; soil tests; and other pertinent information.
- E. Wind Energy Facility Special Use Site Plan Review Required
- 1. Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this Section. The Wind Energy Facilities Site Plan must be reviewed and approved by the Planning Commission pursuant to standards contained herein. An applicant proposing a Wind Energy Facility must submit the following site plan materials:
    - a. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number)
    - b. A narrative describing the proposed Wind Energy Facility, including an overview of the project
    - c. Site plan (GIS shape file overlay, electronic file and paper copy) of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, country drains, land use, zoning district, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones and

non-participating properties), underground and overhead wiring (including depth underground), access roads (including width), substations and accessory structures

- d. Details or drawings shall show features in the design of a typical tower and its base, that upon removal of said tower will allow restoration of the soil at the site to a depth of 4 feet pursuant to Chapter 16, Section 7, PP, 6.
  - e. Anticipated construction date and anticipated completion date
  - f. The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgement is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an “Acknowledgement Letter” that documents this understanding and has been signed by the lessor.
  - g. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Gratiot County and may be provided jointly as a single instrument for multiple Townships within a single wind farm, provided that any such single instrument shall be an amount of at least \$1 million and shall contain a replenishment obligation.
2. Application Material – The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility.
- a. Applicant shall show evidence of compliance with applicable statutes and County ordinances including, but not limited to:
    - i. Part 31 Water Resources Protection (M.C.L.324.3101 et seq.),
    - ii. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.), and the corresponding County ordinance.
    - iii. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
    - iv. Part 303 Wetlands (M.C.L. 324.30301 et seq.),
    - v. All other applicable laws and rules in force at the time of Application
  - b. Visual Appearance, Lighting, Power lines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

- i. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc.).
  - ii. Wind turbines and meteorological towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
  - iii. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
  - iv. The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.
3. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.
  - a. Occupied Buildings: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, or any other occupied buildings a distance no less than the greater of (a) two (2) times its Hub Height, or (b) one thousand (1,000) feet.
  - b. Shadow flicker minimization: Wind turbines shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
  - c. Property line setbacks: Except as set forth in this section, wind turbines shall not be subject to a property line setback. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Wind turbines shall not be located within 1.5 times Hub Height of the property line of a Non-Participating Parcel.
  - d. Boundaries with non-participating parcels: Wind turbines shall not be located within 1.5 times Hub Height of the property line of a non-participating parcel.
  - e. Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying

right-of-way for such public road.

- f. Railroads & “Rails to Trails:” Each wind turbine shall be set back from the nearest Railroad or “Rails to Trails” a distance no less than 400 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such Railroad & “Rails to Trails.”
4. Compliance with Wind Energy Site Permit: Following the completion of constructions, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit. (GIS overlay)
5. Wind Turbine/Tower Height: The applicant shall demonstrate compliance with the Michigan Tall Structure Act (MCL 259.481 and following), FAA guidelines, and local airport zoning as part of the approval process.
6. Noise: Wind Energy Facilities shall not exceed 55 db(A) at the habitable structure closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
7. Minimum Ground Clearance: The blade tip of any Wind turbine shall, at its lowest point, have ground clearance of not less than seventy five (75) feet.
8. Signal Interference: No large scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
9. Safety
  - a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - b. Wind turbine towers shall not be climbable on the exterior.
  - c. All access doors to wind turbine towers and electrical equipment shall be lockable.
  - d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
  - e. Appropriate signage for emergency contact information shall be located at the wind turbine tower.

10. Transportation: Submit a copy of a proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction;
11. Application Fee: An applicant for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the County Board of Commissioners. This schedule shall be based on the cost to the County of the review, which may be adjusted from time to time.

#### **SECTION 14.5 SITE PLAN REVIEW STANDARDS**

- A. The Planning Commission shall review the Plans and approve, approve with conditions, or deny any Site Plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
  1. All elements of the site plan shall be designed to take into account the topography of the site, the size of the parcel, the character of adjoining property, and the type and size of buildings proposed. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within, and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site, and at its access points. Shared driveways, cross-access agreements, and similar access management techniques shall be employed wherever possible.
  3. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
  4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another, and from surrounding public and private property.
  5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water that will prevent erosion and not create a public nuisance. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, or create standing water.

6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by Public Safety Departments.
7. All loading and unloading areas, as well as outside storage areas, including refuse storage stations, shall be screened from the view of the street and adjacent properties.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
9. Off-street parking and loading areas shall be provided, as required, with particular attention to noise, glare, and odor effects on adjoining properties and within the proposed development.
10. The plan shall conform to all minimum setbacks, parking, and other dimensional and use requirements of the zoning district in which it is located, and as required elsewhere in this ordinance.

#### **SECTION 14.6 APPROVED SITE PLANS**

- A. Upon approval of the Site Plan, the Chairperson of the Planning Commission shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the County's records; one (1) shall be forwarded to the Building Inspector for issuance of a Building Permit; and one (1) copy shall be returned to the applicant.
- B. Time limits on Site Plans.
  1. Each development shall be substantially under construction within one (1) year after the date of approval of the Site Plan.
  2. The Planning Commission may grant one (1) extension of up to one (1) additional year, provided the applicant applies for such extension prior to the date of the expiration of the Site Plan.
  3. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant.
  4. If construction has not commenced within the one (1) year time frame, the Site Plan approval shall be invalid.
- C. Amendments to an approved Site Plan may occur only under the following circumstances:
  1. The holder of a valid Site Plan shall notify the Zoning Administrator of any

proposed amendment to such approved Site Plan. The following conditions shall apply for any amended Site Plans:

- a. Minor changes may be approved by the Zoning Administrator provided the proposed revision does not alter the basic design nor any specified conditions of the plan as required by the Planning Commission. In making such a determination, the Zoning Administrator shall consider the following to be a minor change:
    - i. Reduction of the size of any building and/or sign.
    - ii. Movement of buildings and/or signs by no more than ten (10) feet.
    - iii. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one basis.
    - iv. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
    - v. Changes in floor plans that do not alter the character of the use, nor increase its size.
    - vi. Changes to the internal rearrangement of a parking lot that does not affect the number of parking spaces, or alter access locations or design.
    - vii. Changes required or requested by the County for safety reasons shall be considered a minor change.
  - b. The Zoning Administrator shall inform the Planning Commission in writing of any approved minor change to a site plan.
2. Should the Zoning Administrator determine the requested modification to the approved Site Plan not to be minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

**CHAPTER 15**  
**DISTRICT REGULATIONS – PARKING AND SIGNS**

**SECTION 15.1      PARKING - GENERAL REQUIREMENTS**

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot, or within three-hundred (300) feet of the building or use it is intended to serve. This distance shall be measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with compacted gravel so as to provide a durable and dustless surface. Residential off-street parking spaces shall occupy no more than thirty-five (35) percent of the required front yard.
- D. Minimum required off-street parking spaces shall not be reduced or occupied by any other use unless, and until, equal facilities are provided elsewhere on the site.
- E. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or use.
- F. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- G. The Planning Commission may defer construction of a portion of the required number of parking spaces if the following conditions are met:
  - 1. The applicant shall present satisfactory evidence in writing that the amount of parking required by this ordinance substantially exceeds the peak demands of the use.
  - 2. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - 3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Each alteration shall require the approval by the Zoning Administrator of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

- 4. All, or a portion, of any deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed for the use on the property.
- H. Overnight parking of semi-truck tractors and trailers, and commercial vehicles exceeding two and one-half (2½) tons hauling capacity shall be prohibited in the R-1, R-2, and MHP Districts.

**SECTION 15.2      PARKING LOT DESIGN STANDARDS**

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

<b>Parking Pattern</b>	<b>Two-Way Aisle Width</b>	<b>One-Way Aisle Width</b>	<b>Parking Space Width</b>	<b>Parking Space Length</b>
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be improved with a minimum compacted four (4) inch base of stabilized gravel or some comparable surface, as determined by the Zoning Administrator.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent ponding of water within the lot. Drainage shall be in accordance with the requirements of the Gratiot County Drain Commissioner.

**SECTION 15.3      OFF-STREET PARKING REQUIREMENTS**

- A. Required off-street parking spaces are noted in the following table for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accordance with a use the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space, that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Housing for the elderly	One (1) space for each two (2) dwelling units, plus one (1) for each employee, plus one (1) space for each five (5) dwelling units to be marked as visitor spaces.
Multiple family dwellings	Two (2) for each dwelling unit
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
<b>Institutional</b>	
Churches, auditoriums, and gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew or bench length
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Hospitals	Two (2) spaces per bed
Schools, secondary and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
<b>Commercial</b>	
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Convenience store	One (1) space per two hundred (200) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Open air businesses	One (1) space for each two-hundred (200) square feet of indoor usable floor area, plus one (1) space for each one-thousand (1,000) square feet of outdoor display area
Personal service establishments (not otherwise provided for herein)	One (1) space for each three hundred (300) square feet of usable floor area
Restaurants with drive-through facilities	One (1) space for each seventy-five (75) square feet of usable floor area, or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Commercial (cont.)</b>	
Restaurants without drive-through facilities	One (1) space for each one-hundred (100) square feet of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two-hundred (200) square feet of gross floor area
Retail furniture, appliance and household good	One (1) space for each eight hundred (800) square feet of usable floor area
Theaters and assembly areas	One (1) space for each four (4) seats or each eight (8) feet of pew or bench length
Vehicle wash (self service)	One (1) space for each five (5) stalls
Vehicle service stations and Gas stations	One (1) space for each service stall, plus one (1) space for each pump island, plus requirements for convenience store, car wash, or other uses, as applicable
Vehicle wash (automatic)	One (1) space per each employee, plus stacking space for ten (10) vehicles
Video rental stores	One (1) space for each one-hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
<b>Office</b>	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each two hundred (200) square feet of usable floor area, plus three (3) stacking spaces per drive-through window
Medical and dental offices and clinics	One (1) space for each seventy-five (75) square feet of waiting room area, plus one (1) space for each examining room, dental chair, or similar use area
Offices not otherwise specified	One (1) space for each three-hundred (300) square feet of usable floor area
<b>Industrial</b>	
Manufacturing, processing, and research establishments	One (1) space for each one-thousand (1,000) square feet of gross floor area, plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two-thousand (2,000) square feet of gross floor area, plus those spaces required for offices located on the premises

**SECTION 15.4 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

- B. In the B-1 District, all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building width, and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building width, and shall be computed separately from off-street parking requirements.
- D. Industrial District
  - 1. In the I-1 District, at least one (1) loading space shall be provided for each use. All loading spaces shall be at least ten feet by fifty feet (10' x 50'), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  - 2. Loading spaces shall only be permitted off-street, and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless service.

**SECTION 15.5      RESERVED FOR FUTURE USE**

**SECTION 15.6      DRIVEWAYS**

- A. All driveway openings installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet all applicable requirements of the Gratiot County Road Commission and Michigan Department of Transportation.
- B. Any private driveway located on a designated State highway, or County primary arterial, shall not be located nearer than two hundred (200) feet to another private driveway on the same roadway, unless specified elsewhere in this Ordinance.

**SECTION 15.7      SIGNS – INTENT**

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Gratiot County; to maintain and improve the appearance of the County; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

**SECTION 15.8      SIGNS – DEFINITIONS**

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign that advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign that identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Gratiot County, or a township, city, or village; or by the state or federal government.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- K. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- L. Marquee Sign: A sign affixed flat against the surface of a marquee.
- M. Mural: A design or representation painted or drawn on a wall that does not advertise an establishment, product, service, or activity.
- N. Placard: A sign not exceeding two (2) square feet that provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- O. Political Sign: A temporary sign used in connection with an official city, village, township, school district, county, state, or federal election, referendum, or public issue.
- P. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.
- R. Reader Board: A portion of a sign on which copy is changed manually.

- S. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- T. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- U. Roof Sign: A sign erected above the roof line of a building.
- V. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for advertising or identifying an establishment, product, service, or activity.
- W. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- X. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- Y. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

## **SECTION 15.9 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted in Section 15.9, B, and 15.10.
- B. The following signs shall not require a sign permit:
  - 1. Directional signs of six (6) square feet in size or less.
  - 2. Government signs.
  - 3. Placards.
  - 4. Temporary sale signs of four (4) square feet in size or less.
  - 5. Window signs.
  - 6. Political signs.
  - 7. Special event signs.
  - 8. Home occupations.
- C. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other

condition that impairs legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage has occurred.

- D. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- E. Signs may be internally or externally illuminated, except home occupation signs shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- F. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- G. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- H. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- I. No commercial vehicles, which, in the opinion of the Zoning Administrator, have the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light that in the judgment of the Zoning Administrator will constitute a traffic hazard or nuisance to adjoining residential properties. The intensity of the light of the sign shall not constitute a traffic hazard, or nuisance to any adjoining property, in the judgment of the Zoning Administrator.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- M. No sign shall be erected above the roof line of a building.
- N. No obscene message or profanity, as determined by the Zoning Administrator, shall be displayed on any sign.
- O. In no case shall the provision of this Chapter be contrary to the Highway Advertising Act of 1972, as amended (PA 106 of 1972).

#### **SECTION 15.10 EXEMPTED SIGNS**

- A. The following signs shall be exempt from the provisions of the Gratiot County Zoning

Ordinance.

1. Government signs.
2. Historical markers.
3. Window signs.
4. Memorial signs or tablets.
5. Murals.
6. Signs not visible from any street.
7. Signs for essential services.
8. Placards.
9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
10. Flags or insignia of any nation, state, county, community organization, or educational institution.

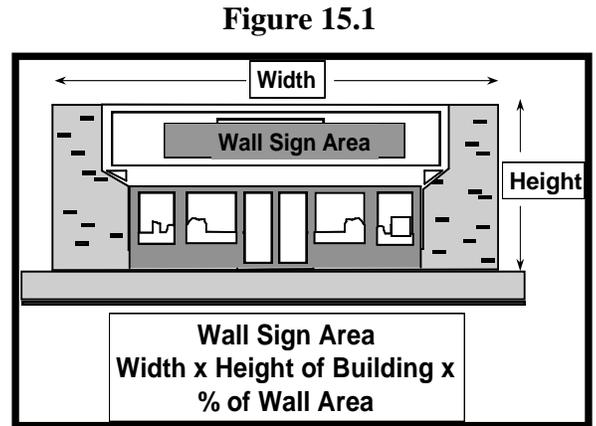
**SECTION 15.11 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES**

- A. Every permanent sign that does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended. However, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign that for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written

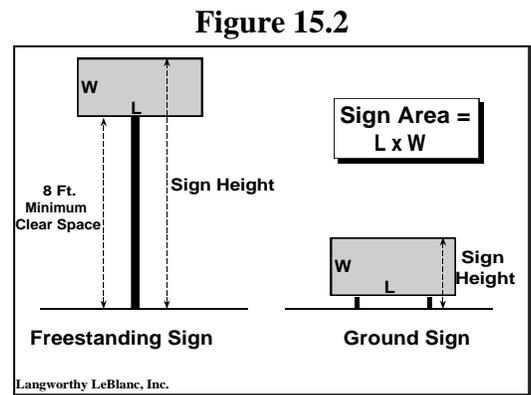
notice by the Zoning Administrator.

## SECTION 15.12 SIGNS – UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. (See Figure 15.1).



- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if such faces are placed back-to-back and are of equal size, the area of the back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the sign faces shall be counted as the one (1) face. (See Figure 15.2).



- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less. (See Figure 15.2).

## SECTION 15.13 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. The following sign regulations are applicable to all Districts:
1. All ground, wall and freestanding signs may include reader boards.
  2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
  3. Political signs shall be removed by the candidate or candidate's designee within ten (10) days after the official election or referendum to which such sign pertains.
  4. Real estate signs shall be removed within fourteen (14) days after completion of the

sale or lease of the property.

5. Construction signs are permitted within any District, subject to the following restrictions:
  - a. One (1) construction sign may be erected on a site where proposed construction shall take place.
  - b. Such sign shall be no larger than thirty-two (32) square feet, and not exceed eight (8) feet in height.
  - c. Construction signs shall not be erected until a building permit has been issued for the project that is the subject of the proposed sign and construction activity has begun.
  - d. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure that is the subject of the construction sign.
6. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
  - a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
  - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event that is being advertised.
  - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet.
  - d. Special event signs shall be set back from any side or rear property line a minimum of fifteen (15) feet, and shall not be a vision hazard.
  - e. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event that is being advertised.
7. Directional signs are permitted subject to the following restrictions:
  - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  - b. No such sign shall exceed four (4) square feet in area, and three (3) feet in height.

- c. Directional signs shall be limited to traffic control functions only.
8. Garage, yard, basement, estate sale, and similar signs are permitted subject to the following restrictions:
- a. One (1) sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five (5) feet from any property line.
  - b. Such sign shall not exceed six (6) square feet in area.
  - c. Such sign shall be erected no more than ten (10) days prior to the day(s) of the sale, and shall be removed within one (1) day after the completion of the sale.
9. Temporary and portable signs are permitted subject to the following restrictions:
- a. No more than one (1) such sign shall be displayed on the premises. Any such sign shall be located on the same lot as the business to which the sign pertains.
  - b. The display of such signs shall be limited to thirty (30) days in any six (6) month period.
  - c. Such signs shall have a maximum size of thirty (30) square feet in area, and a maximum height of six (6) feet.
  - d. Temporary and portable signs shall be set back from any property line at least fifteen (15) feet.
  - e. Such signs shall not be located in any off-street parking space, or located so as to interfere with the vision of motorists or pedestrians, as determined by the Zoning Administrator.

**SECTION 15.14 DISTRICT SIGN REGULATIONS**

A. Signs in each District shall be subject to the following regulations:

<b>AG, RP, RR, R-1, R-2, and MHP DISTRICTS - PERMITTED SIGNS</b>	
<b>Ground signs for residential subdivisions, private road entrances to public streets when serving more than three (3) dwelling units, manufactured home parks, multiple family complexes, farms, schools, or other non-residential uses allowed in the District</b>	
Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet

<b>AG, RP, RR, R-1, R-2, and MHP DISTRICTS - PERMITTED SIGNS (cont.)</b>	
<b>Signs for home occupations</b>	
Number	One (1) per lot or parcel
Size	No greater than <b>sixteen (16) square feet</b>
Location	On wall of house facing street <b>or a freestanding sign that meets ALL other placement requirements in this Document</b>
<b>Wall signs for non-residential uses</b>	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed (not exceeding a maximum area of thirty-two (32) square feet)
Location	On wall of building facing street
<b>Political signs</b>	
Size	No greater than six (6) square feet, except in the AG and RP districts, such signs may be no greater than thirty-two (32) square feet.
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
<b>Real estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than six (6) square feet for occupied properties or lots, and for vacant lots of one (1) acre or less; or sixteen (16) square feet for parcels over one (1) acre
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet

<b>B-1 and B-2 COMMERCIAL DISTRICTS - PERMITTED SIGNS</b>	
<b>Ground signs</b>	
Number	One (1) per lot or parcel (Either a Ground Sign or a Freestanding sign is permitted for a use, but not both.)
Size	No greater than thirty-two (32) square feet
Location	Minimum of ten (10) feet from any property line
Height	No higher than six (6) feet
<b>Wall signs</b>	
Number	One (1) per street frontage
Size	No greater than ten (10) percent of the wall area facing the street (not exceeding a maximum sign area of two hundred (200) square feet)
Location	On wall of building facing street
<b>Political signs</b>	
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet

<b>B-1 and B-2 COMMERCIAL DISTRICTS - PERMITTED SIGNS (cont.)</b>	
<b>Real estate signs</b>	
Number	One (1) per street frontage
Size	No greater than thirty (30) square feet
Location	Minimum of five (5) feet any property line
Height	No higher than eight (8) feet
<b>Freestanding signs</b>	
Number	One (1) per lot or parcel (Either a Ground Sign or a Freestanding sign is permitted for a use, but not both.)
Size	Maximum of fifty (50) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than twenty (20) feet

<b>I-1 INDUSTRIAL DISTRICT - PERMITTED SIGNS</b>	
<b>Ground signs for individual uses, and entrances to industrial parks or subdivisions</b>	
Number	One (1) per lot or parcel; except for entrances to industrial parks or subdivisions, which shall be permitted an additional sign at the entrance to the park or subdivision
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
<b>Wall signs</b>	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed (not exceeding a maximum sign area of one hundred fifty (150) square feet)
Location	On wall of building facing street
<b>Political signs</b>	
Size	No greater than sixteen (16) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet
<b>Real estate signs</b>	
Number	One (1) per lot or parcel
Size	No greater than thirty (30) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet

## **SECTION 15.15 BILLBOARDS**

Billboards shall be permitted as an accessory use with Special Land Use approval in the B-2 (Highway Business) and I-1 (Industrial) Districts. See Section 16.7, D for specific standards.

## **CHAPTER 16 SPECIAL LAND USES**

### **SECTION 16.1      PURPOSE**

Special Land Uses are those uses of land that are compatible with permitted uses in a District, but possess characteristics or qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses. The criteria for approvals, specific use requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance that are applicable to the Special Land Use under consideration.

### **SECTION 16.2      APPLICATION AND REVIEW PROCEDURES**

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. An application for a Special Land Use approval shall consist of the following:
    - a. Twelve (12) copies of a Final Site Plan meeting the requirements of Section 14.4.
    - b. A completed application form, as provided by the County.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the County Board of Commissioners from time to time; to be paid upon authorization for advertising for a public hearing.
    - d. A legal description of the entire property that is the subject of the Special Land Use.
    - e. A statement describing how the special land use being requested meets the specific standards for the use, the criteria required for approval in Section 16.3, A, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f. Other materials as may be required by the Planning Commission.

B. Public Hearing

1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing to receive comments relative to the Special Land Use application.
2. The Planning Commission shall notify the Supervisor and Clerk of the Township in which the site is located, of the requested special land use and of the date, time, and location of the public hearing.
3. The Zoning Administrator shall cause a notice of the public hearing for the requested Special Land Use, to be mailed or personally delivered to all owners of real property within three hundred (300) feet of the parcel in question. The notice shall also be sent to all occupants of property within three hundred (300) feet of the property in question. If the name of the occupant is not known, the term “occupant” may be used. For dwellings or other buildings with more than four (4) separate rented or leased spaces, a separate notice for each occupant or renter is not required, but it shall be sent to the owner or manager of the property, with a request to post the notice in a conspicuous place on the property. Said notice shall be given not less than five (5) days, nor more than fifteen (15) days prior to the public hearing. The notice shall include the following:
  - a. A description of the Special Land Use;
  - b. Indicate the geographic areas included in the special land use request;
  - c. Statement of when and where the request shall be heard; and
  - d. Indicate when and where written comments may be received concerning the request.

C. Planning Commission Action

1. Following the public hearing and consideration of all relevant materials submitted in conjunction with the request, the Planning Commission shall make a decision based on the standards of Section 16.3. The Planning Commission shall approve, approve with conditions, or deny the request.
2. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
3. If denied, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy of that record, or a written explanation.
4. The Zoning Board of Appeals shall be authorized to hear appeals from Special

Land Use requests that have been denied by the Planning Commission.

### **SECTION 16.3 BASIS OF DETERMINATION**

Prior to approval of a Special Land Use application, the Planning Commission shall insure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:
  - 1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - 2. The Special Land Use shall not change the essential character of the surrounding area.
  - 3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment that will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, dust, fumes or glare.
  - 4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
- B. The Planning Commission may impose conditions with the approval of a Special Land Use that are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.
- C. If, after the establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall be corrected within sixty (60) days after written notice from the Zoning Administrator, at the direction of the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 16.5, shall be initiated.

### **SECTION 16.4 APPROVAL TERM AND EXPIRATION**

- A. Within one (1) year of the date of approval of a Special Land Use, the use must be in operation, or the construction necessary for such use to be in operation shall have begun

and shall be proceeding meaningfully toward completion. A one (1) year extension may be requested, and only granted if the Planning Commission finds the proposed use continues to meet the approval standards in Section 16.3, A, and the specific standards for the use. The Special Land Use shall remain valid indefinitely, unless revoked as outlined in Section 16.5.

- B. An applicant may request an extension of the approval of the Special Land Use in a letter addressed to the Zoning Administrator, outlining the reasons for the extension. Such request for extension shall be submitted prior to the expiration of the Special Land Use approval.
- C. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid, and any building permit shall be revoked.
- D. A Special Land Use approval, including conditions imposed, is attached to, and shall run with the land for which the approval is granted. Further, such approval and conditions shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded with the Gratiot County Register of Deeds.
- E. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as if it were an original application.

#### **SECTION 16.5 REVOCATION OF SPECIAL LAND USE APPROVAL**

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 16.2, B.

#### **SECTION 16.6 EXISTING SPECIAL LAND USES**

Uses of land and/or development projects granted Special Land Use status by the County prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the Special Land Use are met. Any expansion, modification, addition, or alteration to an existing Special Land Use shall not take place unless such expansion, modification, addition, or alteration conforms with the standards and requirements of this Ordinance.

#### **SECTION 16.7 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Uses shall be subject to the requirements of the District in which it is

located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Adult uses.
- B. Agricultural processing and warehousing (Agribusiness).
- C. Bed and breakfast establishments.
- D. Billboards.
- E. Bulk oil and gasoline distribution facilities.
- F. Cellular or wireless transmission towers.
- G. Cemeteries.
- H. Churches.
- I. Commercial storage warehouses.
- J. Commercial greenhouses and nurseries.
- K. Community centers and public parks.
- L. Country clubs and golf courses.
- M. Establishments with drive-through facilities, including financial institutions, dry cleaners, pharmacies, and similar personal services.
- N. Farm labor dwellings.
- O. Forest management operations; and, Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
- P. Funeral homes and mortuary establishments.
- Q. Gas stations.
- R. Group day care homes or facilities; or Commercial day care centers.
- S. Hotels and motels.
- T. Junk yards and salvage yards.
- U. Lumber and planing mills.

- V. Municipal buildings.
- W. Open air businesses.
- X. Outdoor commercial recreation, including related accessory retail or restaurant uses, incidental to the primary use.
- Y. Planned Unit Developments.
- Z. Private recreation areas, including gun clubs.
- AA. Public or private campgrounds.
- BB. Public or private schools.
- CC. Public utility buildings, without storage yards.
- DD. Raising of fur bearing animals or game birds.
- EE. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- FF. Restaurants with drive-through facilities.
- GG. Riding stables.
- HH. Sanitary landfills.
- II. Stamping or punch press operations.
- JJ. Theaters, or similar places of public assembly.
- KK. Truck terminals, freight terminals and maintenance facilities.
- LL. Two-family, and multiple family dwellings.
- MM. Vehicle repair shops, including body shops.
- NN. Vehicle wash establishments, either self-serve or automatic.
- OO. Veterinary hospitals, animal clinics, and commercial kennels.
- PP. Wind Energy Facility

**A. Adult uses.**

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities prohibited in other sections of the Zoning Ordinance.
  
2. Any adult use is permitted if:
  - a. The use is located within a zone district where the use may be permitted as a Special Land Use.
  
  - b. The use is not located within a 1,000 foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
    - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
  
    - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  
    - iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
  
    - iv. That all applicable state laws and local ordinances will be observed.
  
    - v. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

- c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by County, state, fire, health, or building codes.
- d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
- e. No alcohol shall be served at any adult use.
- f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
- g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- h. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.

**B. Agricultural Processing and Warehousing (Agribusiness).**

- 1. The applicant shall provide the following information in addition to all items required in Section 14.4, C:
  - a. The size, nature, and character of the proposed use.
  - b. The proximity and impacts of the proposed use on adjoining properties.
  - c. The extent of traffic congestion or hazard that would accompany such a use.
  - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
  - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
  - f. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 2.29.
- 2. Trash containers shall be enclosed by a structure screened on at least three (3) sides.

3. The property shall be kept free of litter, and in a sanitary condition.
4. The use shall be located adjacent to a county primary road, and access to the use shall be from said road.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street, or from the nearest edge of any other driveway.
6. Reasonable and practicable measures shall be taken to minimize the effect of odor, vapor, glare, heat, or smoke from the special use on adjacent properties.

**C. Bed and breakfast establishments.**

1. The establishment shall be served by adequate water and sanitary solid waste disposal, as approved by the Public Health Department.
2. The establishment shall be located on property with direct access to a public street.
3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single family dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds the minimum lot size for the Zoning District in which the use is located. However, the total number of guest rooms shall not exceed a maximum of seven (7) in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, not to exceed sixteen (16) square feet in size, and six (6) feet in height. The sign may be indirectly illuminated, and shall not cause a hazard to motorists on the adjacent roadway.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants,

bakeries, and so forth.

11. Meals shall be served only to the family of the operator, employees of the bed and breakfast, and overnight guests.

**D. Billboards**

1. One (1) billboard may be permitted as an accessory use on a parcel, with or without an existing use. However, the billboard shall be setback from any other structure on the lot, and from any property line, equal to the height of the billboard.
2. Two (2) signs may be counted as a single billboard, if the signs are placed back-to-back.
3. The maximum height of the billboards shall be no higher than that permitted in the district in which the billboard is located. A minimum clearance of twelve (12) feet from the ground to the bottom of the billboard shall be required.
4. No billboard may be located within one thousand (1,000) feet of another billboard.
5. Billboards shall not be illuminated.
6. No animation or moving parts shall be permitted on any billboard.
7. In no case shall the provisions outlined herein be contrary to the Highway Advertising Act of 1972, as amended (PA 106 of 1972).

**E. Bulk oil, gasoline, liquid propane gas, and compressed natural gas distribution and storage facilities.**

1. All federal and state requirements for construction, location, installation, containment areas, and similar matters shall be satisfied. All necessary federal and state permits shall be obtained and submitted to the Township prior to construction.
2. The Planning Commission shall determine that vehicles entering and leaving the proposed site will not cause unreasonable danger to traffic.
3. The proposed site shall abut a state highway or county primary road.
4. Retail sales shall not be permitted.
5. No storage shall take place closer than two hundred (200) feet from any property line, or a greater distance if required by applicable state or federal regulations.

6. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the Special Land Use approval.
7. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, federal or state requirements may be imposed.
8. Outdoor storage of empty tanks for sale or lease to the public shall be permitted only in the I-1 District.
9. The site shall be designed to permit easy access by emergency vehicles.
10. Total liquid storage capacity on the proposed site shall not exceed seventy-five thousand (75,000) gallons.

**F. Cellular or wireless transmission towers.**

1. The height of the tower shall comply with the requirements of the Gratiot County Airport Zoning Ordinance.
2. A security fence at least six (6) feet in height, but not higher than ten (10) feet, shall be constructed around the tower and any other related appurtenances.
3. The tower base shall be setback from all dwellings and/or roadways a minimum distance equal to the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
4. Where possible, joint use of tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the County. As a condition of approval, the applicant shall:
  - a. Agree to permit future users to share the tower facility, and
  - b. Shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
5. No new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular wireless transmission tower.
6. No signs, except for warning, or other cautionary signs shall be permitted on the site.
7. A condition of every approval of a Cellular Transmission Tower shall be that adequate provisions for removal of all or part of the facility by users and owners. The application shall include a performance guarantee to be posted at the time of receiving a building permit for the facility to ensure its removal if it is ever

abandoned, or is no longer in use. In this regard, the guarantee shall, at the election of the applicant, be in the form of cash, or surety bond establishing a promise of the applicant to remove the facility in a timely fashion. Further, the applicant shall be responsible for the payment of costs and attorney fees incurred by the County in securing removal of the facility, if the applicant fails to remove it as outlined in this subsection. Abandonment or discontinuance of use of the facility shall be determined when any of the following conditions are evident:

- a. Utilities, such as electricity to the property, have been disconnected;
- b. The property, buildings, and grounds, have fallen into disrepair;
- c. Signs or other external indications of the existence of the use have been removed;
- d. Removal of equipment or fixtures that are necessary for the operation of the use;
- e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the owner or lessee to abandon the use.

**G. Cemeteries.**

1. Minimum lot size of five (5) acres is required.
2. Plan must show any interior roads, including type of construction, and outline burial plot areas.
3. A fence, not less than five (5) foot tall shall be required along any property line not adjacent to a road right-of-way.
4. One (1) sign shall be permitted. Such sign shall conform to the regulations for signs for the Zoning District in which it is located.
5. Storage buildings for lawn, or other such maintenance equipment shall be located no closer than one hundred fifty (150) feet from the front lot line.

**H. Churches.**

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity, or fraction thereof in excess of one hundred (100).
2. Minimum lot width shall be two hundred (200) feet.

3. The property shall be located such that at least one (1) side of the property abuts and has access to a County primary road.

**I. Commercial storage warehouses.**

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-1 District.
3. Parking and circulation:
  - a. One (1) parking space shall be provided for each ten (10) storage units, equally distributed throughout the storage area.
  - b. Two (2) parking spaces shall also be required for the residence of security personnel, or on-site operator employed on the premises.
  - c. One (1) parking space shall also be required for every twenty (20) storage units, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
  - d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
4. No more than eighty percent (80%) of the site shall be covered with buildings or pavement.
5. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of a material approved by the Planning Commission, such as but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least twenty (20) feet from the road right-of-way, and twenty (20) feet on the side and rear yard.
6. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, in accordance with Section 2.29.
7. The facility shall be lighted to insure optimal security. Any lights shall be shielded to direct light onto the use, and away from the adjacent properties.
8. In addition to any standards in this subsection, outside storage may be permitted, but shall also comply with the following:
  - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.

- b. A decorative and aesthetically pleasing fence shall be required with a minimum height of eight (8) feet, and maximum height of ten (10) feet.
9. No toxic, hazardous, or flammable materials may be stored in such storage unit.
10. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

**J. Commercial greenhouses and nurseries.**

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard, or occupy any required parking or maneuvering areas for vehicles.
5. The principal and accessory buildings shall comply with the required setbacks for principal buildings for the Zoning District in which such use is located.

**K. Community centers and public parks.**

1. Minimum lot size of two (2) acres shall be required.
2. Principal buildings shall be setback at least fifty (50) feet from any property line.
3. Off-street parking for the use shall meet the standards for, “Assembly halls without fixed seats” as outlined in Chapter 15, in this Ordinance. Off-street parking for either passive or active public parks shall meet one (1) parking space for each 4,500 square feet of public park area.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
5. Lighting for off-street parking areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
6. Parks shall close at dusk, and shall be gated, whenever practicable. Community center buildings that may be rented, shall not be open between the hours of one

o'clock (1:00) A.M., and six o'clock (6:00) A.M.

**L. Country clubs and golf courses.**

1. The use shall be located on property with direct access to a primary road.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District.
3. Lighting for parking areas shall be shielded to prevent light from spilling onto any Residential District.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any adjacent driveway.
5. The parking area and clubhouse shall be setback at least one hundred (100) feet from any property line.

**M. Establishments with drive-through facilities, including financial institutions, dry cleaners, pharmacies, and similar personal services.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of five (5) stacking spaces for the service ordering station shall be provided.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. Off-street parking areas shall have side and rear yard setbacks of at least twenty (20) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.

**N. Farm labor dwellings.**

1. Seasonal Farm Labor Dwellings.

- a. Such dwellings shall be for farm laborers, and their immediate families. The dwellings may not be used for members of the immediate family of the owner/operator of the farm.
- b. Each dwelling must be at least seven hundred twenty (720) square feet in area, and a minimum of twenty (20) feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable County Building Codes.
- c. Each additional Seasonal Farm Labor Dwelling, after the first three (3), must be applied for separately.
- d. The dwellings may not be located closer than fifty (50) feet to any property line, and no closer than ten (10) feet to any other building on the parcel.
- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.
- f. Such dwellings shall be occupied no longer than seven (7) months in any one (1) calendar year.

2. Permanent Farm Labor Dwellings.

- a. Such dwellings shall be for farm laborers, and their immediate families.
- b. Each dwelling must be at least nine hundred sixty (960) square feet in area. Each sleeping room must comply with any applicable County Building Codes.
- c. Each Permanent Farm Labor Dwelling must be applied for separately.
- d. The dwelling may not be located closer than fifty (50) feet to any property line, and no closer than twenty (20) feet to any other building on the parcel.
- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.

**O. Forest management operations; and Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.**

1. Principal and accessory buildings shall not be located within three hundred (300)

feet of any residential use or district property line.

2. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
3. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
4. The applicant shall provide a site plan showing the following information:
  - a. The size, nature and character, and duration of the proposed use.
  - b. The proximity and impacts of the proposed use on adjoining properties.
  - c. The extent of traffic congestion or hazard that would accompany such a use.
  - d. The total effect of the proposed use on adjoining properties and the surrounding area.
  - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the interior roads and parking area.
5. Lighting for any outdoor storage or parking areas shall be shielded to prevent light from spilling onto any adjacent property.
6. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.
7. The property shall be kept free of litter, and in a sanitary condition.
8. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.
9. A plan for site rehabilitation shall be submitted for review, and approval by the Planning Commission.
10. The proposed site shall abut a state highway or county primary road.

**P. Funeral homes and mortuary establishments.**

1. Lighting for parking areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
2. An off-street vehicle assembly area shall be provided for funeral processions and

activities. This area shall be in addition to the required off-street parking and related maneuvering areas.

3. No off-street parking spaces, or the vehicle assembly area shall be designed to require vehicles to back across any sidewalk, or right-of-way line.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any adjacent driveway.
5. The owner, or an employee, of the funeral home or mortuary establishment, may also have their residence on premises.

**Q. Gas stations.**

1. Pump islands shall be a minimum of thirty (30) feet from any public right-of-way or lot line.
2. All equipment and activities shall be kept within an enclosed building.
3. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
5. Canopy roofs shall be permitted to encroach into any required yard, provided that no portion of the canopy shall be closer than ten (10) feet to any property line, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any adjacent driveway.
7. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.
8. Where adjoining residentially zoned property, a buffer or greenbelt shall be provided in accordance with Section 2.29. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

**R. Group day care homes or facilities; or Commercial day care centers.**

1. The use may not be closer than 1,500 feet to any of the following:
  - a. Another licensed Group Day Care Home

- b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
- c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
- d. A community correction center, resident home, half-way house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, or county and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

- 2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
- 3. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
- 4. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least 2,500 square feet in size.
- 5. The property shall be consistent with the characteristics of the neighborhood.
- 6. The facility shall not exceed sixteen (16) hours of operations during a twenty-four (24) hour period, and shall not operate between the hours of ten o'clock (10:00) P.M., and five o'clock (5:00) A.M.
- 7. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.
- 8. Inspections shall be conducted at least once a year to ensure compliance with these standards.

**S. Hotels and motels.**

- 1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred fifty (250) feet.
- 2. Parking areas shall have a front yard setback of thirty (30) feet, and side and rear yard setbacks of fifteen (15) feet.
- 3. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any adjacent driveway.

4. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

**T. Junk yards and salvage yards.**

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation, detail for recycling (if applicable), and ultimate destination of materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary County, state, and federal laws.
2. The site shall be provided with suitable access to a county road to ensure safe, direct transport of salvage to and from the site.
3. The fence enclosing the storage area shall be setback at least one hundred fifty (150) feet from any residential use, and at least one hundred (100) feet from any property line. Further, no portion of the use shall be located within one-thousand (1,000) feet of any body of water.
4. Any outdoor storage area shall be completely enclosed by a solid fence or wall. Such fence or wall shall be depicted on the site plan, and shall be approved by the Code Official prior to construction of same. The fence or wall shall be at least six (6) feet in height constructed of a sturdy, durable material, and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The storage enclosure shall have a minimum of two (2) non-transparent gates not exceeding twenty four (24) feet in width, each, to provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or roads. Said fence or wall shall be continuously maintained in good condition.
5. Stored materials shall not be placed outside the required fenced or screened area and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or screen.
6. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. Piles of material shall be limited to encompassing not more than five hundred (500) square feet in area, and a twenty (20) foot separation shall be required between each pile.

9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a way that prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
13. The property shall be a minimum of at least ten (10) acres in area.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

**U. Lumber and planing mills.**

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use and any adjacent residential uses, as outlined in Section 2.29.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
6. The property shall be kept free of litter, and in a sanitary condition.
7. Reasonable measures shall be taken by the applicant, to the best of their ability, to keep gas, odor, glare, heat, and smoke to a minimum.

**V. Municipal buildings.**

1. Minimum lot size of two (2) acres shall be required.
2. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
3. The principal and accessory buildings, and storage areas shall not be located within fifty (50) feet of any lot line. However, such areas shall be setback at least one hundred (100) feet from the road right-of-way.
4. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District.
5. Outside storage of materials shall not occupy more than forty percent (40%) of the total lot area. Such storage area shall be screened by a solid fence, wall, or fence and compact evergreen hedge, at least six (6) feet, but not more than ten (10) feet in height.
6. Off-street parking areas for visitors or employees shall be setback at least forty (40) feet from the front lot line, and twenty (20) feet from the side and rear lot lines.

**W. Open air businesses.**

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any adjacent property.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard, or occupy any required parking or maneuvering areas for vehicles.

**X. Outdoor commercial recreation, including related accessory retail or restaurant uses, incidental to the primary use.**

1. The use shall be located on property with direct access to a county primary road.
2. Any outdoor activity areas, including, but not limited to picnic areas, ball fields, viewing stands or bleachers, walking or biking trails, go-cart tracks, paint-ball related activity areas, and other similar areas shall be set back at least one hundred

fifty (150) feet from all lot lines.

3. Lighting for parking areas and outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
4. Access driveways shall be located at least one hundred (100) feet from the center line of any intersecting street or adjacent driveway.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.29.
6. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.

**Y. Planned Unit Developments (PUD).**

1. Description and Purpose.
  - a. The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) main building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD), is intended to permit and control the development of planned areas for various compatible uses allowed by this Zoning Ordinance, and for other exceptional uses not so provided.
  - b. It is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.
  - c. Under this Subsection, all proceedings shall be conducted with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality, and other similar considerations affecting public health, safety and general welfare of the people of the surrounding area.
2. Objectives and Qualifying Conditions.
  - a. The following objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible,

comprehensive, long-range planning, and development of such planned development:

- i. To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural features.
  - ii. To encourage the provision of open space and the development of recreational and, where included in the plan, other support facilities in a generally central location within reasonable distance of all living units, or working/shopping outlets.
  - iii. To encourage developers to use a more creative and imaginative approach in the development of areas.
  - iv. To encourage underground utilities that can be more efficiently designed when master planning a larger area.
  - v. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned, and approved by the County.
  - vi. To promote flexibility in design and permit planned diversification in the location of structures.
  - vii. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
  - viii. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.
  - ix. To insure a quality of construction commensurate with other developments in the County.
- b. Any proposed PUD must meet the following qualifying conditions:
- i. The tract of land for which a PUD application is received must be either in one (1) ownership, or the subject of an application filed jointly by the owners of all affected properties.
  - ii. The property that is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area, unless specified elsewhere in this subsection.

- iii. To be considered as a PUD the proposed development must fulfill at least one (1) of the following conditions:
  - (1) The PUD contains two (2) or more separate and distinct uses, for example, single family and multiple family dwellings;
  - (2) The PUD site exhibits significant natural features encompassing at least twenty percent (20%) of the land area of the PUD, which will be preserved as a result of the plan.
  - (3) The PUD is designed to preserve in perpetuity at least twenty percent (20%) of the total area of the site for open space.
  
- iv. Basis of Determination - Prior to approval of a Planned Unit Development application, the Planning Commission shall insure that the standards specified in this subparagraph, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion of the Planned Unit Development under consideration.
  - (1) General Standards - The Planning Commission shall review the particular circumstances of the Planned Unit Development application under consideration in terms of the following standards, and shall approve a Planned Unit Development only upon a finding of compliance with each of the following standards:
    - (a) The standards outlined in Section 16.3;
    - (b) The standards of review for Site Plan Review in Section 14.5;
    - (c) The applicable standards of this subparagraph; and
    - (d) The applicable standards as may be established elsewhere in this Ordinance.
  - (2) Conditions - The Planning Commission may impose conditions with the approval of a Planned Unit Development which are necessary to insure compliance with the standards for approval stated in this subsection, and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Planned Unit Development approval, and shall be enforced by the Zoning Administrator.

3. Application Procedures.
  - a. An application for a Planned Unit Development shall be submitted, and acted upon as a Special Land Use in accordance with the requirements of Chapter 16, and as noted in this subparagraph.
  - b. In addition to the requirements of a Special Land Use, an application for Planned Unit Development shall be accompanied by a statement with regard to compliance with the criteria required for approval in Section 16.7, Y, 2, and other criteria imposed by this Ordinance affecting the Planned Unit Development under consideration.
  - c. Review and Approval - The Planning Commission shall review the application for a Planned Unit Development, the site plan, and other materials submitted in relation to the application. After such review, the Planning Commission may deny, approve, or approve with conditions, the Planned Unit Development application in accordance with the purpose of this Section, and the criteria for approval stated in Section 16.7, Y, 2. Other such standards contained in this Ordinance that relate to the Planned Unit Development under consideration, including those for Site Plan Review will also be considered by the Planning Commission. The Planning Commission shall prepare a report stating its conclusions on the request for a Planned Unit Development, the basis for this decision, any conditions relating to an affirmative decision, or reasons for denial.
4. Open Space Preservation Option - At least twenty percent (50%) of the site must be set aside, and designated as open space. Open space provided in the PUD shall meet the following conditions and requirements:
  - a. Additional open space may be established to separate use areas within the PUD.
  - b. Open space areas shall be large enough, and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
  - c. Open space may be provided where significant natural features may be preserved, or be used for passive or active recreation.
  - d. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
  - e. Designated open space shall be set aside by means of a conveyance approved by the County Board of Commissioners. The conveyance shall state and outline:

- i. that the open space is protected from all forms of development except as shown on the approved site plan;
  - ii. that the open space shall not be changed to another use without the consent of the County;
  - iii. the proposed allowable use of the designated open space;
  - iv. that the designated open space is maintained by the parties who have an ownership interest in the open space;
  - v. the scheduled maintenance of the open space; and,
  - vi. that the maintenance of the open space may be undertaken by the County in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the County for such maintenance shall be assessed against the property owners.
- f. To the extent possible, dedicated open space areas shall be continuous and contiguous throughout the PUD. Open space areas shall be large enough and of proper dimensions so as to contribute significantly to the purpose and objectives of the PUD.
- i. All open space provided under these provisions shall meet the following criteria:
    - (1) The open space shall not be part of any building lot included in the development.
    - (2) The open space shall be in contiguous areas, and shall not be of an unusual shape, configuration, or other conditions that would make the open space largely unusable.
    - (3) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre (if served by a public sewer system, 3 or fewer dwelling units per acre).
    - (4) Not less than 50% of the land will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means.
    - (5) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the Open Space Option would also depend upon such an extension.

(6) The Open Space Option has not previously been exercised with respect to the land.

5. PUDs in a Residential District.

- a. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Residential District:
  - i. Single-family detached dwellings.
  - ii. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
  - iii. Multiple-family dwellings, provided that such units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.
  - iv. Permitted Uses in the C-1 District, subject to the standards noted for non-residential uses in the PUD, Section, 16.7, Y, 5, f, and the requirements of the C-1 District.
- b. The maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one (1) Future Land Use category, the number of dwelling units shall be calculated on a proportionate basis.
- c. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by taking the total site area, and subtracting lands used or dedicated for public easements and public or private road right-of-ways.
- d. The minimum setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, unless the Planning Commission finds that slight deviations from those standards is necessary for the site to meet the objectives of this Section.
- e. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 16.7, Y, 4.
- f. Non-Residential Uses.
  - i. All non-residential uses allowed in the PUD, shall occupy no more

than ten percent (10%) of the PUD project's developable area.

- ii. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
- iii. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood or the PUD.
- iv. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
- v. Buildings designed for non-residential uses shall be constructed according to the following requirements:
  - (1) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
  - (2) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

6. PUDs in a Commercial District.

- a. The minimum area required for a parcel to be considered as a Commercial PUD shall be not less than five (5) contiguous acres.
- b. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in a Commercial District:
  - i. Retail Businesses where no treatment or manufacturing is required.
  - ii. Personal service establishments which perform services on the premises
    - (1) small appliance, television, radio, or watch repair shops,
    - (2) tailor shops,
    - (3) beauty salons or barber shops,
    - (4) photographic studios, and
    - (5) self-service laundries and pick-up dry cleaners.

- iii. Banks, credit unions, and other financial institutions.
  - iv. Office buildings.
  - v. Restaurants, and private clubs, provided such restaurants shall not offer drive-through facilities.
  - vi. Accessory buildings and uses customarily incidental to the foregoing uses.
  - c. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
7. PUDs in an Industrial District.
- a. The minimum area required for a parcel to be considered as an Industrial PUD shall be no less than ten (10) contiguous acres.
  - b. The following uses may be permitted, either singly, or in combination, in accordance with the applicable PUD requirements, in an Industrial District:
    - i. Industrial manufacturing operations and operations for the servicing, compounding, assembly, or treatment of articles or merchandise.
    - ii. Research and development facilities, including production activities which shall be limited to fifty (50) percent of the floor area of the building.
    - iii. Warehousing, including refrigerated and general storage.
    - iv. Motor freight, truck, and warehousing business.
    - v. Any accessory offices, shipping, receiving, and warehousing with a permitted principal use.
    - vi. Related essential public services ancillary to the Industrial PUD.
    - vii. Accessory buildings and uses customarily incidental to the foregoing uses.
  - c. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.
  - d. Open space in PUDs with an underlying Industrial District.

- i. A buffer strip, not less than seventy-five (75) feet wide shall surround the site.
  - ii. No development shall be permitted in this buffer strip, except for street, utility easements, or driveways.
  - iii. This buffer strip shall exempt PUDs with an underlying Industrial District from the open space requirements in Section 16.7, Y, 4.
- 8. Required Conditions.
  - a. All electric, television cable, telephone transmission wires, and other such public or private utilities within the PUD shall be placed underground.
  - b. Parking is required in accordance with Chapter 15.
  - c. Signs are permitted in accordance with the requirements of Chapter 15.

**Z. Private recreation areas, including gun clubs.**

- 1. Minimum lot size of forty (40) acres shall be required.
- 2. Hours of operation shall be from 9:00 a.m. to sundown.
- 3. The use shall be located on property with direct access to a public road.
- 4. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district. In the case of shooting ranges, a minimum setback of two hundred fifty (250) feet from all property lines shall be established.
- 5. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
- 6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
- 7. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special featured must be submitted.
- 8. All existing and proposed buildings shall be shown.
- 9. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
- 10. The rifle and pistol ranges shall not be located any closer than one-quarter (1/4) mile from any church, school, or residential use. Further, such ranges shall have

adequate backstops.

**AA. Public or private campgrounds.**

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
2. The campground must provide a Health Department approved sewage disposal and water system.
3. Minimum lot size of five (5) acres is required for the first twenty-five (25) sites, and two (2) acres for each additional fifteen (15) sites, or fraction thereof.
4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District, or across any property line.
5. The setback for any campsite, building, facility, or outdoor activity area, shall be at least fifty (50) feet from any property line.
6. The property must be screened with a six (6) foot fence, or proper greenbelt, as outlined in Section 2.29, when adjacent to a residential use.
7. A store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half (½) the required amount for retail outlets, as outlined in this ordinance.

**BB. Public or private schools.**

1. Minimum lot size:
  - a. For Elementary schools a minimum of five (5) acres.
  - b. For Secondary schools a minimum of ten (10) acres.
  - c. For trade, martial arts, or other professional or technical schools, a minimum of one (1) acre.
2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading area will not be in the path of vehicular traffic.
4. The off-street parking shall meet the requirements outlined in this Ordinance.
5. Sidewalks shall be required connecting the off-street parking area to the main

entrance to the school.

6. The main school building shall be one hundred (100) feet from any property line.
7. Practice and playing fields, tracks, and ball diamonds shall be setback at least fifty (50) feet from any property line.

**CC. Public Utility Buildings, without storage yards.**

1. Any such building shall be generally compatible in type of construction, materials, and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the District in which it is located.
3. Lighting for such uses shall be shielded to prevent light from spilling onto adjacent property.

**DD. Raising of fur bearing animals or game birds.**

1. The applicant must offer proof of a license or permit from the Michigan Department of Environmental Quality, such permits are commonly referred to as Permit to Hold Wildlife in Captivity or a Game Breeder's License. If the use is not commercial, then a Possession Permit or any other permit required by State law must be obtained.
2. Minimum setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing the animals or birds.
3. The area set aside for the raising of the animals or birds shall be used exclusively for such use. Any portion of the lot not set aside for the special land use, may have other uses on the lot that are permitted by right in the AG District.
4. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Environmental Quality.
5. Hunting of animals or birds for sport or profit may be permitted in designated areas subject to State laws pertaining to separation distances required between hunting areas and residential structures.
6. Animal waste shall be disposed of in safe manner, as recommended by the Public Health Department. Such disposal shall not constitute a hazard to adjacent property owners.

**EE. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.**

1. No soil, sand, gravel, or other earth material shall be removed from any land within the County without Special Land Use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the County;
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. When the earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
  - d. When the earth removal involves less than five hundred (500) cubic yards;
  - e. When the earth removal is for construction of a swimming pool.
  - f. When the soil removal will not be in violation of any other section of this ordinance, other County ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
2. In addition to the materials required by this Chapter, the application for Commercial Removal and Processing of Soil, Sand, Gravel, or Other Mineral Resources, shall include the following:
  - a. A written legal description of all of the lands proposed for the use.
  - b. Ten (10) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
    - i. A north arrow, scale, and date;
    - ii. Shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - iii. The location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - iv. The location and nature of all structures on the lands;
    - v. The location and direction of all water courses and flood control channels that may be affected by the mineral removal operations;

- vi. Existing elevations of the lands at intervals of not more than five (5) feet;
  - vii. Typical cross sections showing the estimated extent of overburden, and estimated extent of mineral material location in, or on the lands, and the water table;
  - viii. Mineral processing and storage areas;
  - ix. Proposed fencing, gates, parking areas, and signs;
  - x. Roads for ingress to, and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
  - xi. A map showing access routes between the subject lands and the nearest County Primary Arterial road; and
  - xii. Areas to be used for ponding.
- c. A narrative description and explanation of the proposed mineral removal operations and activities, including:
- i. The date of commencement;
  - ii. Proposed hours and days of operation;
  - iii. Estimation by type and quantity of mineral materials to be removed;
  - iv. Description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof; and
  - v. A summary of the procedures and practices that will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan including the following:
- i. A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing;
  - ii. A plan showing:
    - (1) Final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet;

- (2) Water courses, ponds, or lakes, if any;
      - (3) Landscaping and plantings;
      - (4) Areas of cut and fill; and
      - (5) All of the components of the proposed end-use(s);
    - iii. A description of the proposed methods or features that will ensure that the end-use is feasible, and can comply with all applicable requirements of this Ordinance.
  - e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for, and consequences of, such extraction if it is believed the extraction may have an adverse impact on natural topography, drainage, water bodies, flood plains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - b. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - c. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - d. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - e. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure subterranean support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District.

5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets, and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations. However, the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material. Such fence shall be at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
9. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming Gratiot County as the insured party, and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the County Planner as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator. Further, only if the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the

terms of the permit.

- b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the special use is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

**FF. Restaurants with drive-through facilities.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided.
2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
3. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
4. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
5. Access driveways shall be located at least one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
6. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides.
7. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
8. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.

**GG. Riding stables.**

1. The minimum lot size shall be ten (10) acres.
2. The maximum horse population shall be limited to two (2) horses per acre.

3. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
6. All egress points and off-street parking areas shall be treated so as to minimize the effect of odor, vapor, glare, heat, or smoke from the use, on adjacent properties.
7. All outdoor lighting shielded and installed so that light shall not overflow onto adjacent property.
8. One and one half (1.5) off-street parking spaces shall be provided for each horse kept on-site, plus any required any other related use accessory to the stable.
9. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
10. The riding trail shall not adversely affect adjacent property owners.

**HH. Sanitary landfills.**

1. Minimum lot size of forty (40) acres.
2. The use shall be located on a paved County road.
3. The use shall be located no closer than one-quarter (1/4) mile from a residential zoning district.
4. A site rehabilitation plan shall be submitted as outlined in Section 16.7, EE, for "Removal and processing of topsoil, stone, rock, sand, gravel, lime, or other soil or mineral resources".
5. The use shall be designed and constructed as required by the Michigan Department of Environmental Quality for sanitary landfill licensing.

**II. Stamping or punch press operations.**

1. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use and any

adjacent residential uses, as outlined in Section 2.29.

3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
5. Trash containers shall be enclosed by a structure screened on at least three (3) sides.
6. The property shall be kept free of litter, and in a sanitary condition.
7. Reasonable and practicable measures shall be taken to minimize the effect of odor, vapor, glare, heat, or smoke from the use, on adjacent properties.

**JJ. Theaters, or similar places of public assembly.**

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling across any property line.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or adjacent driveway.
4. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be submitted by the applicant. Such study shall describe internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets that are likely to provide access to the site.

**KK. Truck terminals, freight terminals and maintenance facilities.**

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a County Primary road. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

5. Access driveways shall be located at least one hundred fifty (150) feet from the nearest part of the intersection of any street or any other driveway.
6. Disabled or inoperable trucks shall not be parked outside of an enclosed building more than five (5) consecutive days.

**LL. Two-family, and multiple family dwellings.**

1. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of twenty (20) feet.
2. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway for any other main building.
3. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half (1½) times the height of the taller building.
4. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
5. Off-street parking areas shall be hard surfaced.
6. Maximum density of four (4) units per acre may be permitted, written approval from the Public Health Department.
7. Waste and recycling dumpster enclosures shall be screened on at least three (3) sides.

**MM. Vehicle repair shops, including body shops.**

1. If gasoline is sold for retail purposes, gas pump islands shall be a minimum of thirty (30) feet from any lot line.
2. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
3. Retail sales of convenience goods and food items shall be prohibited.
4. Canopy roofs shall be permitted to encroach into any required yard, provided that no part of the canopy shall be closer than ten (10) feet to any lot line, and that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
5. Access driveways shall be located no less than one hundred (100) feet from the right-of-way line of any intersecting street or adjacent driveway.

6. Where adjoining a Residential District, a proper buffer strip shall be planted as outline in Section 2.29.
7. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles shall not exceed a maximum of ten (10) such vehicles.
8. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
9. Vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

**NN. Vehicle wash establishments, either self-serve or automatic.**

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District.
3. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or adjacent driveway.
4. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

**OO. Veterinary hospitals, animal clinics, and commercial kennels.**

1. The minimum lot size shall be two (2) acres for the first ten (10) animals, plus one acre for each additional five animals, over the first ten (10).
2. Buildings in which animals are kept, runs, or exercise areas shall not be located nearer than one hundred (100) feet to any lot line.
3. A proper buffer or greenbelt complete with trees, shall be provided between any

runs, or exercise areas, and adjacent residential properties, as outlined in Section 2.29.

**PP. Wind Energy Facility**

1. Wind Energy Facility Special Use Purpose and Intent

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Gratiot County, in an effort to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy Facility Overlay District shall be considered a map amendment, wherein lands so classified shall become pre-qualified for a Wind Energy Facility with construction of such facility approved pursuant to Chapter 14 Wind Energy Facility Site Plan review portion of the Gratiot County Zoning Ordinance. It is further recognized that a Wind Energy Facility Overlay District is intended as an agricultural preservation measure. This shall be applicable for wind turbines with a total height greater than 200 feet.

2. Regulatory Framework

a. Zoning

A Wind Energy Facility may be constructed on land that is within a Wind Energy Facility Overlay District on the official zoning map for the County, subject to provisions and standards of the Zoning Ordinance, Wind Energy Facility Site Plan Review and other appropriate Approvals.

b. Principal or Accessory Use

A Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A difference existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a non-conforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to the Zoning Ordinance.

c. Overlay District

After designation as a Wind Energy Overlay District, new uses within the “overlay” area shall be limited to those uses identified within the applicable zoning district and Wind Energy Facilities, subject to any additional standards of this Section.

3. Applicability

The requirements in this ordinance shall apply to all Wind Energy Conversion Facilities, which shall be permitted as a special use in a Wind Energy Facility's Overlay District. Wind Energy Facilities Site Plan Review standards shall be used when reviewing any application for a wind energy facility.

4. Certification

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices. Applicant shall provide as-built GIS shape file, electronic file, and paper site plan.

5. Inspections

The applicant's maintenance and inspection records shall be generated annually and are subject to audit by the County. Inspection Reports shall contain current contact information and be updated whenever the contact information changes.

6. Decommissioning

The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Gratiot County and may be provided jointly as a single instrument for multiple Townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed.

## **CHAPTER 17**

### **ZONING BOARD OF APPEALS**

#### **SECTION 17.1      CREATION AND MEMBERSHIP**

- A.     There is hereby created a Zoning Board of Appeals that shall perform its duties and exercise its powers and jurisdiction as provided in Act 183 of the Michigan Public Acts of 1943, as amended, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B.     Membership and Terms
1.     The County Zoning Board of Appeals shall consist of not less than three (3), and not more than seven (7) members.
  2.     The terms of each member shall be three (3) years, except that the first board appointed shall be divided as nearly as possible into three (3) equal groups with the terms of office for each group as follows: One group for one (1) year, the next group for two (2) years, and the last group for three (3) years.
  3.     All members of said Board of Appeals shall be chosen from electors residing within Gratiot County.
  4.     No elected officer of the County or employee of the Board of Commissioners may serve simultaneously as a member, or as an employee of the Board of Appeals.
  5.     One (1) member shall be a member of the County Planning Commission.
  6.     The total amount allowed any member of said Board of Appeals in any one (1) year as per diem, or as expenses actually incurred in the discharge of his or her duty shall not exceed a reasonable sum, such sum shall be provided annually by the Board of Commissioners.
  7.     A majority of the total membership of the Board of Appeals shall comprise a quorum.
  8.     Vacancies of the Board of Appeals for unexpired terms shall be filled for the remainder of the term.
  9.     The County Board may remove members of the Board of Appeals for misconduct or nonperformance in office upon written notice and hearing.
- C.     The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.

- D. A member of the Zoning Board of Appeals shall be disqualified from a vote in which that member has a conflict of interest.
- E. The Zoning Board of Appeals shall not conduct business unless a quorum majority of the Zoning Board of Appeals is present.

## **SECTION 17.2 ORGANIZATION AND PROCEDURES**

- A. Rules of Procedure - The Zoning Board of Appeals shall adopt its own rules of procedure to ensure proper conduct of its meetings.
- B. Majority Vote - The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. Meetings - Meetings shall be open to the public and be held at the call of the Chairperson, and at such other times as the Zoning Board of Appeals shall specify in its rules or procedure. The Board shall choose its own chairperson and, in his or her absence, an acting Chairperson.
- D. Records.
  - 1. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered with the votes of the members and the final disposition of each case.
  - 2. The grounds for every determination shall be stated in the minutes, with the reasons for the appeal.
  - 3. Such minutes shall be attached to the application for appeal and become part of the Zoning Board of Appeals permanent record. Such minutes shall become a public record, and shall be filed in the offices of the County Clerk, and County Permits.
  - 4. The Zoning Administrator shall send a copy of the decision promptly to the applicant or appellant, and to the supervisor of the Township in which the subject property is located.
- E. Secretary and Counsel.
  - 1. The Administrator of the Building and Zoning Department shall be responsible for the appointment of a recording secretary, who will provide secretarial services and keep a record of all Zoning Board of Appeals proceedings.

2. The Gratiot County Board of Commissioners shall appoint legal counsel to represent and advise the Zoning Board of Appeals on issues brought before the Board.
3. Legal counsel may also be present at designated meetings, at the request of the Zoning Board of Appeals, with authorization of the Chairperson of the Board of Commissioners.

F. Hearings.

1. When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Secretary shall immediately place the request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and to the property owner, if they are not the one making the appeal, at least ten (10) days prior to the date of the scheduled hearing.
2. The Zoning Board of Appeals shall also give notice by mail to the Supervisor and Clerk of the Township in which the property subject to appeal is located, and all adjacent property owners, at least ten (10) days prior to the hearing.
3. All notices shall be sent to addresses given in the last assessment roll.
4. The Zoning Board of Appeals may recess such hearing from time to time, and if the time and place of the continued hearing by publicly announced at the adjournment, no further notice shall be required.
5. A rehearing may be permitted upon approval of the Board if technical irregularities are discovered in Board actions on a previous decision. The same procedures that apply to a hearing shall apply to a rehearing.

- G. Decisions - The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon by the parties concerned.

**SECTION 17.3 APPEAL PROCEDURE AND APPLICATION**

- A. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department or Board of the County.
- B. Time Limit.
1. Any appeal from a ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator within ten (10) days after the date of the Zoning Administrator's decision that is the basis of the appeal.

2. The decision of the Zoning Administrator shall be any written documentation of a policy, interpretation, judgment, permit, or application of the Ordinance.
  3. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for appeal.
- C. Stay - An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal has been filed, that for reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order issued by the Circuit Court.
- D. Representation - Any party may appear in person or by agent at a hearing considering his or her request or appeal.
- E. Application - An application to the Zoning Board of Appeals shall be submitted in accordance with the following procedures:
1. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit it to the Zoning Board of Appeals along with all materials constituting the record upon which the action appealed from was taken. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. A valid application to the Zoning Board of Appeals shall consist of the following:
    - a. Nine (9) copies of a site plan drawn to scale which is sufficient to describe the nature of the request; if the drawing size is 8 ½ x 14 inches or less, only one (1) copy shall be required.
    - b. A completed application form, as provided by the County.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the County Board from time to time.
    - d. A legal description of the entire property that is the subject of the request.
    - e. A statement regarding compliance with the review standards as set forth in Section 17.4, A, 3.
    - f. Other materials as may be required by the Zoning Board of Appeals.

#### **SECTION 17.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS**

- A. The County Zoning Board of Appeals shall have the following specified duties and powers:

1. Review - Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.
2. Interpretation - Shall have the power to:
  - a. Hear and decide upon requests for the interpretation of the provisions of this Ordinance.
  - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision regarding said subject made by the Zoning Administrator.
  - c. Classify a use that is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
3. Variances
  - a. Non-Use Variances. The Zoning Board of Appeals shall have the power to authorize upon appeal specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.
    - i. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
    - ii. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the County.
    - iii. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
    - iv. Relates only to property that is under control of the applicant.
    - v. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act or omission of the applicant.
    - vi. Must be granted in order to avoid practical difficulties or unnecessary hardship that would result from enforcement of the strict letter of this Ordinance.

- b. Use Variances. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:
- i. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
  - ii. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - (1) exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
    - (2) exceptional topographic conditions;
    - (3) any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary; or
    - (4) by reason of the use or development of the property immediately adjoining the property in question.
  - iii. That the proposed use will not alter the essential character of the neighborhood.
  - iv. That the variance is not necessitated as a result of any action or inaction of the applicant.
  - v. Prior to Board of Appeals hearing a request for a use variance, the Board of Appeals may request that the Planning Commission consider such request and that the Commission forward a report to the Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

4. Rules - In addition to the above conditions, the following rules shall be applied in the granting of variances.
  - a. In granting a variance, the Zoning Board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
  - b. No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of last denial, except on grounds of newly discovered evidence or proof of changed condition determined by the Board to be valid.
  - c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within twelve (12) months after the granting of a variance.

## **CHAPTER 18**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 18.1 VIOLATIONS AND ENFORCEMENT**

- A. Violation and Penalties - Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.
- B. Inspection of Violation - The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.
- C. Correction Period - All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator, or as such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the Gratiot County Prosecuting Attorney who shall initiate prosecution procedures.
- D. Penalties.
  - 1. Any building or structure erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land that is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
    - a. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in the violation of this Ordinance, shall be guilty of a civil infraction, subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period.
    - b. The civil fine for a first offense is five hundred dollars (\$500.00). The civil fine for the first repeat offense is five hundred dollars (\$500.00). The civil fine for the second repeat offense is five hundred dollars (\$500.00). The County shall also be entitled to equitable relief to abate the violation and to such relief as may be available to the County pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.
    - c. Each and every day during which any violation continues shall be deemed a separate offense.

2. Stop Work Orders.
  - a. Upon notice from the Zoning Administrator, Building Inspector, or other person as designated by resolution of the County Board of Commissioners, that any use is being conducted, or that any work on any building or structure is being executed contrary to the provisions of this Ordinance or in an unsafe and dangerous manner, such work or use shall be immediately stopped.
  - b. The Stop Work Order shall be in writing and posted on the subject property, and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions, if any, under which the work or use will be permitted to resume.
  - c. Any person who shall continue to work in or about the structure or building or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Ordinance.
3. Procedure - The County Board of Commissioners may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

## **SECTION 18.2 PERFORMANCE GUARANTEES**

- A. The Planning Commission, Zoning Board of Appeals, and County Board are empowered to require a performance bond, a letter of credit or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. Such performance guarantee shall be deposited with the Clerk of the County at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if such improvement(s) is not completed, said performance bond or cashier's check shall be forfeited.
- C. The County shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the County to complete the required

improvements. The balance, if any, shall be returned to the applicant.

### **SECTION 18.3 ADMINISTRATION AND PERMIT PROCEDURE**

- A. The County Planning Commission and the County Board of Commissioners shall administer the provisions of this Ordinance in accordance with the State of Michigan County Rural Zoning Enabling Act, Act 183 of the Public Acts of 1943, as amended.
- B. The Board of County Commissioners shall employ a Zoning Administrator to act as its officer to ensure and effect the proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his or her authority to enforce this Ordinance, and the rate of compensation shall be established by the Board of County Commissioners.
- C. Duties - the Zoning Administrator shall:
  - 1. Review all applications for building permits and certificates of occupancy, and approve or deny such applications based on compliance or noncompliance with the provisions of this Ordinance, and issue certificates when there is compliance with this Ordinance.
  - 2. Receive all applications for Special Land Uses; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission with recommendations; and notify the applicant in writing of any decision of the Planning Commission.
  - 3. Receive all applications for appeals, variances, or other matters the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations of the Zoning Board of Appeals for determination.
  - 4. Receive all applications for amendments to this Ordinance; conduct field inspections, and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications with recommendations.
  - 5. Maintain the official map or maps showing the current zoning classifications of all land in the county.
  - 6. Maintain written records of all actions taken by the Zoning Administrator.
  - 7. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Board of Commissioners, or Zoning Board of Appeals, as required by this Ordinance, and shall be responsible for keeping such forms up to date with any amendments of this Ordinance, or the

general policies of the County Board of Commissioners, Planning Commission, and Zoning Board of Appeals.

8. Annually prepare a report on behalf of the Planning Commission for submittal to the County Board of Commissioners that shall summarize the operations conducted under the Zoning Ordinance during the prior year, and make recommendations regarding needed amendments or supplements to the Ordinance. At least once every five (5) years, the Zoning Administrator shall provide a comprehensive review of the zoning map with respect to trends, changes, and patterns that should be considered.

#### **SECTION 18.4 SPECIAL LAND USE REQUESTS**

Applications for Special Land Uses shall be submitted in accordance with the procedures specified in Chapter 16.

#### **SECTION 18.5 CERTIFICATE OF OCCUPANCY**

- A. Hereafter, a Certificate of Occupancy shall be required for the following:
  1. Occupancy or use of a building erected, altered, extended, relocated, or reconstructed.
  2. Change in the use of a building.
  3. Occupancy for the use or a change in a use of land except for the raising of crops or other agricultural pursuits, unless specifically exempted from securing a Certificate of Occupancy in the various Zoning District requirements and rules.
  4. Any use or occupancy of land or building not specifically permitted in its particular Zoning District shall require the issuance of a Certificate of Occupancy for continued use. The certificate shall indicate the authorized use, the authority by which it is permitted, and any limiting conditions to such use.
- B. Contents - Any Certificate of Occupancy issued by the Zoning Administrator and Building Official shall state that the proposed occupancy or use and any structure of building embraced in the occupancy or use shall conform with the provisions of this Ordinance and shall further state any special limiting conditions of such occupancy or use.
- C. Time for Application - All Certificates of Occupancy shall be applied for coincident with the application for building permit or within ten (10) days of a contemplated change in the use of a building or land. A Certificate of Occupancy shall be issued within ten (10) days after the lawful erection or alteration of building is completed, as certified by the Zoning Administrator and Building Official.

- D. Availability of Record - A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a propriety or tenancy interest in the building affected.

## **SECTION 18.6 AMENDMENTS**

- A. The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by ordinance of the County Board of Commissioners.
- B. Proposals for amendments, supplements, or changes may be initiated by the County Board of Commissioners on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C. Procedure for Initiating and Processing Amendments:
1. Each petition by one or more persons for an amendment shall be submitted in application to the County Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee to be established annually by the Board of Commissioners to cover administrative and publication costs. No part of such fee shall be returnable to the petitioner.
  2. When a request for amendment is initiated, the Zoning Administrator shall notify the County Board of Commissioners, and the Supervisor and Clerk of the Township in which the subject property is located of the request for an amendment at the same time he or she transmits the zoning amendment request to the Planning Commission.
  3. The criteria in Section 18.7, and 18.8, shall be considered as applicable, by the Planning Commission in evaluating any map or text amendment.
  4. After deliberation on any proposal, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in a newspaper of general circulation in the County.
    - a. The first notice shall be printed not more than thirty (30) days nor less than twenty (20) days, and the second not more than eight (8) days before the date of such hearing.
    - b. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by mail to each public utility company, and to each railroad within the zone affected.
    - c. The notice shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

5. The County Planning Commission shall cause a record to be maintained as to the name, if known, and address of each individual to whom the public notice was mailed or delivered. If an individual property, or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least twenty (20) days prior to the hearing.
6. After the public hearing, the County Planning Commission shall submit a summary of any pertinent information from the public hearing, the report by the Zoning Administrator, and a recommendation on the proposed amendment to the County Board of Commissioners. The County Board of Commissioners shall hold an additional public hearing for any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.
  - a. Notice of a public hearing held by the County Board of Commissioners shall be published in a newspaper that circulates in the County.
  - b. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the hearing.
  - c. After receiving the Planning Commission recommendations, the County Board of Commissioners, at a regular meeting or at a special meeting called for a purpose, shall consider the recommendations and vote upon the adoption of the proposed amendment.
  - d. Any amendments shall be approved only by a majority vote of the members of the County Board of Commissioners.
7. The County Board of Commissioners shall not make a change or departure from the proposed amendment as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions.
  - a. The Planning Commission shall have thirty (30) days from and after receipt of the proposed change or departure to send its report to the County Board of Commissioners.
  - b. Following adoption of an amendment to the Ordinance by the County Board of Commissioners, such amendment, signed by the Chairperson of the County Board and certified by the County Clerk, shall be submitted to the Department of Consumer & Industry Services for approval.
  - c. Such approval shall be presumed unless the Department of Consumer and Industry Services notifies the County within thirty (30) days of its disapproval.

8. No application for a rezoning the County Board of Commissioners has denied, shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence, or proof of changed conditions presented to, and found by the County Board of Commissioners to be valid.
9. Any amendment to this Ordinance and/or to the district Zoning Maps of Gratiot County approved by roll call vote of a majority of the Gratiot County Board of Commissioners shall become effective on the day following the date of approval thereof by the Department of Consumer & Industry Services.
10. Within fifteen (15) days after approval of an amendment by the Department of Consumer & Industry Services, one (1) notice of adoption must be published in a newspaper of general circulation in the County. The notice of adoption shall include the following information:
  - a. A summary of the regulatory effect of the amendment, including the geographic area affected, or the text, or the amendment;
  - b. The effective date of the amendatory ordinance; and
  - c. The place and time where a copy of the amendatory ordinance may be purchased or inspected.
11. A copy of the notice of adoption shall be maintained with the file on the amendment.

## **SECTION 18.7 CRITERIA FOR AMENDING THE OFFICIAL ZONING MAP**

The following standards shall be considered by the Planning Commission and County Board of Commissioners in relation to any request to rezone property within Gratiot County.

- A. Consistency with the goals, policies, and future land use recommendations of any adopted master land use plan or similar planning document encompassing the subject parcel.
- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed Zoning District.
- C. Evidence the applicant cannot reasonably use the property for one (1) or more of the uses permitted under the current zoning.
- D. The compatibility of all the permitted uses in the proposed Zoning District with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

- E. The capacity of utilities and services sufficient to accommodate the uses permitted in the requested District within compromising the health, safety, and welfare of the community.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generate by uses permitted in the requested Zoning District.
- G. The apparent demand for the types of uses permitted in the requested Zoning District in relation to the amount of land currently zoned and available to accommodate the demand.
- H. The boundaries of the proposed Zoning District in relation to the surroundings and the ability of the site to satisfy the dimensional regulations of the Ordinance for all of the permitted uses within the District.
- I. If a rezoning is appropriate, the requested Zoning District is considered to be more appropriate from the County's perspective than another Zoning District.
- J. In the case of a text amendment to allow a specific use, the Planning Commission shall determine if rezoning the land to another district is more appropriate.
- K. The requested rezoning will not create an isolated and unplanned spot zone.
- L. The request has not previously been submitted within the past twelve (12) months, unless conditions have changed or new information has been provided.
- M. Other factors deemed appropriate by the Planning Commission or County Board.

## **SECTION 18.8 CRITERIA FOR TEXT AMENDMENTS**

The Planning Commission and County Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the Ordinance text.

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from County staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- D. The proposed amendments would address changes to state legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

- F. The proposed amendment would promote compliance with changes in other County Ordinances, or State or Federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- H. Other criteria as determined by the Planning Commission or County Board of Commissioners that would protect the health, safety, and welfare of the public, protect public and private investment in the County, and enhance the overall quality of life in Gratiot County.

**CHAPTER 19**  
**TITLE, PURPOSE, SCOPE AND LEGAL BASIS**

**SECTION 19.1      TITLE**

This Ordinance shall be known and may be cited as the "Gratiot County Zoning Ordinance."

**SECTION 19.2      PURPOSE**

- A. This Ordinance is designed to promote the public health, safety and general welfare; to encourage the use of land and bodies of water in accordance with its character and adaptability and limit the improper use of land and bodies of water; to conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on waterways and public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
  
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning District, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

**SECTION 19.3      SCOPE**

- A. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the County is a party.
  
- B. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.
  
- C. Except as herein specified, no building, structure, lot, or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the District in which it is located.

**SECTION 19.4      LEGAL BASIS**

This Ordinance is enacted pursuant to Act 183 of the Michigan Public Acts of 1943, as amended. Said Act is hereby referenced and made a part of this Ordinance.

**SECTION 19.5      REPEAL**

Any Ordinance or any provision of any Ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance repeals any prior Zoning Ordinance or amendments thereto.

**SECTION 19.6      SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance that shall be in effect.

**SECTION 19.7      EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after the date of publication.