



Clinton County Zoning Ordinance January 1, 2022



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Preface
How to Use This Ordinance
Use Matrix
District Summary Table

How to Use This Ordinance

1. Content Organization and Page Layout

The Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. **Green** tab indicates the Article in which the current page is located

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in gray

Sections and subsections contain the ordinance regulations in a hierarchal manner

Blue bold font links to standards in other sections of the Ordinance

Graphics, figures, and tables illustrate concepts or clarify regulations

3.1.4 RR Rural Residential (Low Density)

A. Intent and Purpose

This district is established to provide areas in which the primary use is low-density single-family residential, plus customary accessory and compatible supportive uses. The RR district is suitable for the introduction of on-site septic fields and domestic water wells. It is envisioned that these areas will provide additional choices of desirable and economically feasible housing opportunities for various segments of the general public. Certain other private and public uses are permitted, as well as special uses subject to conditions that will insure compatibility with the primary use and essential rural character of this district.

Relationship to Comprehensive Plan (Rural Areas): To protect agricultural land and the rural character of Clinton County and provide for a variety of residential living opportunities at rural densities.

User Note: Click on **Blue** for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

- Accessory uses and buildings § 4.1
- Adult family day care home § 4.21
- Adult foster care family home § 4.14
- Child family day care home § 4.18
- Single-family dwellings, detached § 4.2
- Animals, class I & III § 4.48
- Essential services and structures § 4.22
- Government § 4.42
- Home occupations § 4.10
- Park, forest preserve, game refuge, and conservation area
- WES/MET towers, on-site use (< 150 ft) § 4.1.1.L & 4-11

C. Special Land Uses

- Adult foster care § 4.14
- Adult day care group home § 4.21
- Child group day care home § 4.21
- Bed and breakfast § 4.18
- Cemetery, public § 4.20
- Country club § 4.23
- Golf courses § 4.23
- Medical § 4.35
- Museum
- Place of worship § 4.22
- Recreation retreat, limited
- Schools, elementary, middle and secondary; private § 4.40

3.1.4 RR Rural Residential (Low Density)

D. Development Standards

Lot Size
Minimum lot area: 1 acres
Minimum lot width at right-of-way: 135 ft.

Lot Coverage
Area as percent of lot (Ground floor coverage): 30%

Setbacks
Minimum front yard: 50 ft.
Minimum side yard: 15 ft.*
Minimum rear yard: 40 ft.

Building Height
Maximum building height: 35'

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

E. Additional Requirements

Article 5

- Intersection visibility § 5.1
- Required access/Street frontage § 5.2
- Building grades § 5.3
- Lighting § 5.6
- Landscaping, greenbelts, buffering & screening § 5.8
- Stormwater management § 5.9
- Composting § 5.10
- Multiple Residence Drive (MRD) § 5.15

Article 6

- Site plan review § 6.1
- Special land uses § 6.2
- Zoning/Land use permits § 6.3

Pages are numbered sequentially within each article

Notes provide relevant district information recommended for review

Additional Requirements list other sections or Ordinances that may pertain to a development in the district

Link to How to Use This Ordinance

Link to Zoning Map

Link to Table of Contents









Link to Use Matrix



How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

	Indicates the term is defined in Article 2 - Definitions . (Note: Not every defined term is designated with a  symbol. Consult Article 2 Definitions, for a list of all defined terms.)
	Indicates there is a graphic that illustrates the standard or requirement.
	Indicates there is a specific method for measuring that is described in Article 2 Definitions, Section 2.3 Measurements .
	Identifies a property line.
	Identifies the right-of-way centerline.
R/W	Identifies the right-of-way.
	Identifies a User Note that provides helpful information for all users.
	Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance.

How to Use This Ordinance

3. Reading the Ordinance

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 200 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

Conjunctions are often used and must be read accurately:

- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
- EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of language](#).

How to Use This Ordinance



4. Digital User Note

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance.

Click on any of the following features to quickly locate another section: Article tabs



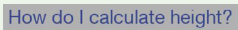
located on the side of each page are linked to the Contents page of each Article.



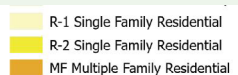
Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, the Use Matrix, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in [Article 3 - Zoning Districts](#).



‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in [Article 2 - Definitions](#).



Zoning Map Legend headings are linked to the corresponding district regulations page in [Article 3](#).

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Use Matrix

Residential districts

Below is a reference table that summarizes the residential uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	A-1	A-2	A-3	RR	R-1	R-2	MF	MH	PUD
Residential Use Types									
Accessory uses and buildings [☞]	P	P	P	P	P	P	P	P	P
Adult family day care home [☞]	P	P	P	P	P	P	P	P	P
Adult foster care family home		P	P	P	P			P	P
Adult foster care			S	S	S	S	S		
Adult group day care home [☞]			S	S	S		S		
Child family day care home [☞]	P	P	P	P	P	P	P	P	P
Child group day care home [☞]		S	S	S	S	S			
Day care center						S	S		
Duplexes					S	S			
Housing for the elderly and/or convalescent center							S		
Multiple family dwelling [☞]							P		P
Residential use associated with conservation, education or recreation		S	S						
Single-family dwellings, attached (townhomes)						S			
Single-family dwellings, detached [☞]	P	P	P	P	P	P			P
Temporary housing for seasonal labor	S	S							
Other Use Types									
Agriculture uses and structures [☞]	P	P	P						
Aircraft hangers, private [☞]	P	P	P	P	P	P			
Airports [☞]	S	S							
Animals, various classes [☞]	P	P	P	P	P	P	P	P	P
Bed and breakfast [☞]			S	S					
Broadcast and receiving tower	S	S	S						

Use Matrix

Residential districts

Below is a reference table that summarizes the residential uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	A-1	A-2	A-3	RR	R-1	R-2	MF	MH	PUD
Other Use Types, Continued									
Campground [📖]		S							
Cemetery, public [📖]		S	S	S					
Cider mill, retail		S							
Commercial recreation, outdoor [📖]		S							
Concentrated animal feeding operation [📖]		S							
Country club			S	S					
Dry cleaning [📖]								P	P
Equipment storage								P	P
Essential services and structures [📖]	P	P	P	P	P	P	P		P
Farm market, enhanced [📖]	S	S							
Game yard and hunting [📖]		S							
Golf courses [📖]		P	S	S			S		
Government facilities and buildings	P	P	P	P	P	P	P	P	
Home based business [📖]		S	S						
Home occupations [📖]	P	P	P	P	P	P			P
Laundry, coin-operated								P	P
Library					S	S			
Livestock auction yard [📖]		S							
Medical hardship housing opportunity	S	S	S	S	S	S			
Medical marihuana primary caregiver [📖]		P							
Museum				S	S				
Nursery and greenhouse [📖]		S	S						



Use Matrix

Residential districts

Below is a reference table that summarizes the residential uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	A-1	A-2	A-3	RR	R-1	R-2	MF	MH	PUD
Park, forest preserve, game refuge, and conservation area	P	P	P	P	P	P	P	P	P
Place of worship [ⓘ]		S	S	S	S	S	S		
Public service training facility		S	S						
Recreation retreat, limited				S	S				
Roadside stand (farm related)	P	P							
Rural historical institutional structure [ⓘ]		S	S						
Sale and repair of farm implements, fertilizer, feed, seed		S							
Saw mill and kiln		S							
Schools, elementary, middle and secondary; private		S	S	S	S	S	S		
Shared facilities and buildings							P	P	P
Slaughter house		S							
Solar farms	S	S	S	S					
Stables, commercial [ⓘ]		S							
Stables, private [ⓘ]	P	P	P					P	P
Swimming pool [ⓘ]					S	S	S		
Veterinary clinic, large animal		S							
WES, on-site use	P	P	P	P	P	P	P	P	P
Utility-scale wind energy systems and facilities [ⓘ]	S	S							
Wireless communication	S	S	S						

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Commercial Use Types							
Agricultural wholesale and retail facility, including bulk storage of commodities						P	P
Airports, heliports, airfields [☞]						S	S
Ambulance station						P	P
Automobile repair, major [☞]		S	S				
Automobile repair, minor [☞]		S	P				
Automobile service station and convenience mart [☞]	S	S	S				
Automobile wrecking/junk yard [☞]						S	S
Automobile/gasoline service station [☞]	S	S	S				
Bed and breakfast [☞]	S	S	S				
Blacksmith and welding shop						S	S
Body and paint shop						P	P
Building material and lumber supply						S	S
Commercial support service [☞]					S		S
Composting, commercial							S
Contractor establishment, equipment and material storage yard						P	P
Contractor's equipment and supplies sales, leasing, and storage						S	S
Convenience store [☞]	S	S	S				
Crop and fruit farming, truck gardening, horticulture, aviary, hatchery, apiary, annelid farm, greenhouse, tree nursery, fish farm, etc.				P			
Day care center [☞]	S	S	S		S		S
Drive-in business associated with permitted use [☞]		S	P				



Use Matrix

Non-residential districts

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P = Principal Permitted Use

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USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Dry cleaner/laundry distribution station [☰]	P	P	P				
Dry cleaning/laundry outlet [☰]	S	S	S				
Dry cleaning/laundry, coin-operated [☰]	S	S	S				
Equipment and/or vehicle rental		S	P				
Essential services and structures [☰]					P	P	P
Funeral home, mortuary			S				
Furniture and fixture sales						S	S
Garage, commercial						P	P
Gasoline or diesel service station			S				
Health and fitness club		P	P				
Kennel, commercial [☰]			S				
Mobile home sales			S				
Monument sales and yard						P	P
Motel and hotel [☰]			S		S		S
Neighborhood shopping center	S	S	S				
Open air business and outdoor sale lots and displays [☰]		S	S				
Personal service establishments [☰]	P	P	P				
Production, processing, and packaging of products such as cosmetics, toiletries, and pharmaceuticals							S
Restaurant and/or bar [☰]		P	P				
Retail establishments [☰]		P	P				
Retail establishments, large scale (big box) [☰]		S	S				
Retail nursery and supply [☰]		S	S				
Retail sale of goods assembled on the premises [☰]						S	S
Retail, limited commodities (< 10,000 sf) [☰]	P						

Use Matrix

Non-residential districts

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P = Principal Permitted Use

S = Special Land Use

USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Commercial Use Types, Continued							
Sale of construction and farm equipment						S	S
Sale and storage of new and used bus, truck, and heavy equipment			S				
Sexually oriented business [ⓘ]		S	S				
Shopping center, community planned [ⓘ]		S	S				
Shopping center, regionally planned [ⓘ]			S				
Shopping mall, enclosed [ⓘ]		S	S				
Storage, outdoor, commercial [ⓘ]						S	S
Storage, public, commercial			P				
Storage, recreational vehicle [ⓘ]		S	P			S	
Storage, self-storage [ⓘ]		S	S			S	S
Supermarket [ⓘ]		S	S				
Truck and trailer rental facility						S	S
Vehicle sales (new and used automobiles, farm machinery, recreational vehicles, off-road vehicles)		S	P				
Vehicle service and repair (autos, farm, construction equipment, and trucks)						S	S
Vehicle wash establishment [ⓘ]		S	S				
Wholesale of goods and materials, warehousing and materials distribution center						S	S
Industrial Use Types							
Cement plant, a batch plant or temporary asphalt plant in conjunction with extraction operation				S			
Data processing or computer center, including sales, service and maintenance of electronic data processing equipment					P		P



Use Matrix

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P = Principal Permitted Use

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USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Dry cleaning plant, central						S	S
Fabricated metal products, except heavy machinery and transportation equipment						S	S
Industry, general ¹							P
Industry, light ¹						P	P
Jobbing and machine shop and processing of machine parts						P	P
Laboratory and office for industrial, scientific, or business research, development and testing					P		P
Laboratory, testing						P	P
Lumber yard ¹			S				
Lumber, planing mill, and saw mill						S	S
Manufacture of monuments, cut stone, and clay products						S	S
Mining and other activity associated with extraction operations				P			
Prototype or pilot processing, manufacturing, and/or assembly associated with research activity					S		S
Scientific business/research						P	P
Storage, bulk, above or below ground of refined petroleum						S	
Veneer processing and/or manufacturing facility						P	P
Warehouse/indoor storage associated with retail sales business ¹		S	S				
Wholesale establishments, warehouses, cartage businesses, truck terminals						P	P
Wooden containers and pallets						S	S

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Institutional Use Types							
Assembly or dance hall [📖]		S	S				
Club and/or lodge [📖]	S	P	P				
Place of worship [📖]	P	P	P				
Schools, private business or college		P	P				
Office Use Types							
Financial and business service establishment, banks, credit unions, and insurance offices	P	P	P				S
Office, local, state, and federal governmental agency					P		P
Office, medical	P	P	P		P		P
Office, professional	P	P	P		P		P
Veterinary clinic, large animal			P				
Public Use Types							
Collection center for household waste material to be recycled						S	S
Conservation area for natural resources (no permanent structures), public, private [📖]				P			
Equipment and material storage yard, municipal						P	P
Government facilities and buildings	P	P	P	P	P	P	P
Municipal waste or water treatment facility						S	S
Post offices and other similar governmental offices	P	P	P				
Public service installations				S			
Radio, television, telephone transmitter tower						S	S
Radios, television broadcast station, receiving and broadcasting towers, domestic						P	P



Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses in non-residential districts listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

USE	C-1	C-2	C-3	MR	RO	I-1	I-2
Radios, television broadcast station, receiving and broadcasting		S	S				
WES, on-site use [☞]	P	P	P	P	P	P	P
Wireless communication facilities [☞]		S	S	S			
Recreational Use Types							
Amusements, temporary, transient		S	S				
Billboards [☞]			S			P	P
Limited Recreational Retreat	S	S	S				
Recreation, indoor and outdoor, commercial	S	S	S				
Theater, excluding drive-in [☞]		P	P				
Other Use Types							
Accessory uses [☞]	P	P	P	P	P	P	P
Aircraft hangars, private [☞]	P	P	P	P	P	P	P
Sanitary landfill							S
Single-family dwelling [☞]				S			
Solar farms	S	S	S	S	S	S	S

District Summary Table

Below is a quick reference table that summarizes district regulations. Consult [Article 3 - Zoning Districts](#) for additional requirements and exceptions to the information below.

Residential districts

STANDARD	A-1	A-2	A-3	RR	R-1	R-2	MF	MH
Minimum lot area	40 acres	10 acres	5 acres	1 acre	15,000 sq. ft.	8,000 sq. ft.*	3 acres (per zoning lot and/or district)*	*
Minimum lot width at right-of-way	660 ft.	330 ft.	185 ft.	135 ft.	80* ft.	70* ft.	100 ft (per zoning lot and/or district)*	*
Minimum front yard setback	50 ft.	50 ft.	50 ft.	50 ft.	40 ft.	25* ft.	25* ft	*
Minimum rear yard setback	50 ft	40* ft.	40* ft.	40 ft.	30* ft.	30* ft.	25* ft.	*
Minimum side yard setback	20 ft.	20 ft.	20 ft.	15* ft.	10 ft.	10 ft.	20* ft.	*
Maximum lot coverage area as percent of lot (GFC)	5%	25%	25%	30%	30%	30%	30%	*
Maximum building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	*
Note to District Standards		§3.7						§3.10

Non-residential districts

STANDARD	C-1	C-2	C-3	MR	RO	I-1	I-2	PUD
Minimum lot area	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	10 acres	1 acre	1 acre	2 acres	*
Minimum lot width at Right-of-Way	100 ft.	100 ft.	100 ft.	*	100* ft.	150 ft.	200 ft.	*
Minimum front yard setback	50 ft.	50 ft.	50 ft.	*	50 ft.	75 ft.	75 ft.	*
Minimum rear yard setback	15 ft.	20* ft.	25* ft.	*	40 ft.	50 ft.	75 ft.	*
Minimum side yard setback	15 ft.	20 ft.	25 ft.	*	15 ft.	20 ft.	35 ft.	*
Maximum lot coverage area as percent of lot (GFC)	50%	50%	60%	*	50%	55%	60%	*
Maximum building height	35 ft.	35 ft.	35 ft.	*	50 ft.	50 ft.	50 ft.	*
Note to District Standards				§3.11	§3.9	§3.12		§3.13

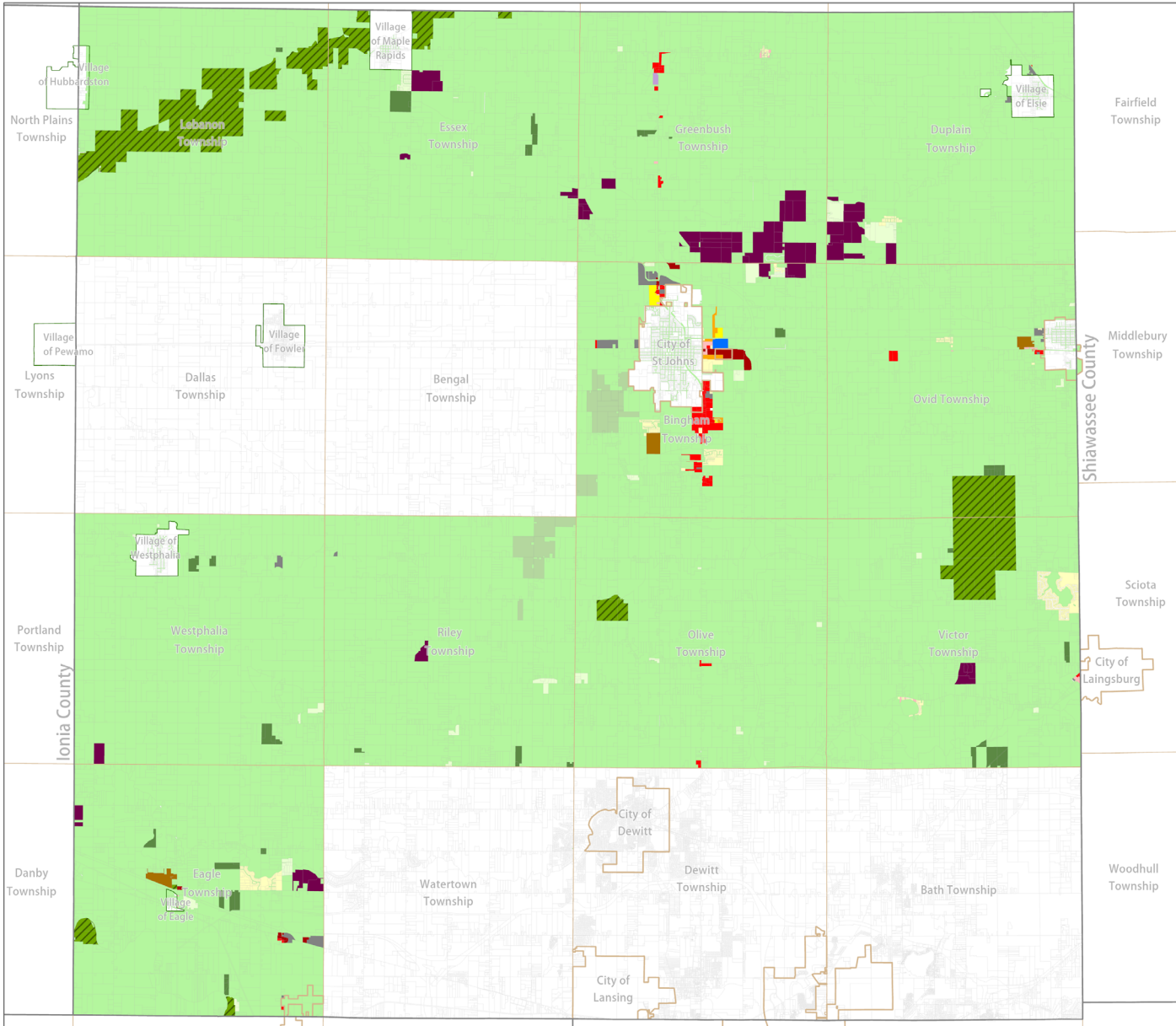
*See district. Multiple standards apply.



Zoning Map

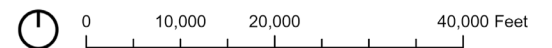


[Click here for the Interactive Zoning Map](#)



- A-1 Agricultural and Open Space Preservation District
- A-2 General Agriculture District
- A-3 Agriculture/Residential Transition District
- RR Rural Residential District (Low Density)
- R-1 Single Family Residential
- R-2 Single Family Residential
- MF Multiple Family Residential
- MH Manufactured Housing Community
- PUD Planned Unit Development
- C-1 Local Commercial
- C-2 General Commercial
- C-3 Highway Service Commercial
- RO Research/Office District
- I-1 Light Industrial
- ROW
- MR Mineral Extraction District
- State Land
- Maintained by Local Entity
- Counties
- Villages
- Cities
- Townships

Zoning Map
Clinton County, Michigan



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Chapter 76 | Article 1

Purpose and Intent

Article 1 - Purpose & Intent

1.1	Title	1-3
1.2	Purpose	1-3
1.3	State legislation enabling authority	1-3
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1.10	Interpretation of zoning districts.	1-5
1.11	Municipalities covered by the County Zoning Ordinance	1-5

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



1.1 Title

This Ordinance shall be known and cited as the Clinton County Zoning Ordinance.

1.2 Purpose

- A. The Clinton County Zoning Ordinance (“Ordinance”) is to promote, protect, regulate, restrict and provide for the use of land and buildings within Clinton County; to meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate congestion of population and overcrowding of land, transportation systems and other public facilities; to facilitate adequate and efficient transportation systems, sewage disposal, and water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.
- B. This Ordinance is also to provide for the establishment of zoning districts and regulations for those areas of Clinton County, Michigan, lying outside the limits of incorporated cities and villages and some townships.
- C. It is also the purpose of this Ordinance to provide for the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and to establish penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

1.3 State legislation enabling authority

This Ordinance is adopted pursuant to the County Zoning Act No. 183 of the Public Acts of Michigan of 1943 (MCL 125.201 et seq.), as amended, and, when so far as it is applicable, Act No. 282 of the Public Acts of Michigan of 1945 (MCL 125.101 et seq.), as amended. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et. seq.), hereafter referred to as the “Zoning Act”.

1.4 Scope and construction of regulations

- A. This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum or maximum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.
- B. No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered, and no new use or change shall be made of any building, structure or land, or part thereof, except as permitted by the provisions of this Ordinance.
- C. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premises declared unsafe or unhealthy.

Section 1.5 - 1.9

1.5 Validity and severability clause

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

1.6 Conflict with other laws, regulations, and agreements

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, as established by County Code, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement.

1.7 Relationship to adopted comprehensive plan

The zoning map and/or text, the plans and specifications for the future development and redevelopment of the County, are based upon the Clinton County Comprehensive Plan, as amended, for the County. The Comprehensive Plan has been and will continue to be a basis for amending or changing the Ordinance and the Official Zoning Map.

1.8 Vested right

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

1.9 Interpretations and applications

In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required herein are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

1.10 Interpretation of zoning districts.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, street, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the County or a Township, City or Village shall be construed as following such boundary line.
- D. A boundary indicated as following a shoreline shall be construed as following the established or median shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map and subject to interpretation shall be determined by the Clinton County Board of Appeals.

1.11 Municipalities covered by the County Zoning Ordinance

- A. Municipalities covered by the County Zoning Ordinance
 1. Bingham Township
 2. Duplain Township
 3. Eagle Township
 4. Essex Township
 5. Greenbush Township
 6. Lebanon Township
 7. Olive Township
 8. Ovid Township
 9. Riley Township
 10. Victor Township
 11. Westphalia Township
- B. Incorporated Areas such as Cities and Villages, including the Charter Townships of Watertown, DeWitt and Bath are not within the jurisdiction of this Ordinance. Dallas Township is also not included.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

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Chapter 76 | Article 2

Definitions & Measurements



Article 2 - Definitions

2.1 Construction of language 2-7
 2.2 Definitions 2-7
 2.3 Measurements 2-65

Definitions A

- Access Management
- Access Point
- Accessory Building/
Structure
- Accessory Use
- Agriculture
- Agriculture Conservation
Area
- Airport*
- Alley
- Alter/Alteration
- Ambient Noise
- Animals*
- Antique
- Antique Shop
- Apartment
- Appraised Value
- Arcade
- Architectural Features
- As Built Drawing
- Assembly Hall
- Automobile
- Automobile/Gasoline
Service Station
- Automobile Repair, Major
- Automobile Repair, Minor
- Automobile Service
Station and
Convenience Mart
- Automobile Wrecking and
Junk Yard

Definitions B

- Bar
- Bed and Breakfast
- Bedroom
- Berm
- Billboard
- Block
- Board of Appeals
- Bond
- Brownfield
- Buffer
- Buildable Area
- Building
- Building Code
- Building, Front Line of
- Building Frontage
- Building, Main, Primary or
Principal
- Building Official/Administrator/
Inspector
- Building Permits
- Building Setback Line
- Bus Station

Definitions C

- Cabaret
- Campground
- Carport
- Cemetery
- Clear Vision Area
- Clinic
- Clinic, Large Animal
Veterinary
- Clinic, Small Animal
Veterinary
- Club/Lodge
- Collectibles
- Commercial Recreation
- Commercial Support
Service
- Commercial Use
- Commercial Vehicle
- Commission
- Comprehensive Plan
- Condominium and Site
Condominium*
- Concentrated Animal
Feeding Operation
(CAFO)
- Convalescent or Nursing
Home
- Convenience Store
- Conservation Area, Public
or Private
- Corridor
- Corridor Plan
- Cul-De-Sac

*Multiple definitions



Definitions D - E

Day Care Facilities, Children*
 Day Care Facilities, Adults*
 Development
 Discretionary
 District
 Drive-In Business
 Dry Cleaners, Coin Operated
 Dry Cleaners, Distribution Station
 Dry Cleaning or Laundry Outlet
 Dwelling/Dwelling Unit
 Dwelling, Multiple-Family
 Dwelling, Single-Family
 Dwelling, Two-Family
 Easement
 Efficiency Unit
 Equipment Rental
 Erected
 Essential Services
 Excavating/Excavation
 Exotic or Wild Animal

Definitions F

Family*
 Farm
 Farm Market
 Farm Market, Affiliated Farm
 Farm Market, Agriculturally Related Products
 Farm Market, Agriculturally Related Uses
 Farm Market, Enhanced
 Farm Market, Enhanced, Non-Agriculturally Related Products
 Farm Market, Enhanced, Non-Agriculturally Related Uses
 Farm Market, Fifty (50) Percent of the Products Marketed
 Farm Operation
 Farm Product
 Farm Product, Processed
 Farm Supply, Wholesale/Retail
 Farmer
 Fence
 Fitness Center/Club
 Flag Lot
 Flea Market*
 Flood
 Floodplain
 Floodplain, Base (100-Year)
 Floodway
 Fractional Space
 Functional Classification / Level of Service (LOS)

Definitions G - K

Game Refuge, Conservation Area
 Garage, Private
 Generally Accepted Agricultural and Management Practices (GAAMPS)
 Grade Contact
 Golf Course
 Golf Course, Miniature
 Golf, Driving Range
 Hazardous Substances
 Heliport
 Home Business/Occupation
 Hospital
 Hotel
 Household Pets
 Industrial Use
 industry, General
 industry, Light
 Industry, Non-Effluent Producing
 Inoperable/Abandoned Motor Vehicle
 Junk
 Junk Yard
 Kennel, Commercial
 Kennel, Private

*Multiple definitions

Definitions L

- Landscaping*
- Lighting (Artificial, Exterior, Site)*
- Livestock
- Loading Space
- Lot
- Lot Area
- Lot, Corner
- Lot Coverage
- Lot, Double Frontage
- Lot, Interior
- Lot Line
- Lot Line, Front
- Lot Line, Rear
- Lot Line, Side
- Lot Line, Street or Alley
- Lot of Record
- Lot Size, Minimum or Maximum
- Lot, Waterfront
- Lot, Zoning
- Lumber Yard

Definitions M - O

- Manufactured Home
- Manufactured Home Pad
- Manufactured Home Sales
- Manufactured Home Site
- Manufactured Housing
- Manufactured Housing Community/Park
- Marihuana (Associated Terms)*
- Marihuana, Medical Use
- Medical Marihuana Dispensary
- Medical Marihuana Club/Assembly
- Medical Hardship Housing Opportunity
- Mini-Storage (Mini-Warehousing)
- Mortuary/Morgue
- Motel
- Multiple Residence Drive (MRD)
- Non-Conforming Building/Structure
- Non-Conforming Lot
- Non-Conforming Use
- Nuisance
- Nuisance, Private
- Nuisance, Public
- Nursery (Plant Materials)
- Occupied
- Open Air Business
- Open Space, Required
- Open Storage
- Outdoor Sales

Definitions P - Q

- Parcel
- Parent Parcel/Tract
- Park, Public
- Parking Lot, Off-Street
- Parking Space
- Pawn Shop or Collateral Loan and/or Exchange Establishments
- Performance Bond
- Performance Standards
- Permitted Use
- Person
- Personal Service Establishment
- Place of Worship
- Planned Unit Development (PUD)
- Playground
- Pool or Billiard Hall
- Pond
- Porch, Enclosed
- Porch, Open
- Premise
- Prime Agricultural Land
- Principal Structure
- Principal Use
- Private aircraft hangars
- Private Driveways
- Private Medical Practice
- Private Road
- Proof of Ownership, Equitable Title
- Public and Commercial Storage Garages
- Public Sanitary Sewer System
- Public Utility
- Quarry/Mining Operation



Definitions R

Reasonable Access
 Recreational Vehicle*
 Recreational Vehicle Park
 Recycling Containers/Bins
 Refuse Storage Area
 Repair, Auto Body
 Repair, Motor Vehicle
 Restaurant
 Restaurant, Carryout
 Restaurant, Drive-In
 Retail Establishment
 Retaining Wall
 Right-of-Way
 Road Agency
 Rural Historical Institutional Structures

Definitions S

Sanitary Sewer
 Saw Mill
 Secondhand Store
 Self-Storage Facility
 Senior Citizen Housing
 Septic System
 Service Road
 Sexually Oriented Businesses*
 Shopping Center, Planned
 Shopping Mall, Enclosed
 Sight Distance
 Sign*
 Solar Farms
 Solid Waste Processing Facility
 Solid Waste Transfer Facility
 Special Land Use
 Specially Designated
 Distributor’s Establishment (SDD)
 Specially Designated
 Merchant’s Establishment (SDM)
 Stable, Commercial
 Stable, Private
 State Licensed Residential Facilities*
 Storm Sewer
 Story
 Story, Basement
 Story, Half
 Story, Mezzanine
 Street
 Structure
 Structure Height
 Structural Alteration
 Supermarket
 Swimming Pool, Commercial
 Swimming Pool, Community
 Swimming Pool, Private

Definitions T - Z

Temporary Building and Use
 Theater
 Theater, Drive-In
 Time Limits*
 Traffic Impact Study
 Transient Amusement Enterprises
 Transient Sales Lot
 Transition Strip
 Trip Generation (Rates)
 Truck Stop
 Use
 Use, Illegal Non-Conforming
 Use, Legal Non-Conforming
 Use, Permitted
 Use, Special Land
 Variance
 Vehicle Rental
 Vehicle Wash Establishment*
 Warehouse
 Watercourse
 Wetland
 Wetland, Regulated
 Wildlife Preserve
 Wind Energy Facilities and Systems*
 Wireless Communication Facilities*
 Yard, Required, Front/Side/Rear
 Zoning Administrator/Official

*Multiple definitions

Measurement - Buildings and Structures

- Basement vs. Story
- Floor, Ground
- Floor Area
- FAR
- Building Height
- Ground Floor Coverage

Measurement - Lots, yards and setbacks

- Lot Depth
- Lot Width
- Setback
- Yard, Front
- Yard, Rear
- Yard, Side

Measurement - Signs

Measurement - Wind Energy System (WES)

- Hub Height
- WES Rotor Diameter
- Total Height



2.1 Construction of language

The following rules shall apply to the text and language of this Ordinance:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption, 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; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. All buildings are considered structures, but all structures may not be buildings.
- F. The word “building” or “structure” includes any part thereof.
- G. The word “person” means an individual, corporation, partnership, association, or other legal entity.
- H. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- I. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

2.2 Definitions

ACCESS MANAGEMENT

A technique to improve traffic operations along major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

ACCESS POINT

An access point includes vehicular access (driveway, drive, or service road) except those serving one (1) or two (2) dwelling units, or serving an essential public service utility structure.

ACCESSORY BUILDING/STRUCTURE

A supplementary building or structure on the same lot or parcel of land as the principal building, buildings and use, or part of the principal building occupied by or devoted exclusively to any accessory use.

ACCESSORY USE

A use located on the same zoning lot and that is incidental and subordinate to the principal use of the land or buildings.

AGRICULTURE

The use of land, plants, animals in the commercial production of farm products.

Section 2.2 Definitions A

AGRICULTURE CONSERVATION AREA

Property kept for the preservation of agricultural land and/or restoration from loss or neglect. Specifically land areas that are well suited for production of food and fiber and are retained for such production through deed restrictions and covenants that run with the land.

AIRPORT

The use of land, including water, runway, or other facility designed, used or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie down areas, hangers and other necessary buildings, structures and open spaces. Uses such as ticket offices, restaurants, confections, luggage checking facilities, and parcel shipping facilities can be included if ancillary and accessory to the principal use.

- A. **NATIONAL AIRPORT SYSTEM** - Airports that provide a network of air transportation to all parts of the country and are eligible to receive federal funding.
- B. **GENERAL AVIATION AIRPORTS** - Public use airports that do not meet the criteria to qualify for federal funding.
- C. **COMMERCIAL SERVICE AIRPORTS** - These airports handle regularly scheduled commercial airline traffic and at least 2,500 annual passenger boardings.
- D. **RELIEVER AIRPORTS** - High-capacity general aviation airports; these relieve congestion at commercial airports by offering an alternative location for general purpose aviation operations.
- E. **PRIVATE AIRPORTS** - Owned by private parties and may only be used by the owner or with the owner's permission.
- F. **GENERAL AVIATION** - These airports have at least ten (10) based aircraft and fewer than 2,500 annual scheduled passenger boardings.
- G. **OTHER AIRPORTS** - Landing strips and smaller airports, most with fewer than 10 based aircraft

ALLEY

A generally narrow vehicular or pedestrian right-of-way that permits access to a rear yard. ↔ parking lot or other area of a lot. Alleys are not designed for general traffic and typically afford only a secondary means of access.

ALTER/ALTERATION

Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. Also includes the words "reconstruction" or "remodel".

AMBIENT NOISE

Background noise or noise that cannot be identified from any particular source.



ANIMALS

A nonhuman zoological species, classified for purposes of this Ordinance as follows:

- A. **CLASS I ANIMAL** - Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
- B. **CLASS II ANIMAL** - An animal which is normally part of the livestock maintained on a farm, but is not located, for the purposes of this section, located on a farm, including:
 1. Bovine and like animals, such as the cow, buffalo, elk, llama, and alpaca;
 2. Equine and like animals, such as the horse;
 3. Swine and like animals, such as the hog which are in excess of six (6) months in age;
 4. Bovine and like animals, such as the sheep and goat;
 5. Other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II such as the ostrich and the emu.
- C. **CLASS III ANIMAL** - Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
- D. **CLASS IV ANIMAL** - Wild or Exotic animals. Such animals include any wild or undomesticated animal that is not of a species customarily used as an ordinary household pet, but one that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
- E. **CLASS V ANIMAL** - Dangerous animals. Such animals include any wild or undomesticated animal that is not of a species customarily used as an ordinary household pet, but one that would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

ANTIQUUE

Furniture, jewelry, silverware and other items that have value due to rarity and age.

ANTIQUUE SHOP

A business establishment primarily devoted to the sale of furniture, silverware, jewelry, and other items that are generally classified as antiques.

APARTMENT

A group of rooms that are designed to function as a single, complete dwelling unit, where three or more of these units are located in a single structure. See [Dwelling, Multiple-Family](#).

APPRAISED VALUE

The value of property as estimated by an individual qualified to appraise that type of property.

Section 2.2 Definitions A

ARCADE

Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, or jukeboxes.

ARCHITECTURAL FEATURES

Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AS BUILT DRAWING

Final drawings or plans that are the result of modifications during the construction phase of an approved development.

ASSEMBLY HALL

A large public or semi-public building, room, or structure in which a group of people can gather together for worship, meetings, instruction, banquets, exhibits or entertainment.

AUTOMOBILE

Unless specifically indicated otherwise, "automobile" is defined as any vehicle including cars, trucks, vans, motorcycles and the like. Said definitions do not include recreational or commercial vehicles.

AUTOMOBILE/GASOLINE SERVICE STATION

A place where gasoline, motor oil, lubricants, and minor accessories related to the daily operation of an automobile are retailed directly to the public on the premises.

AUTOMOBILE REPAIR, MAJOR

General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers such as collision body repair and frame and fender straightening and repair; painting and upholstery; vehicle steam cleaning; and undercoating. All repair work for trucks exceeding one and one half ton capacity and/or classified as a commercial vehicle under this Ordinance shall be designated as Major Repair.

AUTOMOBILE REPAIR, MINOR

Minor repairs, incidental replacement of parts and motor service to passenger automobiles and trucks that do not exceed one and one-half ton capacity and/or are classified as a commercial vehicle under this Ordinance.

AUTOMOBILE SERVICE STATION AND CONVENIENCE MART

A place where gasoline, motor oil, lubricants, and minor accessories related to the daily operation of an automobile are retailed directly to the public on the premises in combination with the retailing of convenience items typically found in a convenience market, carryout restaurant or supermarket, having a gross floor area of less than 5,000 square feet.

AUTOMOBILE WRECKING AND JUNK YARD

An area outside of an enclosed building where motor vehicles are disassembled, dismantled or junked, or where vehicles not in operable condition or parts vehicles (partially dismantled vehicles from where parts are salvaged) are stored.

BAR

An establishment containing tables and chairs, and/or a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

BED AND BREAKFAST

A traditional single-family dwelling that is owner occupied in which a maximum of six (6) sleeping rooms are rented, with or without meals, for compensation for the traveling or vacationing public. Stays are transient and temporary in nature.

BEDROOM

A bedroom is a dwelling room used for or intended to be used in whole or in part for sleeping purposes, by human beings.

BERM

See [Landscaping*](#).

BILLBOARD

See [Sign*](#).

BLOCK

The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

BOARD OF APPEALS

As used in this Ordinance, the term Board of Appeals means the Clinton County, Michigan, Zoning Board of Appeals.

Section 2.2 Definitions B

BOND

A form of insurance required of an individual or firm to secure the performance of an obligation; as in performance or surety bond.

BROWNFIELD

With certain legal exclusions and additions, the term “brownfield site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

BUFFER

See [Landscaping*](#).

BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

BUILDING

Temporary or permanent structure, or any part thereof, having a roof supported by columns or walls. A detached building is one (1) separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

BUILDING CODE

The currently designated code or codes regulating building/structure construction in Clinton County.

BUILDING, FRONT LINE OF

The line that coincides with the face of the building nearest the front line of the lot, which includes covered and enclosed porches.

BUILDING FRONTAGE

The portion of a building that principally faces a public or private right-of-way.

BUILDING, MAIN, PRIMARY OR PRINCIPAL

A building in which the principal use of the lot on which it is located is conducted.

BUILDING OFFICIAL/ADMINISTRATOR/INSPECTOR

The administrative official designated by the Clinton County Board of Commissioners to enforce the Building Code.

BUILDING PERMITS

A building permit is the written authority issued by the Building Official Administrator/Inspector permitting the construction, removal, moving, alteration, of a building, fence, sign or other as required by the Building Code.

BUILDING SETBACK LINE

The line established by the minimum required setbacks forming the area within a lot in which a building may be located (buildable area), unless otherwise provided for by this Ordinance.

BUS STATION

A building or premises where commercial motor vehicles, on pre-determined routes, pick up and discharge fare paying passengers. Accessory uses may include ticket offices, luggage checking facilities and similar uses. Call and ride services are not applicable to this definition.

CABARET

A cabaret is an establishment where live entertainment is provided, presented, permitted or performed including but not limited to, dance, comedy, theatrical, or musical performances, or performances which are distinguished or characterized by an emphasis on, or related to, “specified anatomical areas” (as heretofore defined under “Adult Specified Sexual Activities and Anatomical Areas”) for observation by persons or patrons therein.

CAMPGROUND

A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

CARPORT

A partially open structure, intended to shelter one or more vehicles.

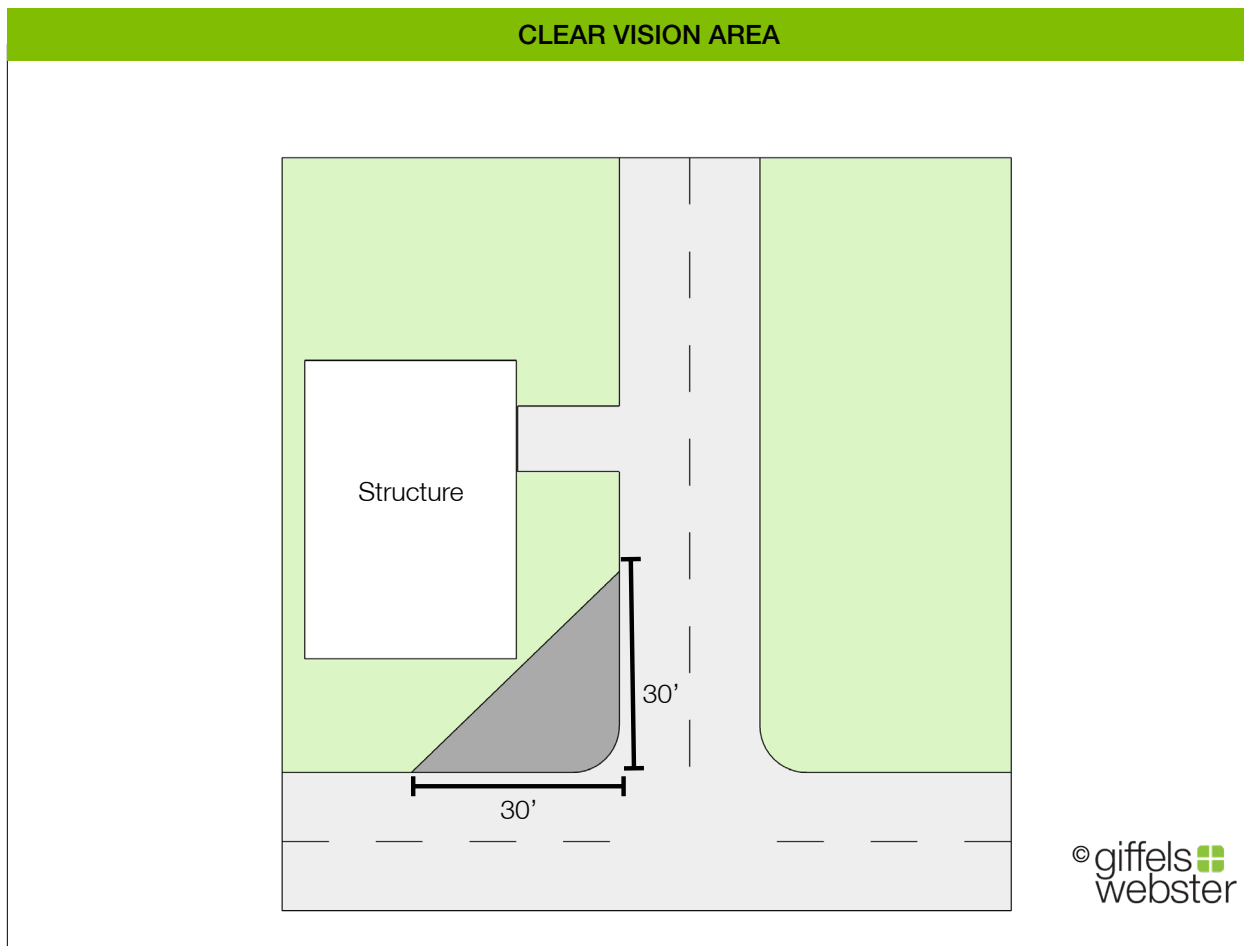
CEMETERY

Property used for the interring of the dead. May include a structure for the cremation of remains and facilities for storing ashes of remains that have been cremated of the dead. Also may include structures for the interment of the dead in sealed crypts or compartments.

Section 2.2 Definitions C

CLEAR VISION AREA

The clear vision area (otherwise known as “sight triangle”) is a triangular-shaped area on corner lots. 



CLINIC

An establishment where human patients are examined and treated by physicians, dentists, or members of similar professions, and may incorporate customary laboratories and pharmacies incidental to or necessary to the service of clinic patients. A clinic shall not include overnight lodging.

CLINIC, LARGE ANIMAL VETERINARY

An establishment where agricultural animal patients (equine and traditional food animal species, such as cows, pigs, sheep, etc.) are examined and treated by a veterinarian. A large animal veterinary clinic may include pastures, barns, and arenas to accommodate overnight stays, observations and temporary treatments.

CLINIC, SMALL ANIMAL VETERINARY

An establishment where domesticated, non-agricultural, animal patients are examined and treated by a veterinarian. A veterinary clinic may include pens or cages enclosed within the walls of the principal clinic building to accommodate overnight stays and temporary treatment.

- 1. Purpose & Intent
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CLUB/LODGE

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

COLLECTIBLES

Any class of items that can be collected for a hobby or for sale that are usually old, but not an antique.

COMMERCIAL RECREATION

A recreational type of business that is primarily operated for profit. Such uses could include indoor or outdoor golf driving range, ice rink, archery range, paintball course, etc.

- A. **INDOOR COMMERCIAL RECREATIONAL** uses include, but are not limited to: bowling alleys, ice or roller blade rinks, firearm ranges, indoor soccer fields and racket courts, and athletic clubs.
- B. **OUTDOOR COMMERCIAL RECREATION** uses shall include, but not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skateboard park.

COMMERCIAL SUPPORT SERVICE

Commercial support services, such as a restaurant or cafeteria facility (not including drive-in facilities), barber or beauty shop, banking, news stand, or photocopying shop, photographic studio, that are located and designed so as to be clearly intended only for use by employees of the permitted uses, and not for the general public.

COMMERCIAL USE

Commercial use means the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or services.

COMMERCIAL VEHICLE

Any motor vehicle which has a commercial license and/or which has a gross vehicle weight rating (GVWR) of over 10,000 pounds.

COMMISSION

The words "Commission" or "Planning Commission" shall mean the Clinton County Planning Commission.

COMPREHENSIVE PLAN

The official document adopted by the Planning Commission that serves as a policy statement and a guide as to the long-range development of the County.

Section 2.2 Definitions C

CONDOMINIUM AND SITE CONDOMINIUM

A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- A. **CONDOMINIUM ACT** - State of Michigan Public Act 59 of 1978, as amended.
- B. **Condominium Documents**. The master deed and bylaws, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
- C. **CONDOMINIUM LOT** - The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
- D. **CONDOMINIUM UNIT** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. **GENERAL COMMON ELEMENTS** - The common elements other than the limited common elements intended for the common use of all of the co-owners.
- F. **LIMITED COMMON ELEMENTS** - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **MASTER DEED** - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

CONCENTRATED ANIMAL FEEDING OPERATION (CAFO)

A CAFO is a lot or facility that stables or confines and feeds or maintains animals for a total of 45 days or more in any 12-month period and meets the following criteria in Table 1 for a large, medium, or small concentrated animal feeding operation:

Table 2.1			
Number of Animals to Define Large, Medium, and Small Concentrated Animal Feeding Operations			
Type of Animal: Feeding Operation:	Concentrated Animal Feeding Operations		
	Large Animal numbers equal to or more than:	Medium Animal numbers equal to:	Small Animal numbers less than:
Dairy cows (Mature - milked or dry)	700	200 to 699	200
Veal calves	1,000	300 to 999	300
Cattle other than mature dairy cows or veal calves ¹	1,000	300 to 999	300
Swine (weighing more than 55 pounds)	2,500	750 to 2,499	750
Swine (weighing less than 55 pounds)	10,000	3,000 to 9,999	3,000
Horses	500	150 to 499	150
Sheep or Lambs	10,000	3,000 to 9,999	3,000
Turkeys	55,000	16,500 to 54,999	16,500
Laying hens or broilers ²	30,000	9,000 to 29,999	9,000
Chickens, other than laying hens ³	125,000	37,500 to 124,999	37,500
Laying hens ³	82,000	25,000 to 81,999	25,000
Ducks ²	5,000	1,500 to 4,999	1,500
Ducks ³	30,000	10,000 to 29,999	10,000
Geese	30,000	10,000 to 29,999	10,000

¹Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs.
²Animal feeding operation uses a liquid manure handling system.
³Animal feeding operation uses other than a liquid manure handling system.
 NOTE: Other animal types not listed in the above table may be considered on a case-by-case basis.

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Section 2.2 Definitions C

CONVALESCENT OR NURSING HOME

A convalescent home or nursing home is a state licensed facility for the care of chronically ill or disabled children or the aged, or a place of rest for those suffering serious bodily disorders.

CONVENIENCE STORE

Any retail establishment offering for sale prepackaged food products, household items, and other commonly associated goods and having a gross floor area of less than 5,000 square feet.

CONSERVATION AREA, PUBLIC OR PRIVATE

A public or private conservation area is land with no permanent structures set aside for the conservation of water, soil, open space, forest and wildlife preserves.

CORRIDOR

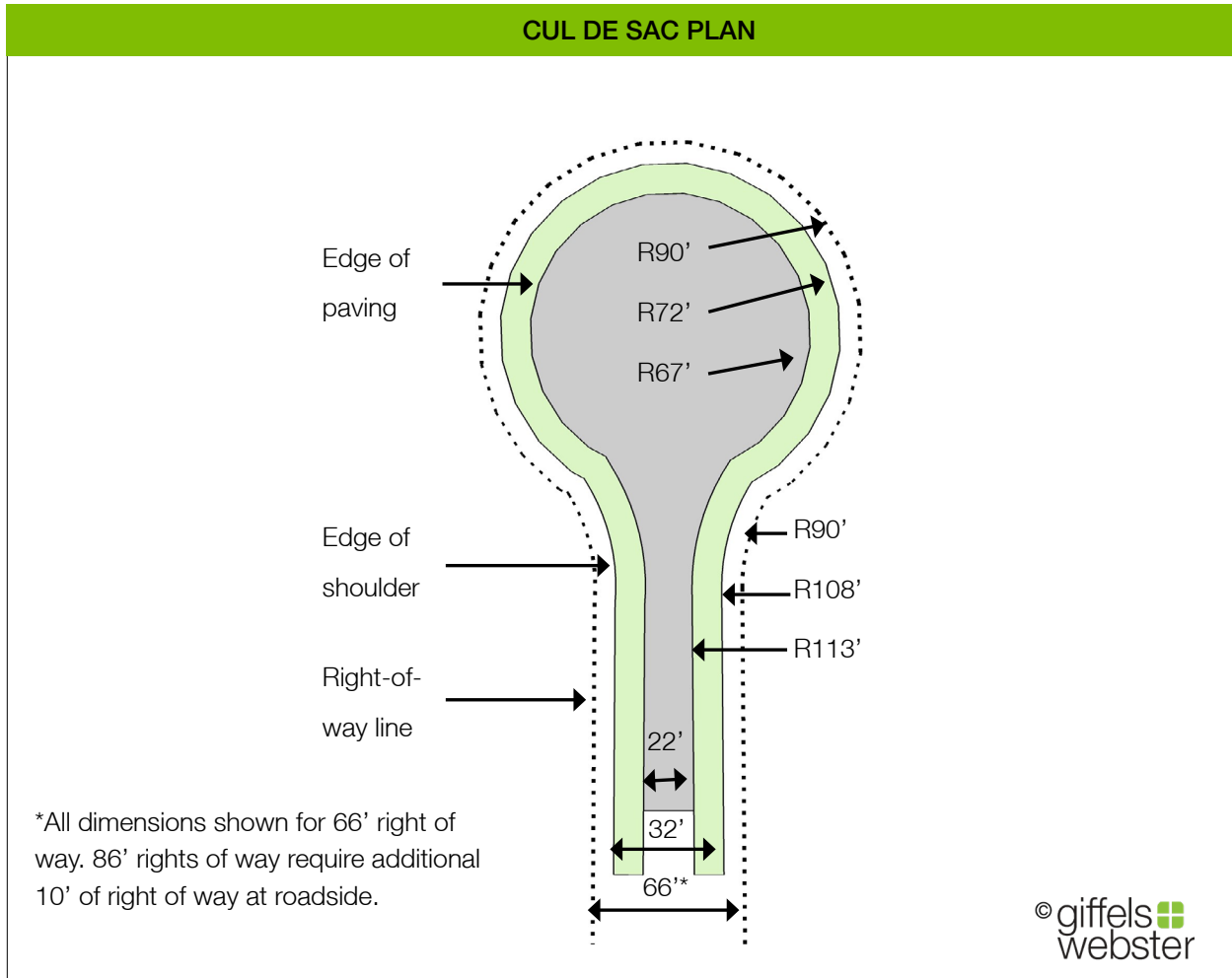
The US-127BR roadway (nonexpressway) from Webb Road north to Gratiot Road, and the sections of Round Lake Road, Price Road and M-21 connecting US--127BR and US-127, including the street right-of-way and lands on both side, as identified in the Clinton County US-27/27BR Corridor Access Management Plan.

CORRIDOR PLAN

The US-27/27BR (US 127BR) Corridor Access Management Plan adopted by the Planning Commission. The Corridor Plan documents rationale for this section and illustrates existing and recommended location of access points.

CUL-DE-SAC

A local street with an intersection on one end and a closed turning area on the other. ↗



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Section 2.2 Definitions D

DAY CARE FACILITIES, CHILDREN

The following definitions shall apply in the construction and application of this Ordinance:

- A. **FAMILY DAY CARE HOME** - A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks in a calendar year. A family day care home must be licensed or registered under Act No. 116 of the Public Acts of 1973. MCL 722.111.
- B. **GROUP DAY CARE HOME** - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **DAY CARE CENTER** - A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

DAY CARE FACILITIES, ADULTS

The following definitions shall apply in the construction and application of this Ordinance:

- A. **FAMILY DAY CARE HOME** - A private residence in which one (1) but not more than six (6) adults are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a legal guardian or caretaker, excepting those related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated adult for more than four (4) weeks in a calendar year.
- B. **GROUP DAY CARE HOME** - A private residence in which seven (7) but not more than twelve (12) adults are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a legal guardian or caretaker, excepting adults related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated adult for more than four (4) weeks in a calendar year.
- C. **DAY CARE CENTER** - A facility, other than a private residence, receiving more than one (1) or more adults for care and supervision for periods less than twenty-four (24) hours, and where the legal guardians or caretakers are not immediately available to the adult.

DEVELOPMENT

The implementation of a new use and/or construction of a new structure on a zoning lot that is appropriately zoned, the relocation of an existing building on another zoning lot to an appropriately zoned lot, or the utilization of open land that is appropriately zoned for a new use.



DISCRETIONARY

Discretionary means an action which requires the exercise of judgment or deliberation during the decision-making process, as distinguished from situations where the public agency or body is limited to a determination of conformity with applicable statutes, ordinances or regulations. See the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, Article V.

DISTRICT

A portion of the County within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN BUSINESS

Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions and is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons while in said vehicle. (See “Restaurant, Drive-In” and “Theater, Drive-In.”)

DRY CLEANERS, COIN OPERATED

A building or part of a building where the services of coin operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

DRY CLEANERS, DISTRIBUTION STATION

A building or part of a building used only for the purpose of collection and distribution of articles to be subjected to the process of dry cleaning, washing, dyeing, cleaning and spotting and stain removing, and for the pressing of any such articles or goods which have been subjected to such process elsewhere.

DRY CLEANING OR LAUNDRY OUTLET

A building or part of a building used for the purpose of receiving articles or goods of fabric to be subjected to a process of cleaning or dyeing on-site. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric that have been received therein.

Section 2.2 Definitions D - E

DWELLING/DWELLING UNIT

A building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons or a family, including permanent provisions for living, sleeping, eating, cooking and sanitation. A travel trailer, motor home, automobile chassis, tent or other portable building shall not be considered a dwelling.

DWELLING, MULTIPLE-FAMILY

A building containing three or more individual dwelling units.

DWELLING, SINGLE-FAMILY

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

DWELLING, TWO-FAMILY

A detached building designed for and occupied exclusively by two (2) families living independently of each other in two (2) dwelling units. Also known as a duplex.

EASEMENT

Any private or dedicated public way that provides a means of access to or through property of another for purposes of ingress, egress, utilities, drainage and similar uses.

EFFICIENCY UNIT

An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room.

EQUIPMENT RENTAL

A building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

ERECTED

The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building, or structure. Excavation, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES

The erection, operation, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead, gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, recycling bins and other similar equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Wireless communication support structures and/or facilities constructed primarily for private sector or commercial use shall not be considered an essential service.

EXCAVATING/EXCAVATION

The removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged. Said definition does not include common household gardening and farming operations.

EXOTIC OR WILD ANIMAL

Exotic or wild animal means any animal that is not normally domesticated in the United States or is wild by nature. Exotic or wild animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

- A. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
- B. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, not domesticated cats)
- C. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
- D. Ursidae (all bears)
- E. Reptilia (all venomous snakes, all constricting snakes, iguanas, turtles, lizards)
- F. Crocodilia (alligators, crocodiles)
- G. Proboscidae (elephants)
- H. Hyaenidae (hyenas)
- I. Artiodactyla (hippopotamuses, giraffes, camels, not cattle or swine or sheep or goats)
- J. Procyonidae (raccoons, coatis)
- K. Marsupialia (kangaroos, opossums)
- L. Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
- M. Edentata (anteaters, sloths, armadillos)
- N. Viverridae (mongooses, civets, and genets)

Section 2.2 Definitions F

FAMILY

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two (2) additional unrelated people, who are domiciled together as a single, domestic, 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, who are cooking and living as a single non-profit housekeeping unit, and whose relationship is the functional equivalent of a domestic family with a demonstrable and recognizable bond, which constitutes the functional equivalent of the bonds, which render the domestic family a cohesive unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FARM

Agricultural land, plants, animals, buildings, structures, including ponds used for agricultural or aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM MARKET

A place or an area where transactions between a farm market operator and a customer take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state and federal regulations.

FARM MARKET, AFFILIATED FARM

Affiliated farm means a farm under the same ownership or control (e.g., leased) as the roadside stand or farm market, but the roadside stand, market or facility does not have to be located on the same property where their production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities.

FARM MARKET, AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm or farmer's market to attract customers and promote the sale of agricultural products produced on-site for a farm market and off-site for a farmer's market. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan, value-added agricultural products and on-site production.



FARM MARKET, AGRICULTURALLY RELATED USES

Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and education events such as farming and food preserving classes, etc.

FARM MARKET, ENHANCED

An enhanced farm market is a place or an area where transactions between a farm operator and a customer take place that:

- A. Does not conform to the definition of 'Farm Market' as defined by this ordinance. For example, the use, form function or operation includes an operation where more than fifty (50) percent of non-affiliated farm products are sold and processed on-site; and/or
- B. The place or area includes uses that are in addition to or supplemental to a 'Farm Market' but are not exempt from compliance with local ordinance by the Michigan Right to Farm Act or the applicable Generally Accepted Agricultural Management Practices ('GAAMP's'), for example, market activities and services intended to attract and entertain customers and facilitate retail trade business transactions. All applicable local, state, and federal regulations for use of property and structure are applicable.

FARM MARKET, ENHANCED, NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

FARM MARKET, ENHANCED, NON-AGRICULTURALLY RELATED USES

Activities that are part of a farmer's market total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include events, play areas, amusement rides, etc.

FARM MARKET, FIFTY (50) PERCENT OF THE PRODUCTS MARKETED

For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used. At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main 'namesake' ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

Section 2.2 Definitions F

FARM OPERATION

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes but is not limited to: Marketing produce at roadside stands or farm markets; the generation of noise, odors, dust, fumes and other associated conditions; the operation of a machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers; and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act no. 300 of the Public Acts of 1949; field preparation and ground and aerial seeding and spraying; the application of chemical fertilizers or organic materials, conditioners, liming materials or pesticides; use of alternative pest management techniques; the fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals; the management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes; the conversion from a farm operation activity to other farm operation activities; and the employment and use of labor.

FARM PRODUCT

Those plants and animals useful to human beings produced by agriculture and includes but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish and other aquaculture 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 which incorporates the use of food, feed, fiber, or fur.

FARM PRODUCT, PROCESSED

A farm product or commodity may be processed, in accordance with state and federal laws, to convert it into a value-added product that is more marketable for direct sales. Processing may include packing, washing, cleaning, grading, sorting, pitting, pressing, fermenting, distilling, packaging, cooling, storage, canning, drying, freezing or otherwise preparing the product for sale. These activities can be used to extend a farm market's marketing season beyond its production season.

FARM SUPPLY, WHOLESALE/RETAIL

A building, structure or areas where farm equipment and farm supplies specifically sold for commercial agricultural production are kept for sale. Farm supply shall not include any other establishment defined or classified herein, or not include the sale of items not related to commercial agricultural production.

FARMER

A person whose principal occupation and source of income is farming.

FENCE

An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land; or a barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

FITNESS CENTER/CLUB

A building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

FLAG LOT

Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.

FLEA MARKET

- A. A building or part of a building where second hand goods, article and antiques are offered or kept for sale at retail to the general public but shall not include any other establishment otherwise defined or classified herein.
- B. An occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

FLOOD

During high amounts of precipitation, or resulting from high amounts of precipitation, a rise in the water level of a water body or course, or the rapid accumulation of water from run-off or other sources so that land that is normally dry is temporarily inundated by water.

FLOODPLAIN

The relatively flat area or lowlands adjoining a body of water, channel or watercourse, which may be covered by floodwater when high amounts of precipitation are experienced. Floodplains are often wetland areas that are part of the river flow system and contiguous areas paralleling major rivers or streams that exhibit unstable soil conditions for development.

FLOODPLAIN, BASE (100-YEAR)

The base flood elevation used to define areas prone to flooding, describing, at minimum, the depth or peak elevation of flooding which has a one (1) percent or greater chance of occurring in any given year (100-year flood).

FLOODWAY

The channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

FRACTIONAL SPACE

When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

Section 2.2 Definitions F - G

FUNCTIONAL CLASSIFICATION / LEVEL OF SERVICE (LOS)

A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

GAME REFUGE, CONSERVATION AREA

Land left in its natural state and/or managed for the purpose of providing sanctuary, habitat and breeding grounds for wild birds, animals and plant life and including a forest preserve.

GARAGE, PRIVATE

An accessory structure for the principal permitted use, used for the storage of motor vehicles for the use of the occupants of the aforementioned principal permitted use.

GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPS)

Those practices as defined by the Michigan Commission of Agriculture.

GRADE CONTACT

The elevation of the finished ground surface along and adjacent to the exterior wall of a building.

GOLF COURSE

A golf course shall mean the premises upon which the game of golf is played, including clubhouse, parking lots, pro shop, and other structures and uses customarily incidental to a golf course. A golf course may include a driving range operated as an accessory use.

GOLF COURSE, MINIATURE

One or more nine (9) to eighteen (18) hole miniature-scaled golf courses. Equipment is limited to a putter and golf ball and such courses often contain a variety of obstacles for the participant to navigate.

GOLF, DRIVING RANGE

A golf practice facility that is included at most golf courses; driving ranges also commonly operate as standalone businesses away from golf courses. Typically a driving range will consist of a large, open field with teeing ground at one end. The landing area may include target greens and yardage markers. Driving ranges may also include practice putting greens and may have areas for chipping, pitching and bunker practice

HAZARDOUS SUBSTANCES

Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labors; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

HELIPORT

An area designed to be used for the landing and take-off of helicopters, including passenger and cargo operations and facilities for maintenance, service, and storage and fueling. See “Airport.”

HOME BUSINESS/OCCUPATION

A professional occupation, activity, or use by a resident that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, pharmacies, medical supply sales, training facilities, central service facilities, and staff offices.

HOTEL

A building or structure or part thereof, intended or designed to be used, or which are used, rented out to be occupied temporarily or for sleeping purposes, in which the rooms are usually occupied singly for fee and in which no provisions for cooking are made, and in which building there may be a general kitchen and/or public dining room(s) for the accommodation of the occupants. The word “hotel” shall not include “motel” which is separately defined herein.

HOUSEHOLD PETS

Any domesticated dog, cat or other animal kept for friendship or hunting purposes. Household pets do not include exotic or wild animals.

Section 2.2 Definitions I

INDUSTRIAL USE

The use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

INDUSTRY, GENERAL

Any manufacturing or other industrial-type or related use including, but not limited to the following:

- A. The manufacturing, fabrication and assembling of motor vehicle equipment and parts, farm machinery and equipment, heavy industrial machinery and equipment.
- B. Production, manufacturing, processing and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits.
- C. Drop forges, heavy stamping, fabricating, assembly and other manufacturing processes, except tanneries, slaughter houses, stock yards, oil refineries, or soap factories.
- D. Lumber, planing mill and saw mill.
- E. Manufacturing or processing of wood, concrete, cinder block and brick.
- F. Manufacture of major appliances.
- G. Pressing, stamping or forming of major sheet metal parts.
- H. Manufacture of iron, aluminum, bronze and other castings.

INDUSTRY, LIGHT

The manufacture, assembly, compounding, processing, packaging, or treatment from previously prepared materials or repair of products such as electric or neon signs; light sheet metal products including heating and ventilating equipment, siding, and the like; textile goods; apparel and leather goods; furniture and fixtures; printing and publishing; jewelry, silverware, and plated ware; converted paper and paper products; sporting goods; glass products (using purchased glass); office and artists supplies and materials; professional, scientific, and controlling instruments, photographic and optical equipment supplies; processing of materials utilizing low-level, low-heat chemical processing; veneer processing and/or manufacturing facility (including indoor raw timber and lumber processing; jobbing and machine shop and processing of machine parts; .

INDUSTRY, NON-EFFLUENT PRODUCING

An industrial use which does not utilize process waters and which does not produce wastewaters.

INOPERABLE/ABANDONED MOTOR VEHICLE

Any wheeled vehicle which is intended to be self- propelled, and which by reason of dismantling, disrepair, or other cause (lack of title, tag, registration, etc.) is incapable or being used for its intended purpose.

JUNK

Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, or scrap materials that are damaged or deteriorated, not stored within a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle, or unusable parts thereof, which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. Junk does not include domestic refuse if stored so as to not create a nuisance and is stored for a period not to exceed seven (7) days.

JUNK YARD

A lot and any accessory buildings where waste, used or secondhand materials including, but not limited to, scrap iron, and other metals, paper, rags, rubber tires, wood, and bottles, are stored, baled, packed, disassembled, or handled for the purpose of purchase, sale, or exchange.

KENNEL, COMMERCIAL

Any building and/or land used, designed, or arranged for the commercial sale, boarding, breeding, care or treatment of more than three (3) dogs, cats, pets, or other domestic animals for profit.

KENNEL, PRIVATE

Any building or building and/or land used, designed or arranged for the boarding, breeding, or care of dogs, cats, pets, or other domestic animals belonging to the owner thereof and kept for purposes of sale, show, hunting, or as pets, provided that no more than three (3) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises.

Section 2.2 Definitions L

LANDSCAPING

The following definitions shall apply in the construction and application of this Ordinance:

- A. **BERM** - An earthen mound of variable height and width, used as a visual relief or transitional area between different land uses or uses of differing intensity.
- B. **BUFFER** - A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses or uses of differing intensity.
- C. **CONFLICTING NON-RESIDENTIAL LAND USE** - Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. **CONFLICTING RESIDENTIAL USE** - Any residential land use developed at a higher density that abuts a residential land use developed at a lower density.
- E. **GREENBELT** - An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area. Typically a greenbelt is a landscaped area, established at a minimum depth, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.
- F. **OPACITY** - The degree of being impervious or obscure to light and sight.
- G. **PLANT MATERIAL** - A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

LIGHTING (ARTIFICIAL, EXTERIOR, SITE)

The following words, terms and phrases, when used in the construction and application of this Ordinance, shall have the meanings ascribed to them below:

- A. **CANOPY STRUCTURE** - Any overhead protective structure, which is either extended from a building or freestanding, including an awning.
- B. **FOOT-CANDLE** - A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.
- C. **GLARE** - Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.
- D. **LAMP** - The component of the luminaire that produces the actual light including luminous tube lighting.
- E. **LIGHT FIXTURE** - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- F. **LIGHT POLLUTION** - Electric light which may impact the safety and welfare of travelers by impairing their ability to see potential hazards effectively, reduces the enjoyment of the night sky, causes undesirable glare, unnecessary illumination of adjacent properties or causes a detrimental effect on the environment.
- G. **LIGHT TRESPASS** - The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- H. **LUMINAIRE** - The complete lighting system including the lamp and light fixture.
- I. **LUMINOUS TUBE LIGHTING**: Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- J. **SHIELDED FIXTURE** - An outdoor light fixture shielded or constructed in a manner such that its light does not project beyond a certain limit. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.
- K. **SPILL LIGHT** - Light that is misdirected and illuminates an object or area that is not intended to be illuminated.
- L. **USEFUL LIGHT** - Light that is directed to illuminate an object or area for a useful purpose.

LIVESTOCK

An animal that is normally part of the livestock maintained on a farm, including:

- A. Bovine and like animals, such as the cow.
- B. Equine and like animals, such as the horse.
- C. Swine and like animals, such as the pig and hog.
- D. Ovine and like animals, such as the sheep and goat.
- E. Poultry and like animal, such as the chicken and turkey.

Section 2.2 Definitions L

LOADING SPACE

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

LOT

A lot is a portion or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. For the purposes of enforcing this Ordinance, a lot is land under one ownership that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks and open space as required herein.

LOT AREA

The area within the described lot lines excluding road right-of-way and portions of the area that are part of a lake, river or stream.

LOT, CORNER

A lot abutting two (2) intersecting streets. See diagram on next page. ↗

LOT COVERAGE

The percent of the lot occupied by buildings or structures. See [Ground Floor Coverage \(GFC\) in 2.3 Measurements](#). ↔

LOT, DOUBLE FRONTAGE

A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting one (1) or both of the streets, the required front yard setback ↔ shall be observed on those streets where the majority of structures presently front. See diagram as referenced in definition for [Lot, Corner](#). ↗

LOT, INTERIOR

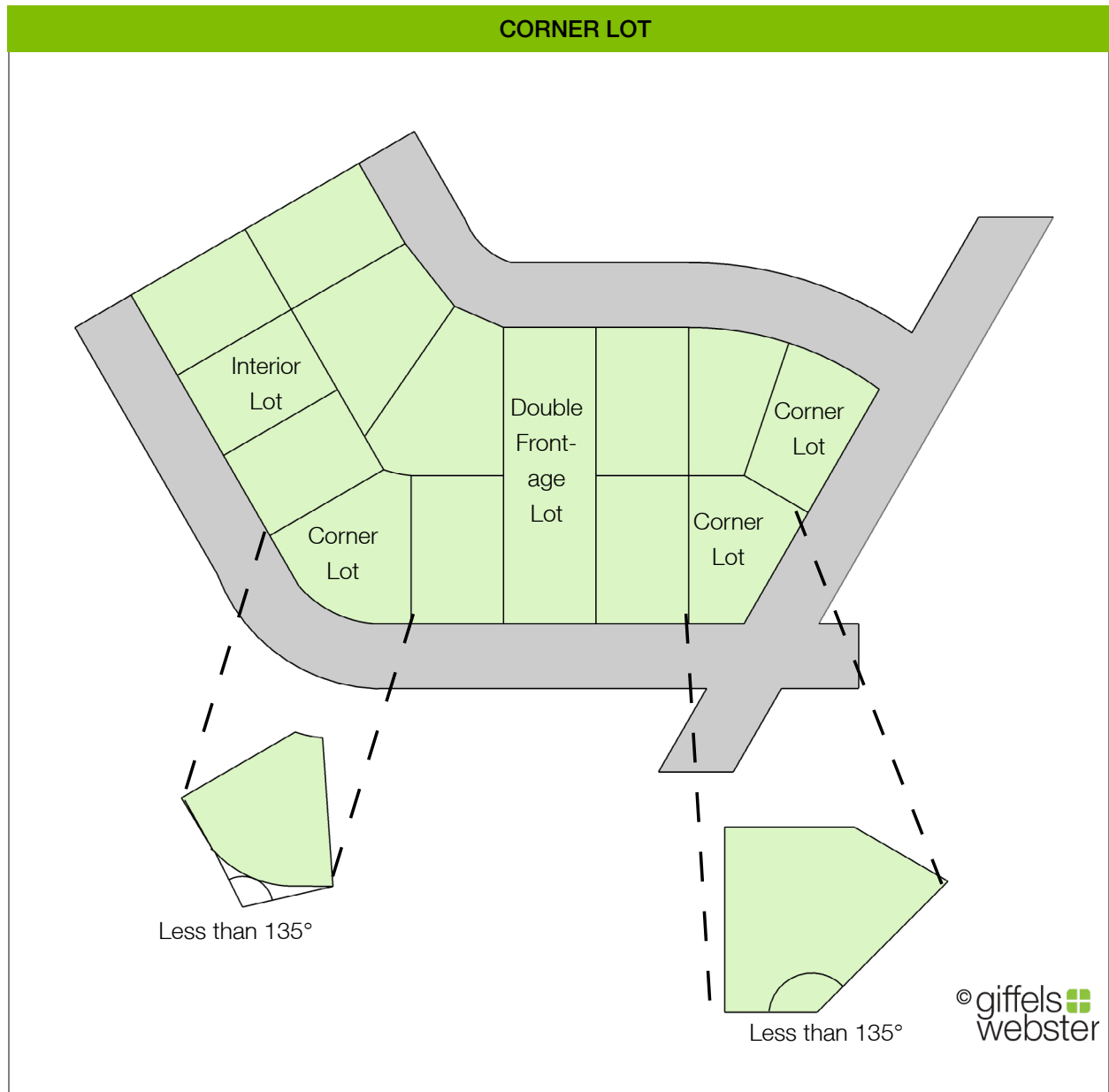
An interior lot is a lot other than a corner lot with only one lot line fronting on a street. See diagram as referenced in definition for [Lot, Corner](#). ↗

LOT LINE

Any line dividing one (1) lot from another (or from a right-of-way line in plat or site condominium), thus constituting the property lines bounding a lot.

LOT LINE, FRONT

In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning permit. In the case of a corner lot having frontage on more than one (1) street, the corner lot shall be considered as having a front lot line for each street front (See [Yard, Front](#)). ↗



1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

Section 2.2 Definitions L

LOT LINE, REAR

The lot line that is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard ↔. In cases where none of these definitions are applicable, the Board of Appeals, upon request, shall designate the rear lot line. (See [Yard, Rear](#)) ↗

LOT LINE, SIDE

Any lot line, not a front lot line, or a rear lot line. A side lot line separating a lot from a street on a corner lot is considered a front lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See [Yard, Side](#)) ↗

LOT LINE, STREET OR ALLEY

A lot line separating the lot from the right-of-way of a street or an alley, respectively.

LOT OF RECORD

A lot of record is a lot, the dimensions of which are shown on an approved subdivision plat or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so licensed by the State of Michigan, the deed or plat of which is recorded in the Office of the Register of Deeds for Clinton County and is a lot that is an approved division under the Land Division Act.

LOT SIZE, MINIMUM OR MAXIMUM

Respectively, the smallest or largest area of a parcel allowed in said district.

LOT, WATERFRONT

A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the water frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

LOT, ZONING

A single tract of land, located within a single block which, at the time of applying for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record, or portions thereof.

LUMBER YARD

A building or structure used for the storage of timber sawed into beams, planks or boards of convenient size that are for sale with other related retail items and services for construction purposes.

MANUFACTURED HOME

A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Manufactured (or mobile) home does not include a recreational vehicle.

MANUFACTURED HOME PAD

That part of a manufactured home site designed and constructed for the placement of a manufactured home, appurtenant structures, or additions including expandable rooms, enclosed patios, garages, or structural additions.

MANUFACTURED HOME SALES

Business establishments engaged in the display and sale of factory built, single-family structures that are manufactured under the authority of the National Manufactured Housing, Construction Standards Code and State of Michigan Construction Code. For the purposes of this definition, mobile homes are considered a type of manufactured housing. Recreational vehicles, travel trailers and motor homes are not considered manufactured homes for the purposes of this ordinance and definition.

MANUFACTURED HOME SITE

The entire area, which is designated for use by a specific manufactured home.

MANUFACTURED HOUSING

Dwelling units, or portions thereof, fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing the seal that it is built in compliance with the National Manufactured Housing, Construction Standards Code and the State of Michigan Construction Code.

MANUFACTURED HOUSING COMMUNITY/PARK

A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home.

Section 2.2 Definitions M

MARIHUANA (ASSOCIATED TERMS)

The term shall have the meaning given to it by the Michigan Medical Marihuana Act and/or the General Rules of the Michigan Department of Community Health developed in connection with that Act. Such associated terms include, but are not limited to, the following:

- A. **ENCLOSED, LOCKED FACILITY** - A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.
- B. **PRIMARY CAREGIVER** - A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- C. **QUALIFYING PATIENT** - A person who has been diagnosed by a physician as having a debilitating medical condition.
- D. **USABLE MARIHUANA** - The dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

MARIHUANA, MEDICAL USE

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patients debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act and/or the General Rules of the Michigan Department of Community Health developed in connection with that Act.

MEDICAL MARIHUANA DISPENSARY

Any retail store, store front, office building or other structure used to dispense, facilitate use, sells or provides in any manner marihuana or any product containing marihuana.

MEDICAL MARIHUANA CLUB/ASSEMBLY

Any retail store, store front, office building or other structure that allows for the gathering of qualified patients for the use of Marihuana.

MEDICAL HARDSHIP HOUSING OPPORTUNITY

The conversion of, or addition to, a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent or other family member with a documented medical hardship requiring daily assistance and care. Also, a detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling. Said opportunity is intended to provide secondary occupancy for a caretaker of elderly or disabled persons or such persons being cared for. Occupancy of the unit is for up to two (2) blood relatives of those persons occupying the principal dwelling unit. Such unit has a kitchen (or kitchenette), bath, living area, and sleeping area.

MINI-STORAGE (MINI-WAREHOUSING)

See [Self-Storage Facility](#).



MORTUARY/MORGUE

A place where dead bodies are stored and/or prepared before cremation or burial.

MOTEL

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room.

MULTIPLE RESIDENCE DRIVE (MRD)

A privately owned and maintained type of access provided to individual lots that also meets the frontage requirements for parcels created for the purpose of situating single-family dwellings. See [Street](#).

NON-CONFORMING BUILDING/STRUCTURE

A building/structure or portion thereof existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located. ✍

NON-CONFORMING LOT

A lot, created prior to the effective date of this Ordinance, or amendments thereto, and which does not conform to the lot area regulations for the district in which it is located.

NON-CONFORMING USE

A structure, building, lot, or other parcel of land occupied by a use at the effective date of this Ordinance, or amendments thereto, and which does not conform to the uses permitted within or the use regulations of the district in which it is located. ✍

NON-CONFORMING BUILDING AND USE

Example: Residence converted to commercial use Example: Factory building in a residential area

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Section 2.2 Definitions N - O

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

NUISANCE, PRIVATE

A private nuisance is defined as conduct that is a legal cause of an invasion on another's interest in the private use and enjoyment of land, and the invasion is either: a) intentional and unreasonable action, or (b) an unintentional act which are considered to be negligent, reckless or an abnormally dangerous type of activity. See [Nuisance](#).

NUISANCE, PUBLIC

A public nuisance is defined as an inconvenience or troublesome offense that annoys the whole community in general, and threatens the public health, safety or welfare, or damages community resources, such as public roads, parks and water and air supplies. See [Nuisance](#).

NURSERY (PLANT MATERIALS)

A lot and/or structure or combination thereof for the growing, storage, wholesale sale, or retail sale, of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside or temporary sales facility for Christmas trees.

OCCUPIED

The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

OPEN AIR BUSINESS

When developed in conjunction with a permitted use, any area that is exclusively used for the sale of or taking of orders for any merchandise where such merchandise is displayed or sold in the open air.

OPEN SPACE, REQUIRED

The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

OPEN STORAGE

All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, construction vehicles and other supplies.



OUTDOOR SALES

The retail sales of goods that are principally displayed outside, such as automobiles, building material, and nursery and garden products.

PARCEL

See [Lot of Record](#).

PARENT PARCEL/TRACT

A parent parcel or parent tract shall mean a parcel or tract, respectively, lawfully in existence on March 31st, 1997 and as defined in Public Act 288 of 1967. See [Lot](#).

PARK, PUBLIC

Any open space or recreational area, owned or controlled by a Corporation or by any Board, Commission or other Authority established under any statute of the State and may include therein neighborhood, community, regional and special parks or areas and may include one (1) or more athletic fields, field houses, community centers, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fairgrounds, arenas or other similar or recreational uses.

PARKING LOT, OFF-STREET

A defined area for the accommodation of two (2) or more parking spaces serving a principal use, including accessible travel lanes, aisle ways for accessing parking spaces.

PARKING SPACE

An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PAWN SHOP OR COLLATERAL LOAN AND/OR EXCHANGE ESTABLISHMENTS

Any building, structure, premises, or part thereof used solely or partially for the lending of money on the security of personal goods or articles at a legally specified rate of interest.

PERFORMANCE BOND

See [Bond](#).

PERFORMANCE STANDARDS

General criteria that are set to ensure that a particular structure, type of land use, or development will be able to meet certain minimum standards or that its effects on the community will not exceed set limits.

Section 2.2 Definitions P

PERMITTED USE

Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON

The word “person” means an individual, corporation, partnership, association, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT

A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaners, shoe repair shops, and similar types of uses.

PLACE OF WORSHIP

A building or structure wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT (PUD)

A form of development usually characterized by the flexible application of zoning district regulations and unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis. It also refers to a process in which the County will have considerable involvement in determining the nature of the development.

PLAYGROUND

An area of landscaped open space equipped with children’s play equipment such as slides, swings, wading pools or similar equipment and game areas.

POOL OR BILLIARD HALL

An establishment wherein the substantial or significant portion of all usable area is devoted to the use of pool or billiard tables.

POND

A manmade excavation or impoundment of surface water designed to retain or detain water.

PORCH, ENCLOSED

A covered entrance to a building or structure that is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN

A covered entrance to a building or structure that is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PREMISE

All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

PRIME AGRICULTURAL LAND

Land most efficiently and effectively suited to the production of row, forage, and fiber crops. This land, due to inherent natural characteristics such as level topography, good drainage, adequate moisture supply, favorable soil depth and favorable soil texture, consistently produces the most feed, food and fiber with the least fertilizer, labor and energy requirements. Prime soil types are as defined by the Natural Resource Conservation Service (NRCS) and Michigan State University Extension.

PRINCIPAL STRUCTURE

The main or primary structure to which the principal use of the premises or property is devoted.

PRINCIPAL USE

The main, primary or most predominant use of a parcel.

PRIVATE AIRCRAFT HANGARS

A fully enclosed structure to hold aircraft (planes, helicopters, ultralights, etc.) in protective storage in conjunction with or adjacent to approved airport locations.

PRIVATE DRIVEWAYS

A private driveway may serve no more than one (1) parcel and shall not be considered a Multiple Residence Drive (MRD). Access onto the public road is reviewed and approved by the Clinton County Road Commission (CCRC). If at any time, two (2) or more parcels are to have shared access, it shall be brought into compliance with MRD standards contained in this Ordinance.

PRIVATE MEDICAL PRACTICE

Businesses for the purpose of providing direct patient care to the local community (not to sell medical devices as a primary purpose) and not exceeding three thousand two hundred (3,200) square feet.

PRIVATE ROAD


A privately owned and maintained type of access provided to individual lots. See [Street](#).

Section 2.2 Definitions P - Q

PROOF OF OWNERSHIP, EQUITABLE TITLE

A recorded deed or recorded land contract agreement conveying interest in real estate or assignment of interest in real estate.

PUBLIC AND COMMERCIAL STORAGE GARAGES

A building or part thereof not over one (1) story  in height, used for the storage of motor vehicles wherein neither servicing for profit is conducted, nor storage of commercial vehicles.

PUBLIC SANITARY SEWER SYSTEM

A system, owned and operated by a municipality, consisting of pipes and structures, including pipes, channels, conduits, manholes, pumping station, sewage or waste treatment works, diversion and regulatory devices, outfall structures, and appurtenances, collectively or severally actually used or intended for use by the public for the purpose of collecting, conveying, transporting, treating or otherwise handling human sanitary sewage or industrial liquid wastes of such nature as to be capable of adversely affecting the public health.

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, and under Federal, State or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, or water. A public utility shall not, however, include cellular telephone operations.

QUARRY/MINING OPERATION

The term quarry shall mean any, pit, excavation, extraction or mining operation for the purpose of removal of excavated material such as earth, topsoil, sand, aggregate, clay or stone, for sale, transportation, exchange or barter, away from the premises. Removal in excess of five hundred (500) cubic yards in any calendar year shall be deemed a quarry operation. With respect to such operations, "away from the premises" shall be defined as any one of the following: a different lot of legal record, across a public road right-of-way or more than one thousand (1,000) feet from the site of excavation. Excavation by public authorities within a public right-of-way shall not be deemed a quarry operation.

REASONABLE ACCESS

A property owner's legal right, incident to property ownership, to access a public right-of-way. Reasonable access includes indirect access via service roads and drives and shared access points or partial access at an access point where turning movements are restricted due to site and traffic conditions.

RECREATIONAL VEHICLE

A recreational vehicle is defined as a vehicle primarily designed and used for recreational, camping or travel purposes including a vehicle having its own motor power, or mounted on or drawn by a motor vehicle.

- A. **TRAVEL TRAILER** - A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or able to be towed by a motor vehicle, including "5th wheels".
- B. **CAMPER TRAILER (POP-UP)** - A collapsible structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or able to be towed by a motor vehicle.
- C. **MOTOR HOME** - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. **PICKUP CAMPER** - A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or camping use.
- E. **TENT CAMPER** - A vehicular, portable structure, built on a non motorized chassis and designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and whose sides and top can be folded down into a compact trailer unit for traveling.
- F. **WATER CRAFT** - Any unit that is used for water travel.
- G. **OFF-ROAD VEHICLE** - A motorized vehicle typically designed for use off of public streets. Off-street vehicles include snowmobiles, dune buggies, and two (2); three (3) and four (4) wheeled all-terrain vehicles.

RECREATIONAL VEHICLE PARK

See [Campground](#).

RECYCLING CONTAINERS/BINS

Containers positioned for public/private drop off of recyclable materials including but not limited to newspaper, cans, plastics, glass, cardboard, etc.

REFUSE STORAGE AREA

Any exterior space designated by a site plan for containers, structures, or other receptacles intended for the temporary storage of solid waste materials.

REPAIR, AUTO BODY

An establishment for the repair of damage to a motor vehicle caused by collision, accident, corrosion or age. This type of use includes the reconstruction, restoration of motor vehicle's bodies and frames, painting or repainting of motor vehicles. This type of use does not include a motor vehicle repair shop, an impounding yard, and an automobile service and/or gasoline station.

Section 2.2 Definitions R

REPAIR, MOTOR VEHICLE

An establishment for the repair or replacement of parts in a motor vehicle. This includes but is not limited to: shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement. The following uses are not included: an auto body repair shop, an impounding yard, and an automobile service and/or gasoline station. However, the repair shop may provide vehicle rescue service and emergency road service.

RESTAURANT

An establishment which is primarily engaged in serving food and beverages which are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon, and, as accessory use thereto, may be engaged in providing customers with take-out service of food and beverages for off-site consumption.

RESTAURANT, CARRYOUT

An establishment in which the design of physical facilities, the serving or packaging procedures permit or encourage the purchase of prepared, ready-to-eat foods intended to be consumed off the premises, and where the consumption of foods in motor vehicles on the premises is neither permitted nor encouraged.

RESTAURANT, DRIVE-IN

A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption is designed to take place outside the confines of the building, often in a motor vehicle.

RETAIL ESTABLISHMENT

A building or structure where merchandise is offered and/or kept for retail sale, including storage of limited quantities of such merchandise sufficient only to service such store.

RETAINING WALL

A wall designed and constructed to hold back a mass of earth.

RIGHT-OF-WAY

An area of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

ROAD AGENCY

The agency with jurisdiction within the public street right-of-way, either the Clinton County Road Commission or the Michigan Department of Transportation.

RURAL HISTORICAL INSTITUTIONAL STRUCTURES

A structure characterized as a historical structure formerly utilized for institutional purposes, such as a place of worship or school, originally construction of which occurred in excess of 70-years previous.

SANITARY SEWER

Artificial conduits to convey water and waste matter to a central treatment facility.

SAW MILL

A building, structure or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

SECONDHAND STORE

Any building, structure, premises, or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

SELF-STORAGE FACILITY

A building or group of buildings, each of which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis, contained within a fenced, controlled access compound.

SENIOR CITIZEN HOUSING

A building or group of buildings other than a hospital, hotel or convalescent/nursing home which provides dwelling units for persons primarily sixty (60) years of age or older.

SEPTIC SYSTEM

A system constructed below grade consisting of a tank(s) and perforated drain tiles within a drainfield (below grade or at ground level) designed to treat sanitary sewage.

SERVICE ROAD

A road or drive designed to provide shared access to specific access points along a highway or arterial roadway to one or more developments within the corridor. A service road is generally parallel to the highway or arterial road along either the front or rear of a site, but may be perpendicular or have another alignment. Service roads may be in front of, or along the rear of, buildings within the overlay district.

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SEXUALLY ORIENTED BUSINESSES

- A. **ADULT ARCADE** - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc layers, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of 'specified sexual activities' or 'specified anatomical areas.'
- B. **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE** - A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore, Adult Novelty Store, or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

- C. **ADULT CABARET** - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nude; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. **ADULT MOTEL** - A hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

- E. **ADULT MOTION PICTURE THEATER** - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- F. **ADULT PHYSICAL CULTURE ESTABLISHMENT** - An “Adult Physical Culture Establishment” is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 2. Electrolysis treatment by a licensed operator of electrolysis equipment;
 3. Continuing instruction in material or performing arts or in organized athletic activities;
 4. Hospitals, nursing homes, medical clinics or medical offices; and
 5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- G. **ADULT THEATER** - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- H. **EMPLOYEE** - A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- I. **ESCORT** - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- J. **ESCORT AGENCY** - A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- K. **MASSAGE PARLOR** - An establishment where a massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

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- L. **NUDE MODEL STUDIO** - Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. where no more than one nude or semi-nude model is on the premises at any one time.
- M. **NUDITY OR A STATE OF NUDITY** - The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- N. **PERSON** - An individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. **SEMI-NUDE OR IN A SEMI-NUDE CONDITION** - The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- P. **SEXUAL ENCOUNTER CENTER** - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- Q. **SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center.
- R. **SPECIFIED ANATOMICAL AREAS:**
1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- S. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 3. Excretory functions as part of or in connection with any of the activities set forth in A through B above.



SHOPPING CENTER, PLANNED

A group of commercial uses with identities separated by common walls, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and sharing such accommodations as parking, travel lanes and access to primary roads. The concept of a shopping center is further divided into three (3) classes:

- A. Regional shopping center means a large-scale shopping center designed to provide general merchandizing and opportunities to the consumer for comparison shopping in a regional market area. Generally such shopping centers have a ground floor coverage ⇄ in excess of 100,000-sf.
- B. Community shopping center means a moderate-scale shopping center designed to provide general merchandising of a limited nature, such as junior department stores, variety stores, and home furnishings in a local market area. Generally such shopping centers have a ground floor coverage ⇄ in excess of 50,000-sf., but less than 100,000-sf.
- C. Neighborhood shopping center means a small-scale center designed for the sale of convenience goods and personal services in a neighborhood market area. Generally such shopping centers have a ground floor coverage ⇄ less than 50,000-sf.

SHOPPING MALL, ENCLOSED

A shopping center in which access by the general public to each individual store, premises or commercial establishment is obtained from the outside through a common entrance or entrances and from the inside through a covered common mall or aisle.

SIGHT DISTANCE

The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Section 2.2 Definitions S

SIGN

A name, identification, description, device, placard, display, light, balloon, banner, flag or illustration which is affixed to, painted, graphically represented by symbols or written copy or otherwise located or set upon or in a building, structure or parcel of land which directs attention, or is specifically designed for purposes of advertising or identifying any establishment, product, good, or service, to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park, public property or from other private property. The following definitions also apply to the definition of signage:

- A. **ABANDONED/OBSOLETE SIGN** - Signs that advertise a product that is no longer made or that advertise a business that has closed.
- B. **ANIMATED SIGN** - Any sign that uses movement or change of lighting to depict or create a special effect or scene. See “Flashing sign” and “Changeable Copy Sign”.
- C. **AWNING SIGN** - A sign that is printed or otherwise affixed to an awning that may be rolled or folded up against the wall to which it is attached. See “Canopy”.
- D. **BALLOON SIGN** - Any air or gas-filled object used as a temporary sign to direct attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any festival or entertainment.
- E. **BANNER SIGN** - A sign made of fabric or any non-rigid material with no enclosing framework.
- F. **BILLBOARD** - See “Off-premise Sign”.
- G. **BUILDING SIGN** - Any sign attached to any part of a building, as contrasted to a freestanding sign. For purposes of this ordinance, building signs shall include, but are not limited to: awning/canopy signs, identification signs, integral signs, marquee signs, projecting signs, roof and integral roof signs, wall, window, and suspended signs.
- H. **BUSINESS CENTER** - A grouping of three (3) or more business establishments on one (1) or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs.
- I. **BUSINESS SIGN** - An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.
- J. **CANOPY SIGN** - Any sign that is a part of or attached to awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- K. **CHANGEABLE COPY SIGN (AUTOMATIC)** - A sign on which the copy changes automatically on a lamp bank or through mechanical means.
- L. **CHANGEABLE COPY SIGN (MANUAL)** - A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
- M. **COMMERCIAL MESSAGE** - Any sign wording, logo or other representation that names, advertises or calls attention to a business, product, service, or operation
- N. **CONSTRUCTION SIGN** - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- O. **DIRECTIONAL/INFORMATION SIGN** - An on-premise sign displaying directions, instruction or facility information and which may contain the name or logo of an establishment but no advertising copy.



- P. **FLAG** - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.
- Q. **DOUBLE-FACED SIGN** - A sign with two faces, both of which contain advertising or informational copy.
- R. **FLASHING SIGN** - A sign, which contains an intermittent or sequential flashing light source, used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (See “Animated Sign,” “Changeable Copy Sign”).
- S. **FREESTANDING SIGN** - A self-supported sign and not attached to any building. See “Monument Sign.”
- T. **GOVERNMENT SIGN** - Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
- U. **HEIGHT (OF A SIGN)** - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade at the base of the sign.
- V. **IDENTIFICATION SIGN** - A sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.
- W. **ILLEGAL SIGN** - A sign which does not meet requirements of this code and which has not received legal non-conforming status.
- X. **ILLUMINATED SIGN** - A sign illuminated in any manner by an artificial light source.
- Y. **INCIDENTAL SIGN** - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and similar directives.
- Z. **INTEGRAL SIGN** - A sign that may contain the name of the building, date of erection, or take the form of a monumental citation or commemorative tablet. The sign is often carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- AA. **MAINTENANCE** - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- AB. **MARQUEE** - A permanent roof-like structure or canopy of rigid materials approved by and extending from the façade of a building (See “Awning”).
- AC. **MARQUEE SIGN** - Any sign attached to or supported by a marquee structure, which is a permanent roof-like structure or canopy of rigid (wood metal, plastic etc.) materials supported by and extending from the façade of a building. See “Awning” and “Canopy.”
- AD. **MENU BOARD** - A sign that displays the menu, or availability of items to service patrons using a drive-through facility.
- AE. **MONOLITH SIGN** - A three (3) dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

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- AF. **MONUMENT SIGN** - A low profile freestanding sign that is placed on a solid base that extends a minimum of one-foot above the ground and extends at least seventy-five (75) percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.
- AG. **NAMEPLATE** - A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- AH. **NEON SIGN** - A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
- AI. **NON-CONFORMING SIGN** - 1) A sign which was erected legally under a previous Zoning Ordinance but does not comply with subsequently enacted sign restrictions and regulations. 2) A sign which does not conform to the sign code requirements but for which a variance has been issued.
- AJ. **OFF-PREMISE SIGN** - A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising"
- AK. **ON-PREMISE SIGN** - A sign which pertains to the use of the premises on which it is located.
- AL. **PAINTED WALL SIGN** - A sign which is applied with paint or similar substance on the face of a wall.
- AM. **PENNANT SIGN** - A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric, or other materials, that may or may not contain a message, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- AN. **POLITICAL SIGN** - For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.
- AO. **PORTABLE SIGN** - A temporary sign that is not permanently affixed to an occupied structure or to a pole, pylon, or other support structure that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- AP. **PRINCIPAL BUILDING** - The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.
- AQ. **PROJECTING SIGN** - Any sign affixed to a building or wall in such a manner that its leading edge extends beyond the surface of such building or wall.
- AR. **REAL ESTATE SIGN** - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- AS. **REAL ESTATE DEVELOPMENT SIGN** - A sign informing when a subdivision or other real estate development will commence construction or will be available for occupancy or use on the premises upon which it is located.
- AT. **RESIDENTIAL DEVELOPMENT / SUBDIVISION IDENTIFICATION SIGN** - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- AU. **ROOF SIGN** - Any sign erected over or on the roof of a building. See "Marquee Sign"



- AV. **ROOF SIGN, INTEGRAL** - Any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- AW. **SANDWICH SIGN** - A temporary, portable sign consisting of two (2) advertising boards laid back-to-back and at least partially supported by each other.
- AX. **STREET FURNITURE SIGN** - A sign structure that, by its design, invites, entices, encourages or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Street furniture signs include, but are not limited to, signage on benches and on table umbrellas used for outdoor, café-style dining.
- AY. **SUSPENDED SIGN** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- AZ. **TEMPORARY SIGN** - A sign not constructed or intended for long-term use.
- BA. **WALL SIGN** - A sign attached parallel to and extending not more than 8 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.
- BB. **WINDOW SIGN** - A sign installed inside a window and intended to be viewed from the outside

SOLAR FARMS

A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies for the primary purpose of wholesale or retail sales of generated electricity off-site. Solar Farms do not include small scale solar panels or technologies installed at individual residential or commercial locations (e.g., roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. These installations are permitted as [Accessory buildings, structures, and uses](#) in [Section 4.1 Accessory buildings, structures, and uses](#).

SOLID WASTE PROCESSING FACILITY

A tract of land, building, unit, or appurtenance of a building or unit or a combination of land, building and unit that is used or intended for use for the processing of solid waste or the recovery of recyclable or compostable materials. The facility shall not include incinerators, waste from or to energy plants, junk yards or salvage operations.

SOLID WASTE TRANSFER FACILITY

A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling or temporary storage of solid waste or recyclable goods incidental to the transportation of solid waste.

SPECIAL LAND USE

See [Use, Special Land](#).

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SPECIALLY DESIGNATED DISTRIBUTOR'S ESTABLISHMENT (SDD)

A specially designated distributor's establishment is a retail establishment, consisting of less than fifteen thousand (15,000) square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution or alcoholic liquor, licensed by the state liquor control commission to distribute alcoholic liquor, other than wine under twenty (20) percent alcohol by volume, and beer, in the original package for consumption off the premises.

SPECIALLY DESIGNATED MERCHANT'S ESTABLISHMENT (SDM)

A specially designed merchant's establishment is a retail establishment consisting of less than fifteen thousand (15,000) square feet of usable retail space, or any retail establishment where more than ten (10) percent of the usable retail space is utilized for the distribution of alcoholic liquor, licensed by the state liquor control commission to sell beer and/or wine for consumption off the premises.

STABLE, COMMERCIAL

A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation, also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

STABLE, PRIVATE

A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are kept or boarded for the sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space, or for agricultural production.

STATE LICENSED RESIDENTIAL FACILITIES

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

- A. **ADULT FOSTER CARE FACILITY** - A residential structure that is licensed to provide room and board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Act 218 of 1979, as amended, and the applicable administrative rules as administered by the State of Michigan Family Independence Agency. The following four (4) types of Adult Foster Care Homes are defined
 - 1. **FAMILY HOME** - Residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
 - 2. **ADULT FOSTER CARE SMALL GROUP HOME** - Residence for twelve (12) or fewer adults. Licensee is not required to live in the home
 - 3. **ADULT FOSTER CARE LARGE GROUP HOME** - Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home.
 - 4. **CONGREGATE FACILITY** - Residence for more than twenty (20) adults of which not more than six (6) can be of age 65 or older with the condition that each living unit does not exceed twenty (20) individuals.

STORM SEWER

An artificial conduit to convey storm water.

Section 2.2 Definitions S

STORY

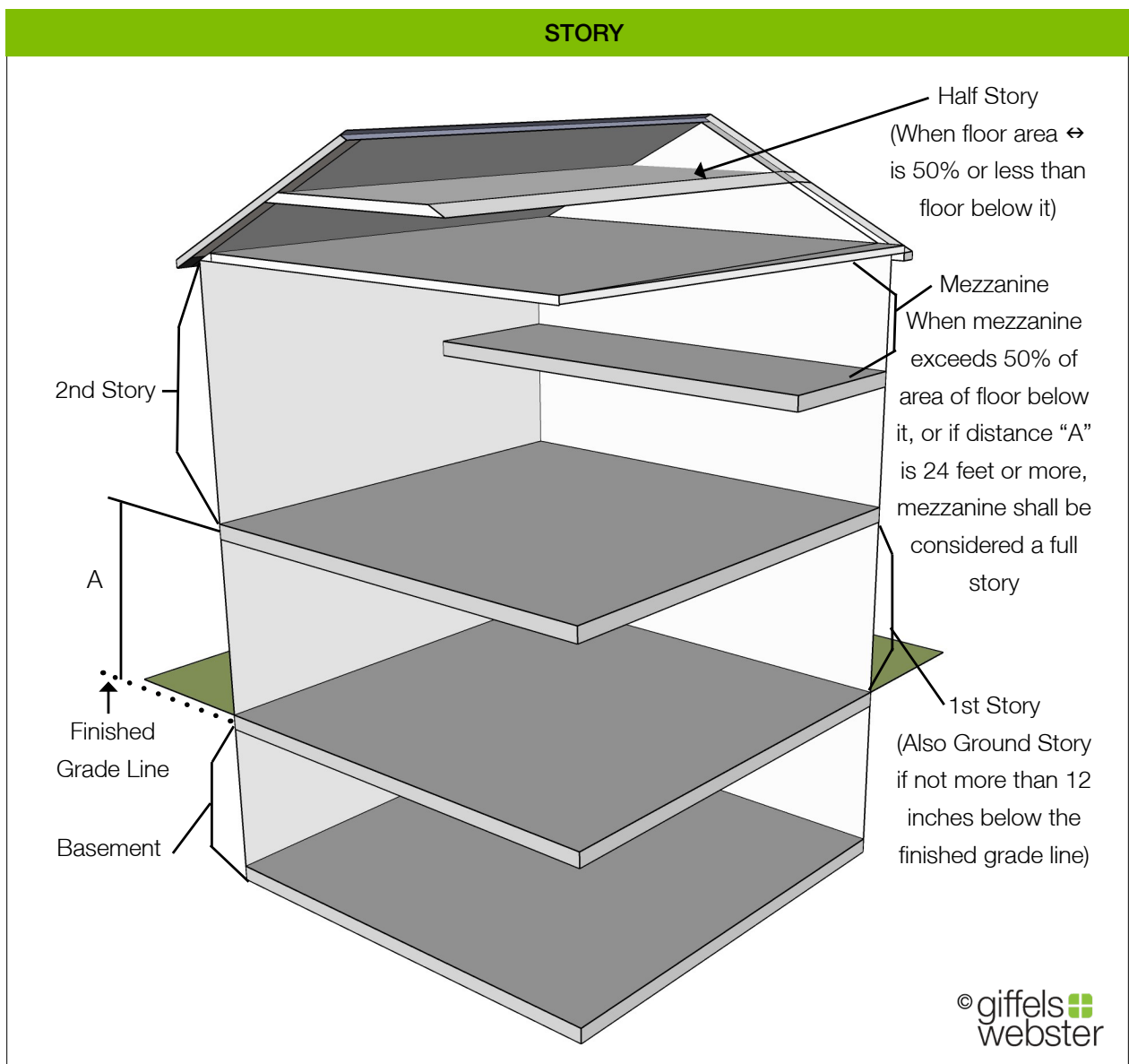
That portion of a building, other than a mezzanine, included between the surface of any floor and the floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. ↯

STORY, BASEMENT

For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured. ↯↔

STORY, HALF

The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven (7) feet six (6) inches. ↯



- 1. Purpose & Intent
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STORY, MEZZANINE

A mezzanine is an intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located. ✍

STREET

A public or private traffic way having a right-of-way and which affords the principal means of vehicular access to the abutting property. ✍

STRUCTURE

Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground. When a structure is divided into separate parts by an un-pierced wall, each part shall be deemed a separate structure. Among other things, structures shall include buildings, manufactured homes, walls, fences, billboards, signs, and towers.

STRUCTURE HEIGHT

See [Height, building](#) in [Section 2.3 Measurements](#).

STRUCTURAL ALTERATION

Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof.

SUPERMARKET

A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pickup. As distinguished from other similar uses, supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

SWIMMING POOL, COMMERCIAL

A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.

SWIMMING POOL, COMMUNITY

A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by an association of members for the benefit of such association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

SWIMMING POOL, PRIVATE

A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel on which situated, and their guests.

Section 2.2 Definitions T

TEMPORARY BUILDING AND USE

A building or use permitted by the Zoning Official to exist during periods of construction of the main building, or site improvements.

THEATER

A place, either indoor or outdoor, where plays, operas or motion pictures are presented.

THEATER, DRIVE-IN

A lot which is used commercially for the purpose of showing motion pictures on a large screen, or wall, which are viewed by patrons from the confines of a motor vehicle. A drive-in theatre also includes accessory uses and structures such as a snack bar, projector building, speaker stands and ticket office.

TIME LIMITS

Unless otherwise specified, time limits stated in this ordinance shall be measured from midnight of the date on which the cause of action arises. Specific units of measure shall be as follows:

- A. **DAYS** - consecutive periods of twenty-four (24) hours.
- B. **WEEKS** - consecutive periods of seven (7) days.
- C. **MONTHS** - consecutive periods of twenty-eight (28) – thirty-one (31) days,
- D. **YEARS** - consecutive periods of three hundred sixty-five (365) days.

TRAFFIC IMPACT STUDY

The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project (e.g., Traffic Impact Assessment, Traffic Impact Statement, and Regional Traffic Impact Study.)

TRANSIENT AMUSEMENT ENTERPRISES

Transient amusement enterprises are uses that are temporary and not part of an established business or where no permanent or physical structures or facilities are used such as: circuses, carnivals, music festivals, other similar amusements and similar gatherings of people.

TRANSIENT SALES LOT

Any area that is used exclusively for the sale of or order for any merchandise where sales or order-taking are not part of the operation of an established business or where no permanent physical structures or facilities are used as integral parts of the sales or order taking operations.

TRANSITION STRIP

An improved strip of land that functions as an aesthetic buffer between different land uses. A transition strip normally consists of living plant materials, however, a screen or wall may be substituted where permitted herein.

TRIP GENERATION (RATES)

The number of trip ends associated with a development, based on building area, lot size, number of units/employees or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources such as the Trip Generation manual developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration.

TRUCK STOP

Any building, premises or land where commercial vehicles are maintained, serviced, stored or repaired. Also included, is the dispensing of fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include restaurant facilities.

USE

The lawful purpose, for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let or leased.

USE, ILLEGAL NON-CONFORMING

An existing use of land and structures, created after the effective date of this Ordinance, and which does not conform to the uses specified as permitted in a District. Such illegal non-conforming uses also include those uses implemented, commenced or initiated under previous version of this Ordinance without appropriate approval or in violation of the zoning district where such use is located.

USE, LEGAL NON-CONFORMING

An existing use of land and structures, as of the effective date of this Ordinance, which does not conform to the uses specified as permitted in a District.

USE, PERMITTED

A permitted use is a use that may be lawfully established in a particular district provided the use conforms to all requirements, regulations, and standards of such district.

USE, SPECIAL LAND

A use that would be inconsistent with or detrimental to other uses permitted in the same zoning district unless carefully controlled as to number, area, size, exterior design, location or relation to the adjacent properties and to the neighborhood. Such uses may be considered necessary or important to the public health, safety, and welfare of the neighborhood or county as a whole and may be permitted if proper safeguards are taken. Such uses may be permitted in such zoning district as a Special Land Use if specific provision for such Special Land Use is made in this Ordinance.

Section 2.2 Definitions V - W

VARIANCE

A variance is the modification of the regulations and/or literal provisions of this Ordinance by the Board of Appeals where strict enforcement of those regulations and/or provisions would cause undue hardship and/or practical difficulty as a result of special circumstances affecting a particular property that do not generally affect other properties in the small district. The variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property, are not the result of actions of the applicant. Not permitted, however, is a use variance, which is a variance to permit a use not otherwise permitted within a zoning district.

VEHICLE RENTAL

A building, part of a building or in combination with outdoor sales, where motor vehicles, trailers, traction engines, farm tractors, and any vehicle drawn or propelled by any kind of power including muscular power is kept for rental to the general public.

VEHICLE WASH ESTABLISHMENT

A building or structure used for washing motor vehicles.

- A. **AUTOMATIC WASH** - An establishment having facilities for washing motor vehicles by production line methods which may include a conveyor system or similar mechanical devices.
- B. **SELF-WASH** - A car wash where the patron supplies the labor and the proprietor provides the utensils, water, soap, wax, etc.

WAREHOUSE

A building or portion thereof used for storage of goods, merchandise or other items. This shall not include self-storage facilities or storage area in connection with a purely retail business when located on the same property.

WATERCOURSE

Any waterway or other body of water having well defined banks, including rivers, streams, creeks and brooks, whether continually or intermittently flowing, and lakes and ponds.

WETLAND

Lands that are generally or intermittently covered with water and poorly drained, which by nature of their surface and/or sub-surface soil characteristics are self-contained water resources, including marshes, swamps and bogs.

WETLAND, REGULATED

Certain wetlands regulated by the Michigan Department of Environment, Great Lake and Energy (EGLE) pursuant to Public Act 451, as amended. Such lands generally are characterized by the presence of water at a frequency and duration to support aquatic life and wetland vegetation and by nature of their surface and/or sub-surface soil characteristics are self-contained water resources, including marshes, swamps and bogs. In general, regulated wetlands are contiguous to an inland lake, pond, river or stream, or if not contiguous, then more than five (5) acres in size.

WILDLIFE PRESERVE

Land kept and/or managed to protect and propagate wildlife.



WIND ENERGY FACILITIES AND SYSTEMS:

As used in this Ordinance the following definitions shall apply to wind energy facilities and systems:

- A. **AMBIENT** - The sound pressure level exceeded 90% of the time or L_{90} .
- B. **ANSI** - American National Standards Institute.
- C. **DB(A)** - The sound pressure level in decibels. Refers to the “a” weighted scale defined by the American National Standards Institute (“ANSI”). A method for weighting the frequency spectrum to mimic the human ear.
- D. **DECIBEL** - The unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **HORIZONTAL AXIS WES** - A wind energy system design in which the shaft is parallel to the ground and the blades are perpendicular to the ground.
- F. **METEOROLOGICAL (“MET”) TOWER** - The structure and equipment used to determine the placement or potential placement of a WES, containing instruments, such as anemometers, designed to provide wind data.
- G. **NON-PARTICIPATING PARCEL** - A parcel of record that is in not in any way used, occupied, maintained, let, leased or authorized to be used for wind energy systems or facilities.
- H. **ON-SITE WES** - A WES that (1) has a total height less than one hundred-fifty (150) feet and (2) is not a coordinated development of multiple turbines exceeding a combined total potential power output greater than a maximum of ten (10) kW per hour, and (3) is designed and constructed to provide electricity only to the property where the structure is located, or to adjacent properties under the same ownership or control, or to adjacent properties not under the same ownership or control, provided the owners of the adjacent properties have given written consent. ⇄
- I. **PARTICIPATING PARCEL** - A parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to, or to meet setback requirements for wind energy facilities and systems. For an On-Site WES, the Participating Parcel(s) are the parcel(s) where the structure is located and or providing power to.
- J. **PRE-EXISTING SOUND PRESSURE LEVEL** - The amount of background sound at a given location prior to the installation of a WES which may include, but is not be limited to traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The sound levels are to be measured on a dB(A) weighted scale as defined by the American National Standards Institute (“ANSI”).
- K. **SHADOW FLICKER** - Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and/or structures.
- L. **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.
- M. **SOUND PRESSURE LEVEL** - The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- N. **UTILITY SCALE WES** - A WES designed and constructed to provide electricity to the electric utility grid through interconnection at transmission lines that either (1) has a total height of equal to or greater than one hundred-fifty (150) feet or (2) is a coordinated development of multiple turbines that exceed a combined total potential power output greater than a maximum of ten (10) kW per hour or both.
- O. **VERTICAL AXIS WES** - A wind energy system design where the rotating shaft is perpendicular to the ground and the cups or blades rotate parallel to the ground.

Section 2.2 Definitions W - Z

- P. **WIND ENERGY SYSTEM (WES)** - Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
- Q. **WIND ENERGY GENERATION FACILITY (WEGF)** - Electricity generating facility consisting of one or more utility-scale 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 the energy grid and off-site customers or consumers.

WIRELESS COMMUNICATION FACILITIES

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- A. **ATTACHED WIRELESS COMMUNICATIONS FACILITIES** - Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **WIRELESS COMMUNICATION SUPPORT STRUCTURES** - Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. **COLLOCATION** - The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

YARD, REQUIRED, FRONT/SIDE/REAR

An open space of prescribed width or depth adjacent to a lot or property line on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

ZONING ADMINISTRATOR/OFFICIAL

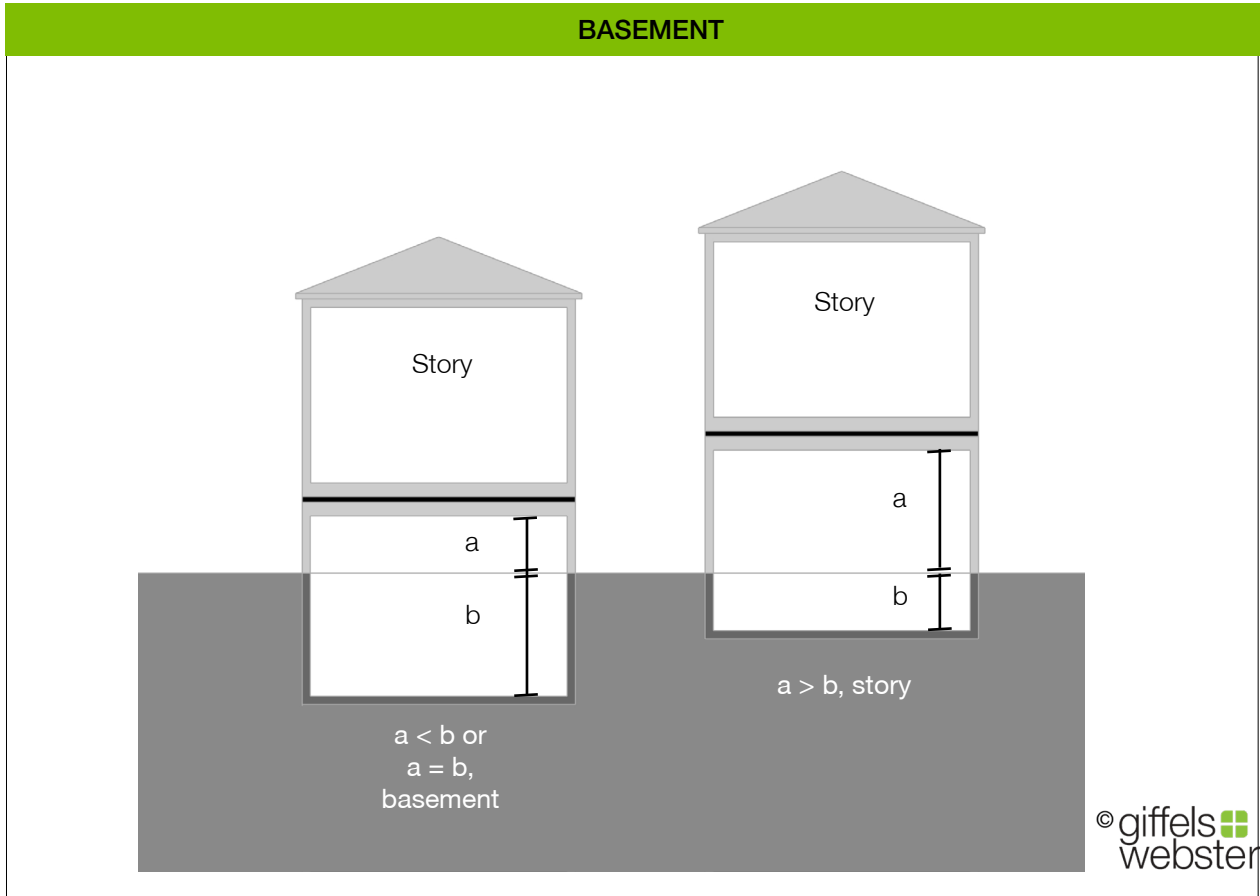
The person(s) designated by the Board of Commissioners to administer the Zoning Ordinance.

2.3 Measurements

MEASUREMENTS RELATED TO BUILDINGS AND STRUCTURES

BASEMENT VS. STORY

That portion of a building that is wholly or partly below grade is a basement when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of **Story**. ↗



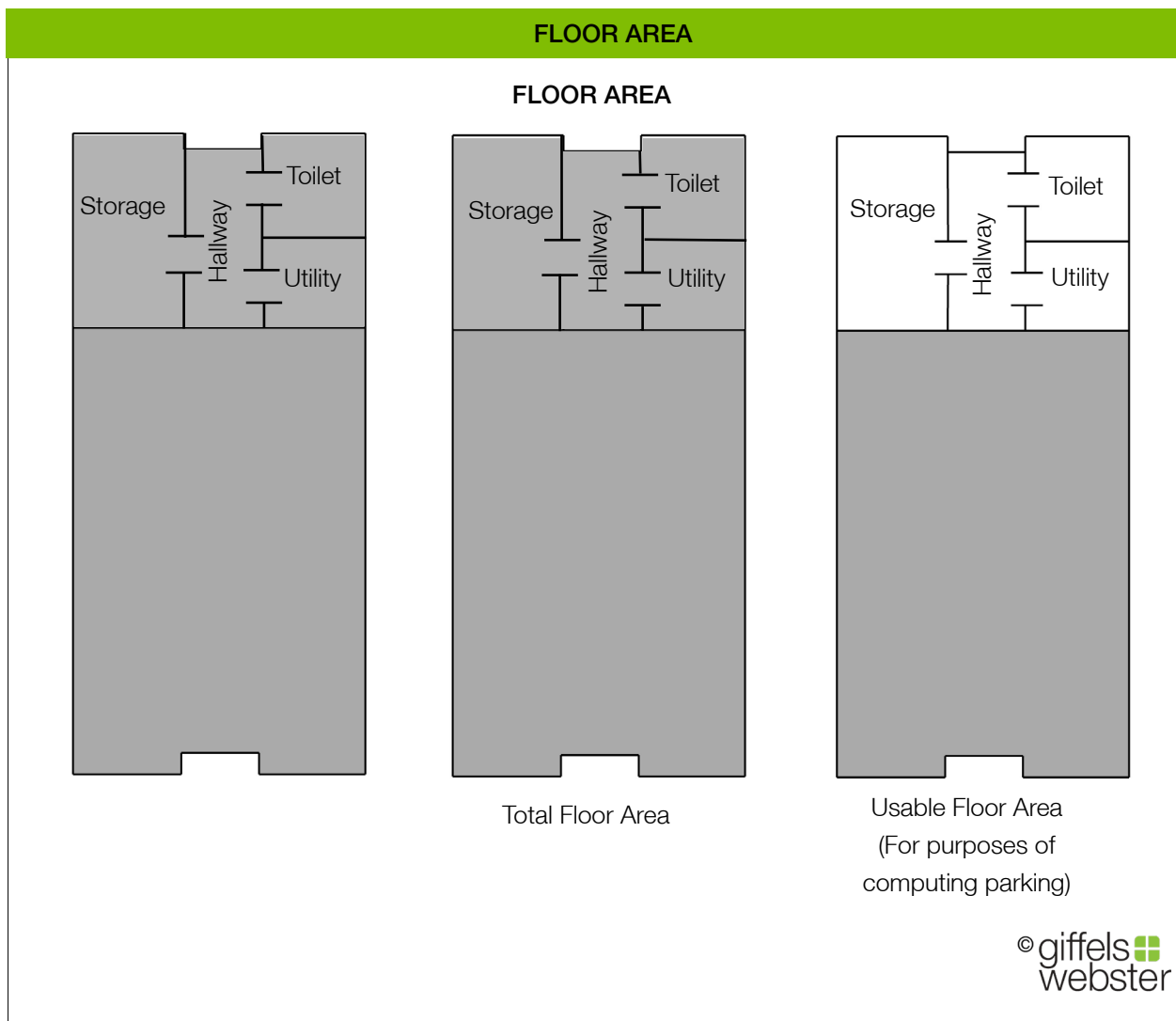
FLOOR, GROUND

That portion of a building that is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story. ↗

Section 2.2 Measurements Buildings & Structures

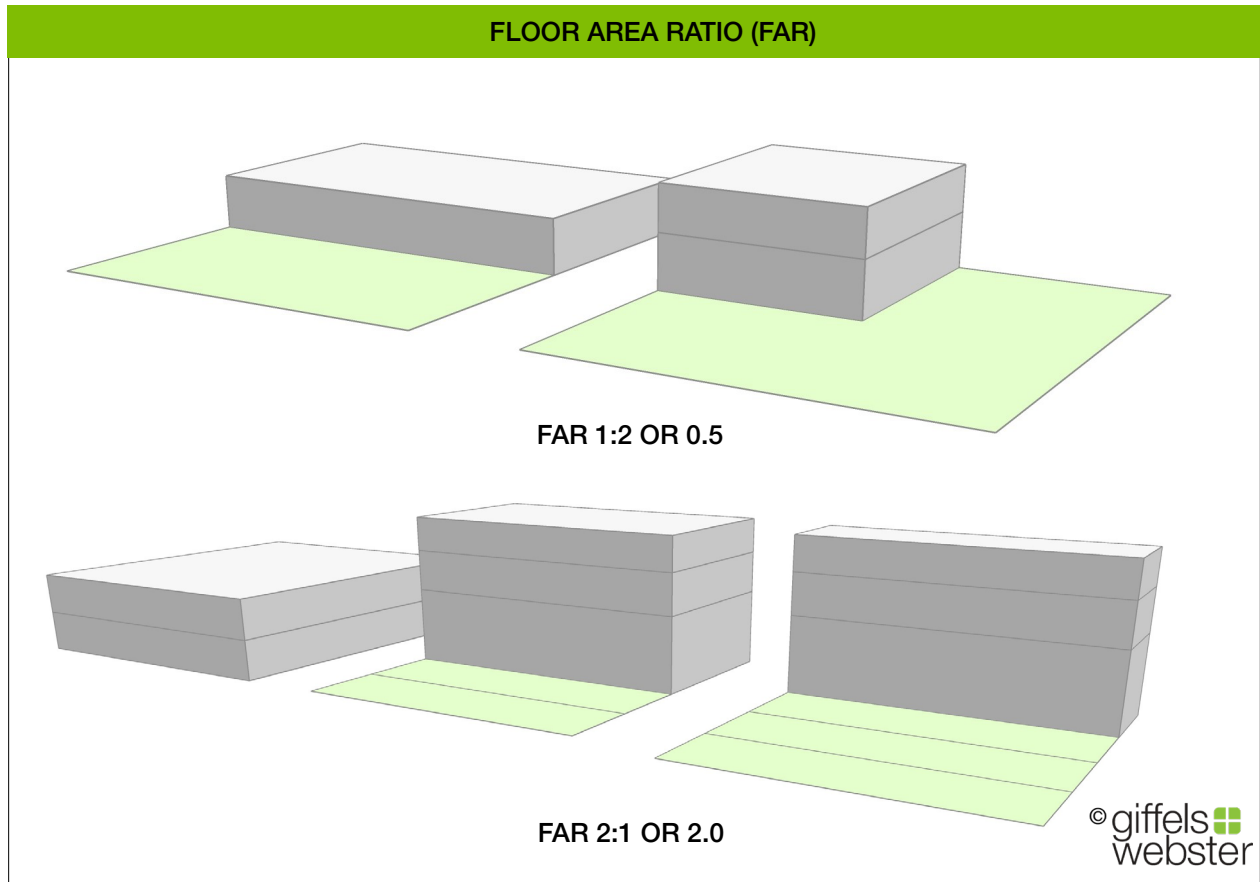
FLOOR AREA

1. The floor area of a building or structure shall be the sum of the gross horizontal floor areas of the several stories of a building or structure as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floor except basements↔, that are accessible by a fixed stairway, such as storage areas, recreational rooms, boiler and other areas within or contiguous to the structure. ↯
2. The term “floor area” as applied to offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used for services to the public, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or those areas where customers, patients, clients, salesmen, and the general public are denied access. “Floor area” shall be measured from the exterior faces of exterior walls. ↯



FLOOR AREA RATIO (FAR)

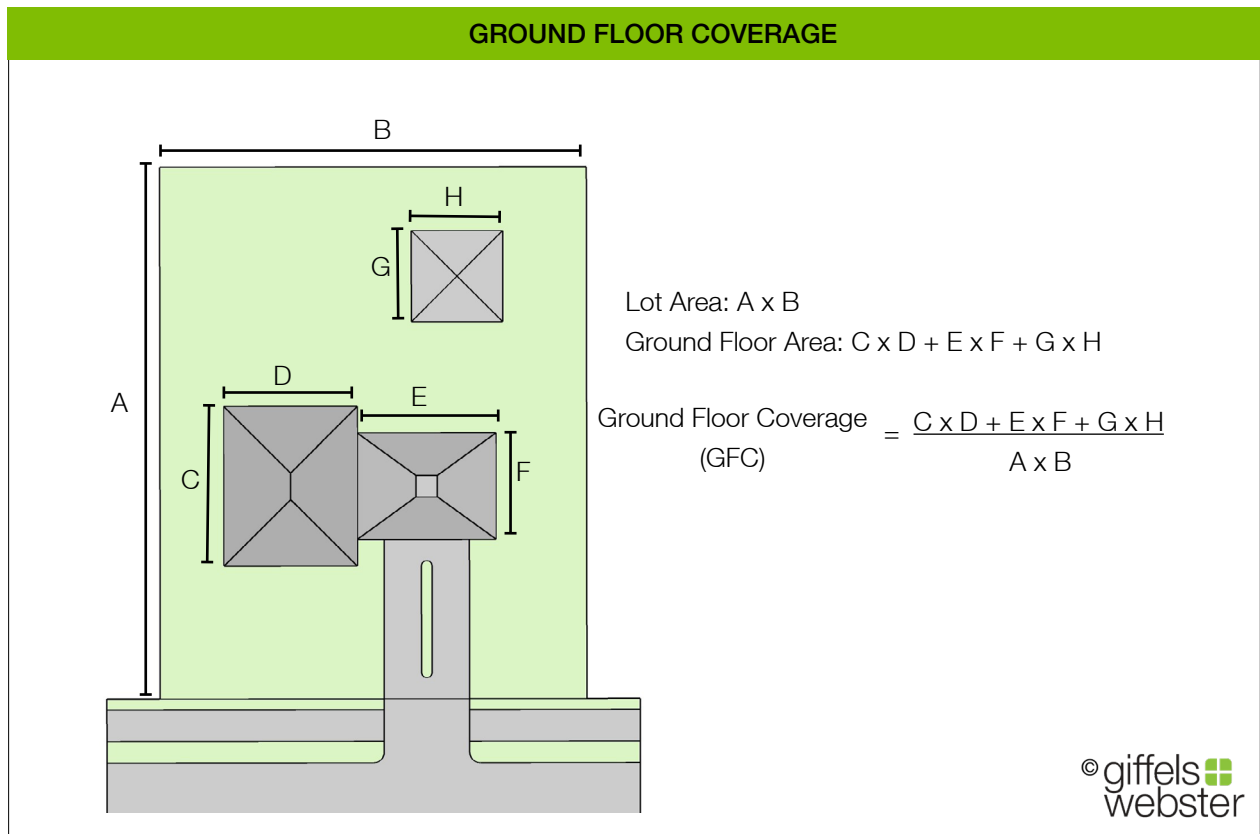
The ratio of the floor area of a building or structure to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number. The term is commonly referred to as FAR.



Section 2.3 Measurements
Buildings & Structures

GROUND FLOOR COVERAGE (GFC)

The total ground floor area of the principal and all accessory buildings divided by the total lot area, both areas being in the same unit of measure, and expressed as a percentage. The term is commonly referred to as GFC.



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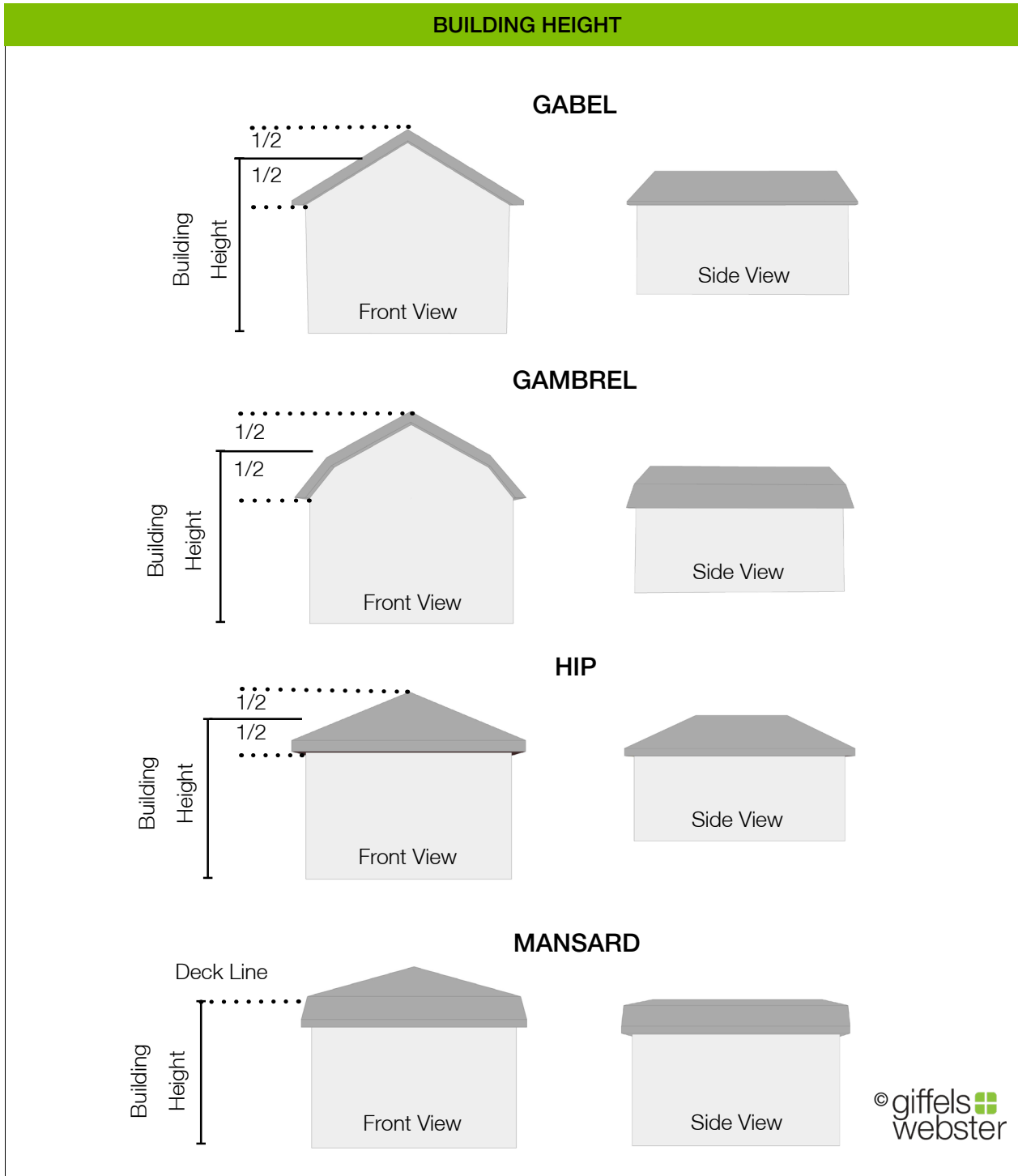
6. Development Procedures

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HEIGHT, BUILDING

The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.



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Section 2.3 Measurements Lots, Yards, & Setbacks

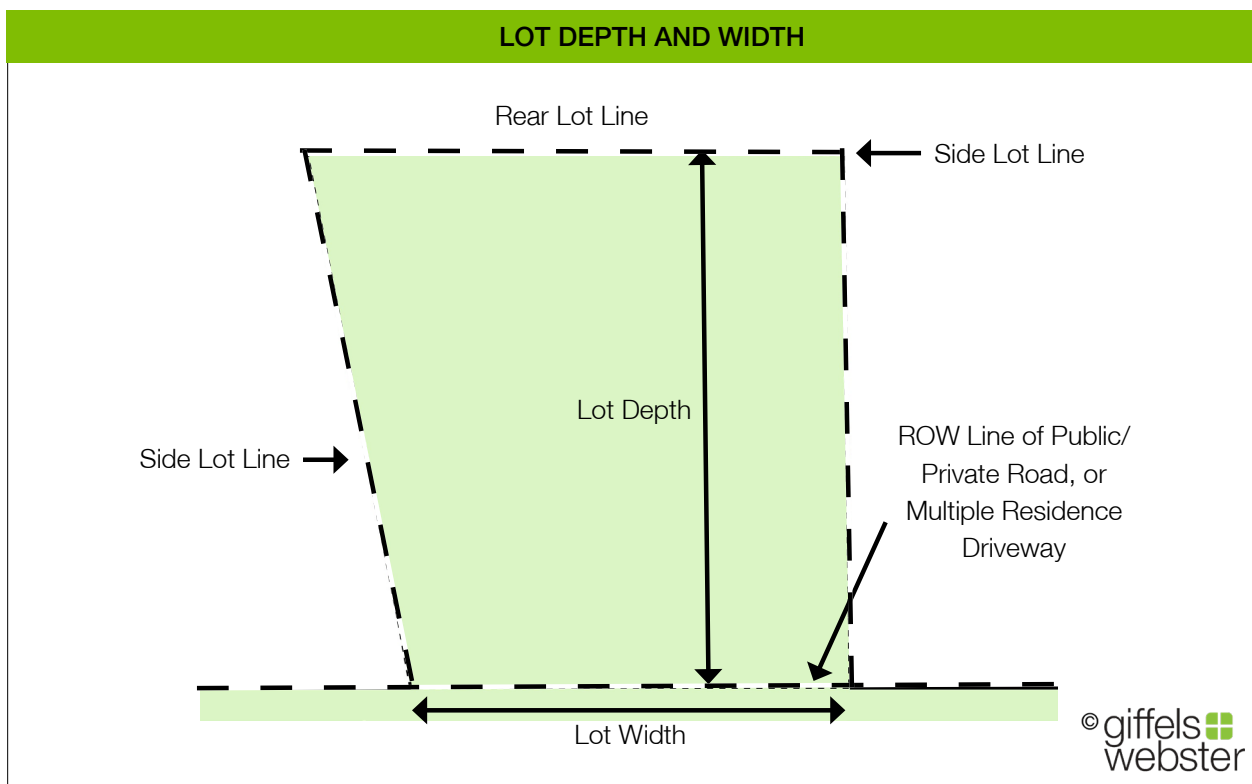
MEASUREMENTS - LOTS, YARDS, AND SETBACKS

LOT DEPTH

The average horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line measured at the median between the side lot lines. ↵

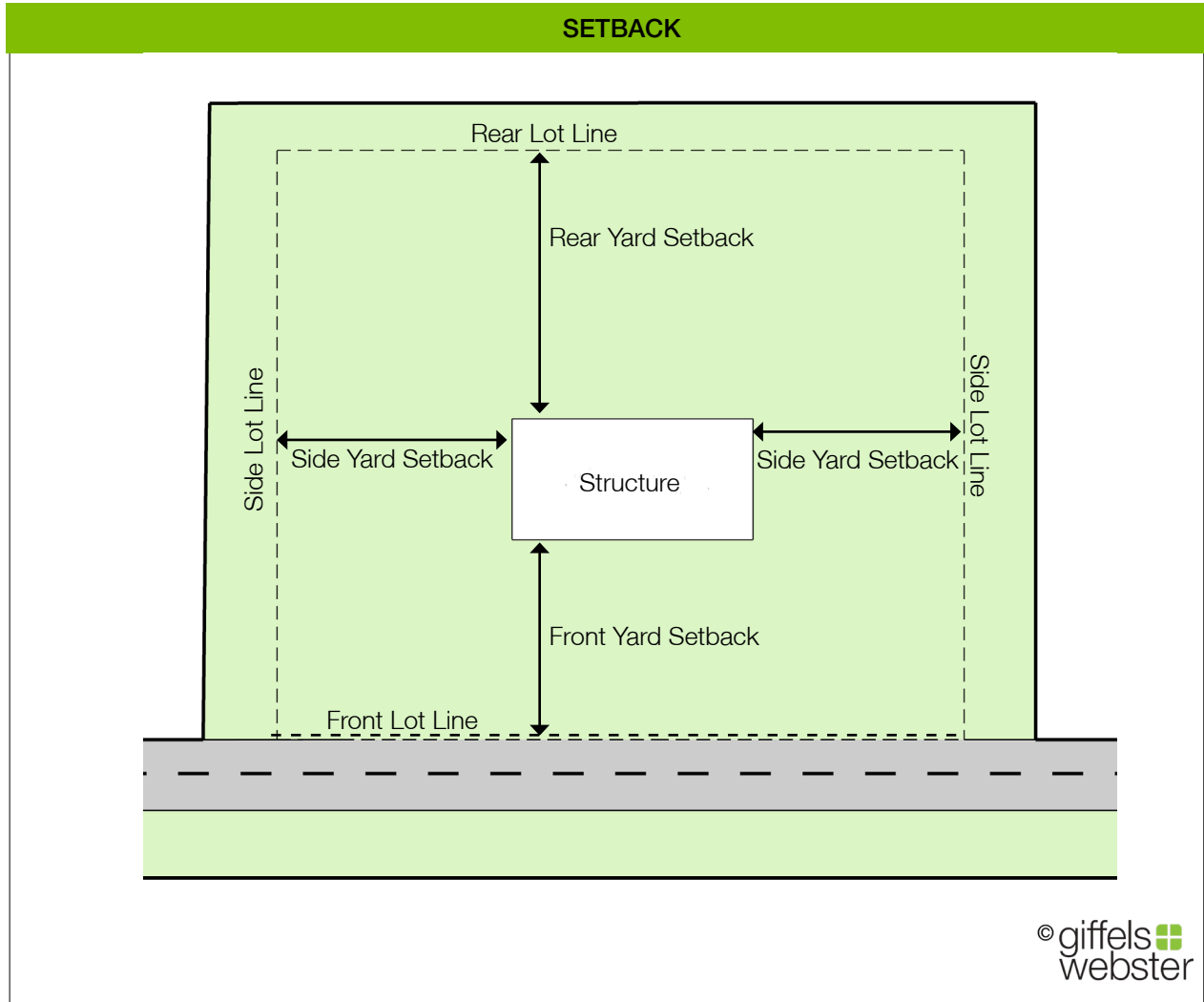
LOT WIDTH

The horizontal distance between the side lot lines, measured at the two (2) points at the right-of-way line (upon which the lot has frontage) at the intersection of the side lot lines, unless otherwise specified in this Ordinance. For purposes of this Ordinance, minimum required lot width shall be a single continuous unbroken measurement along a right-of-way unless otherwise permitted by specific provisions of the Ordinance. ↵



SETBACK

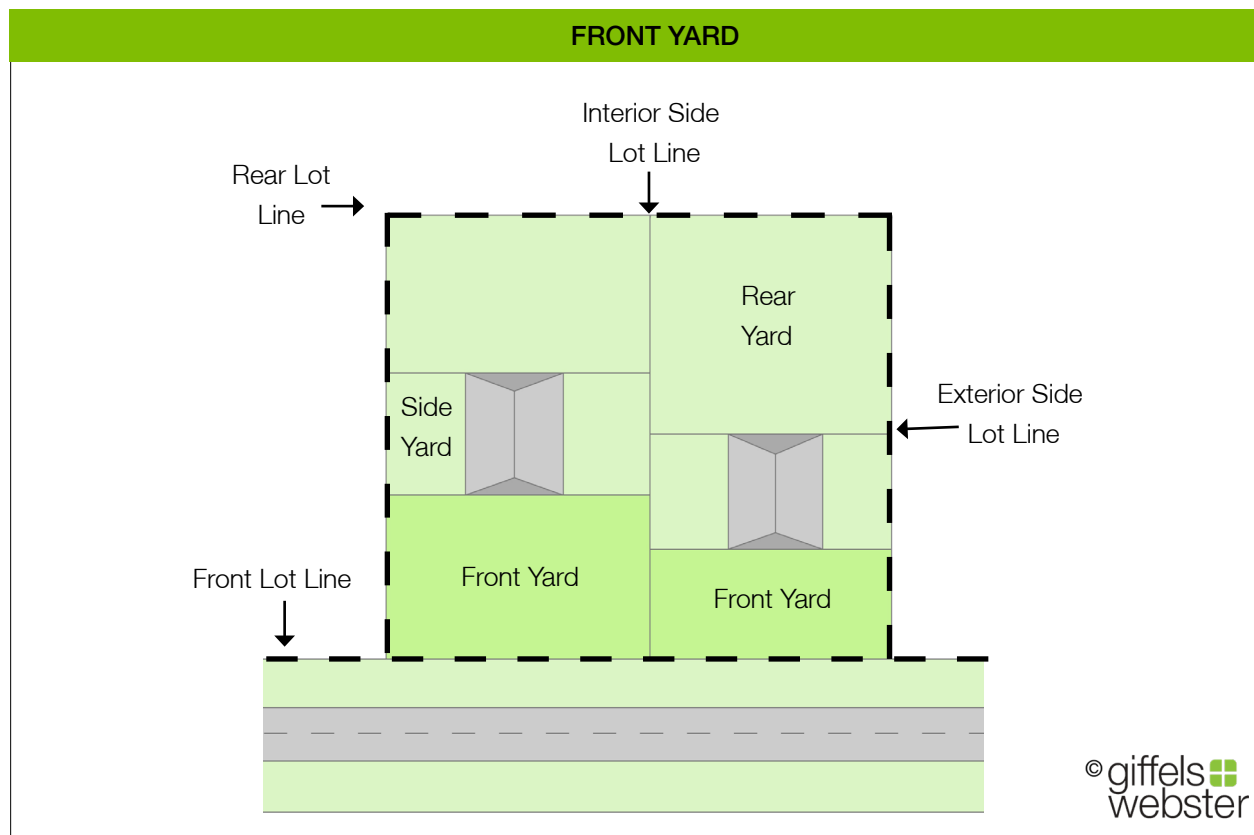
The minimum required horizontal distance between the building or structure and the front, side and rear lot lines.



Section 2.3 Measurements Lots, Yards, & Setbacks

YARD, FRONT

A required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified. See "Lot, Corner." ✍

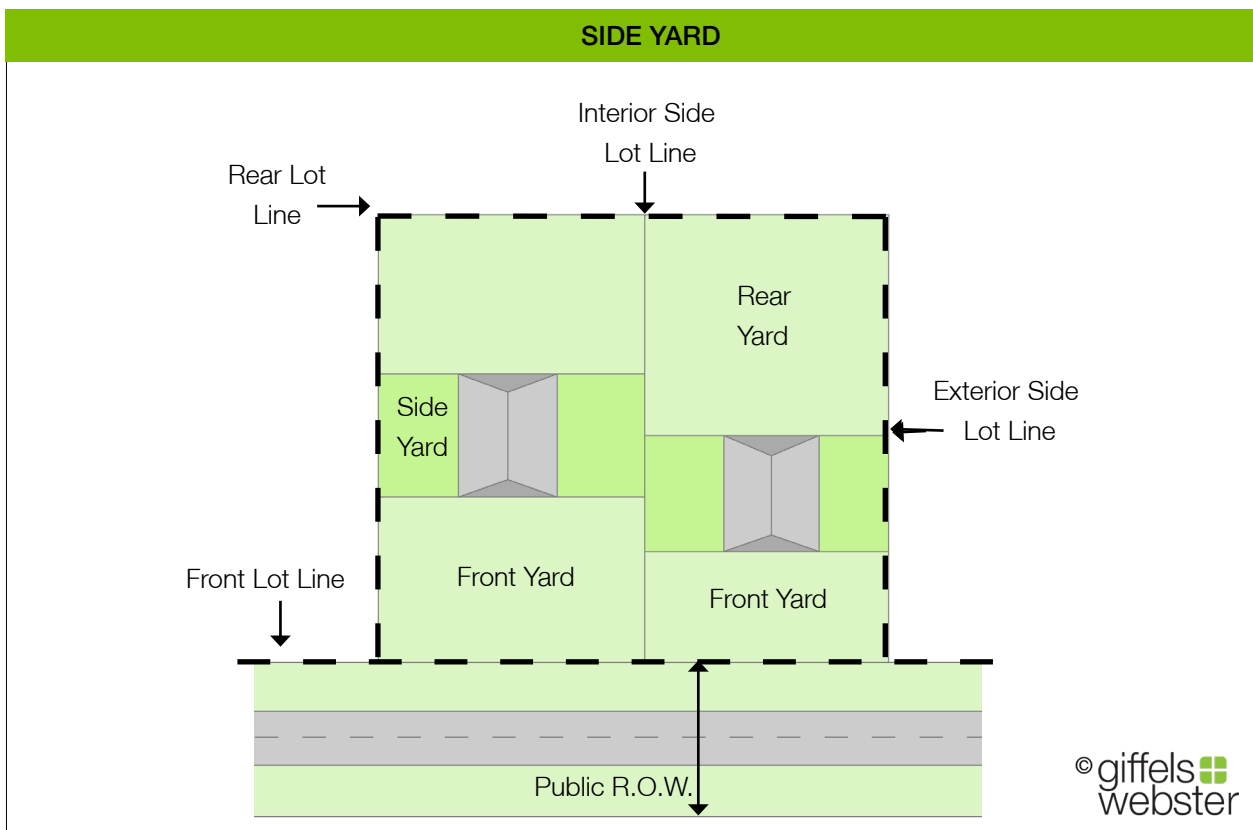
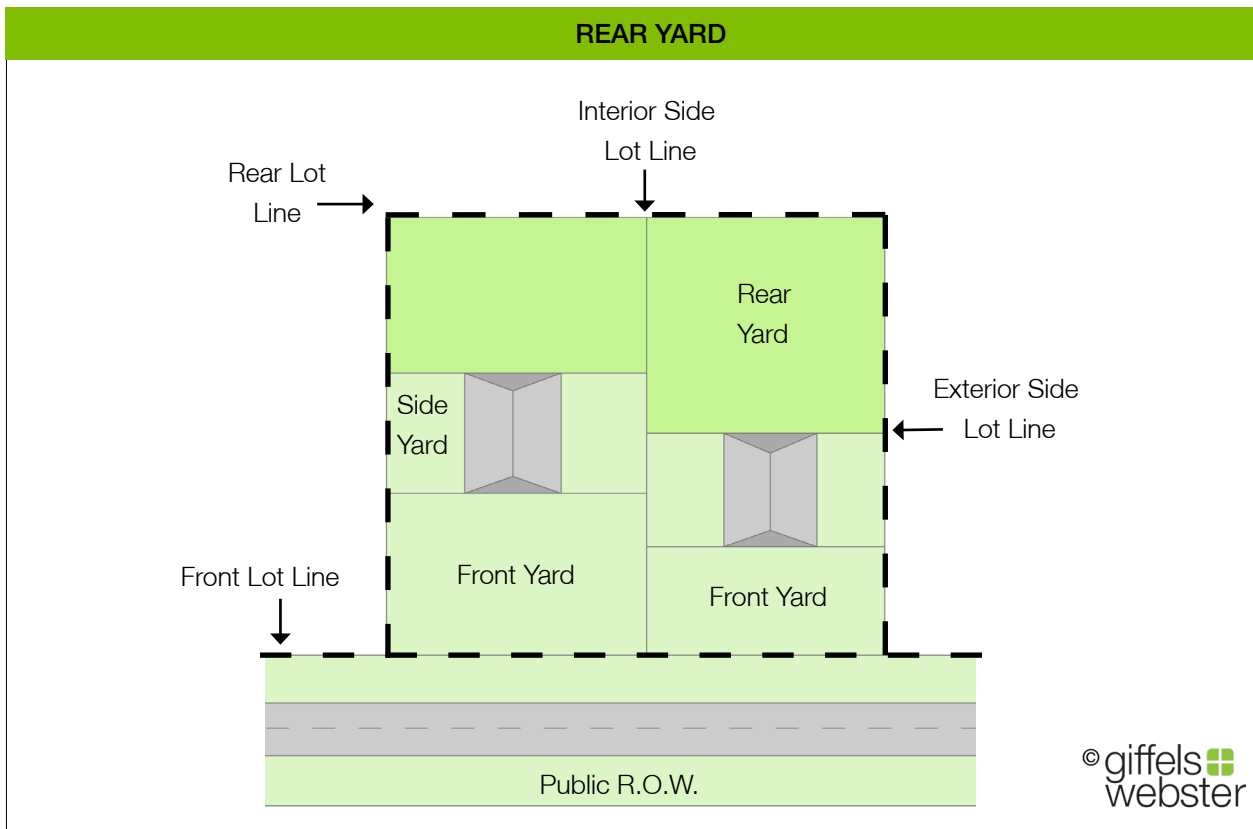


YARD, REAR

A required rear yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified. ✍

YARD, SIDE

A required side yard is an open space extending from the front yard to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified. ✍



Section 2.3 Measurements Signs


MEASUREMENT - SIGNS

- A. The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of sign area.
- B. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back to back, parallel to one another, and are twelve (12) inches or less apart, in which case the area of the sign shall be the area of one face unless otherwise restricted herein.
- C. Projecting and freestanding. The area of a single freestanding or projecting sign shall be measured as follows if the sign is composed of one or two individual cabinets:
 1. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments, such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 2. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- D. Wall signs. The area of a wall sign shall be calculated within a single, continuous perimeter composed of any straight-line geometric figure, which encloses the extreme limits of the advertising message.



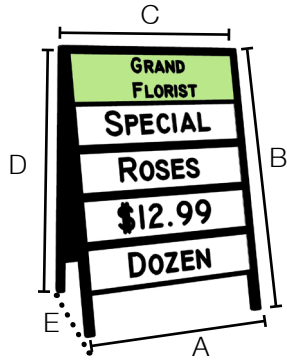
MEASUREMENT OF SIGNS

MONUMENT SIGN AREA



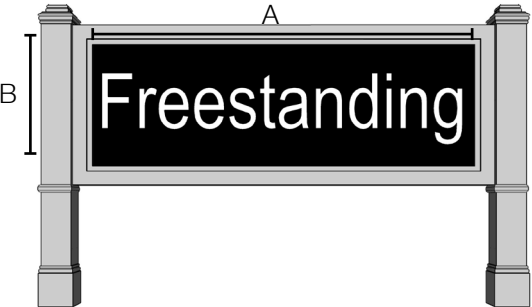
Area = A x B

A-FRAME SIGN AREA



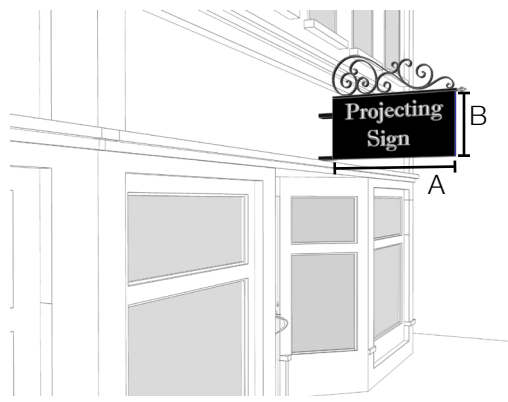
If E > 12 inches: Area = A x B + C x D
If E < 12 inches: Area = A x B

FREESTANDING SIGN AREA



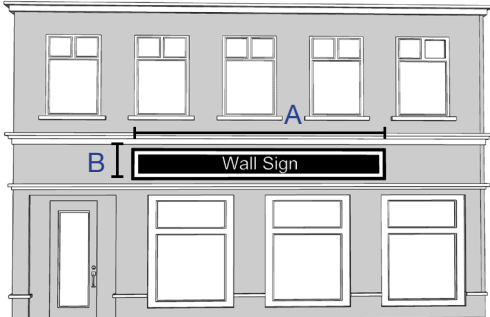
Area = A x B

PROJECTING SIGN AREA




Area = A x B

WALL SIGN AREA




Area = A x B



Section 2.3 Measurements Wind Energy System (WES)

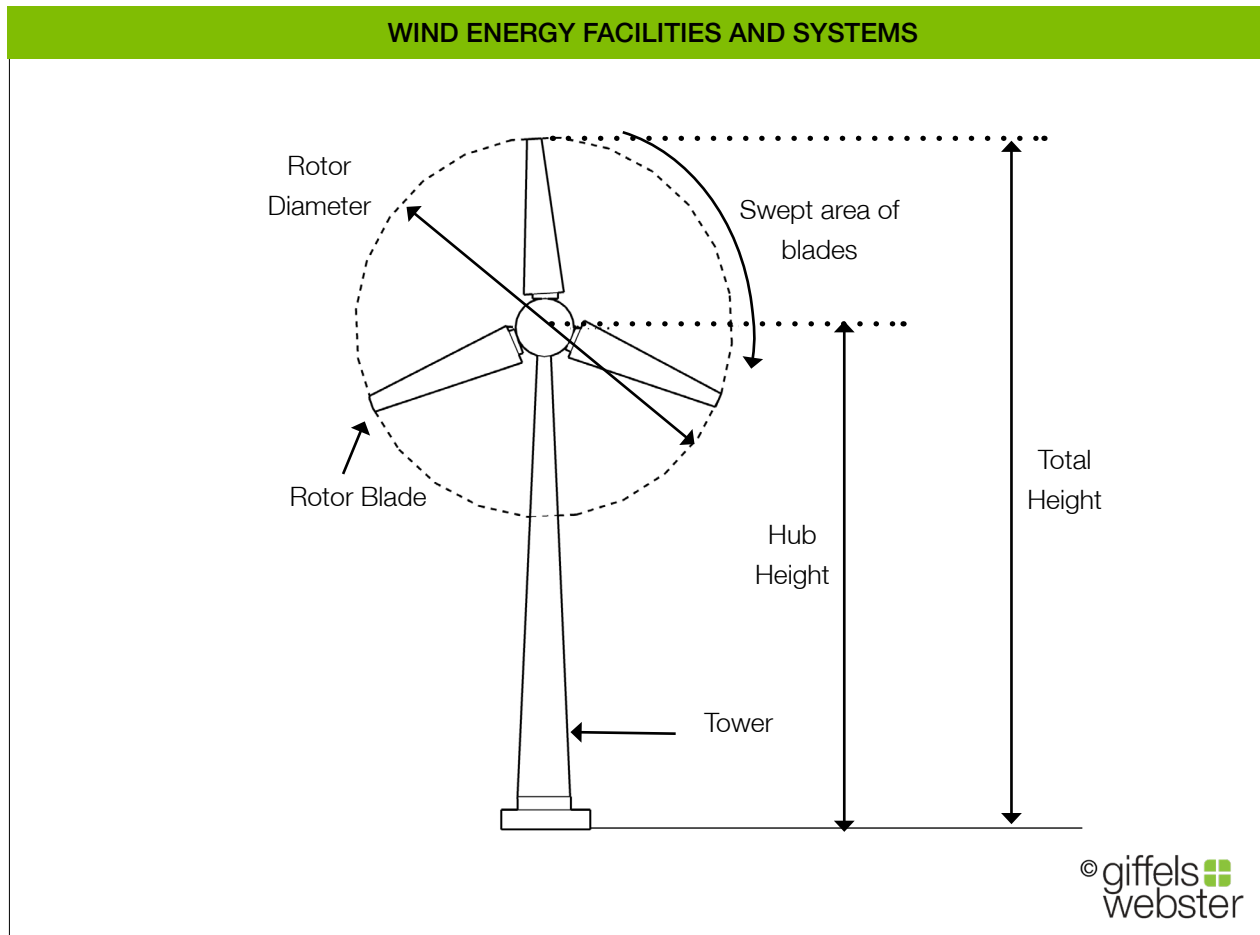
MEASUREMENT - WIND ENERGY SYSTEM (WES)

WES ROTOR DIAMETER

The distance measured across the central potential swept area of a WES blade's pattern. 

TOTAL HEIGHT

Vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the WES whichever is greater.



Chapter 76 | Article 3

Zoning Districts



Article 3 - Zoning Districts

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3.1 Established Districts

The County is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown, is hereby adopted by reference and declared to be a part of this Ordinance.

3.1.1	A-1	Agriculture and Open Space Preservation
3.1.2	A-2	General Agriculture
3.1.3	A-3	Agriculture/Residential Transition
3.1.4	RR	Rural Residential (Low Density)
3.1.5	R-1	Single-Family Residential (Medium Density)
3.1.6	R-2	Single-Family Residential (High Density)
3.1.7	MF	Multiple Family Residential
3.1.8	MH	Manufactured Housing Community
3.1.9	C-1	Local Commercial
3.1.10	C-2	General Commercial
3.1.11	C-3	Highway Service Commercial
3.1.12	MR	Mineral Resource Extraction
3.1.13	RO	Research/Office
3.1.14	I-1	Light Industrial
3.1.15	I-2	General Industrial

3.1.1 A-1 Agriculture and Open Space Preservation









A. Intent and Purpose

This district is established to preserve and enhance the agricultural character of the County. The principal uses of land are primarily large agricultural uses where it is desired to continue agricultural production. Land in which the development rights have been purchased or transferred shall also be considered as appropriate lands to be zoned under this district. Other uses include those that use natural areas, and are essentially unimproved or undeveloped open spaces, public or private buildings or public or private activities involving development or utilization of the land, educational facilities and those related services and functions which are normally operated with them, and institutions and quasi-public uses. The A-1 district also intends private conservation and recreation, agricultural activities, and single-family homes on parcels of forty (40) acres or more.





Relationship to Comprehensive Plan (Agricultural Preservation Areas): To maintain and enhance the rural character of Clinton County and to retain the agricultural, forested, and natural landscape qualities of Clinton County.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. Child family day care home
4. [Single-family dwellings, !\[\]\(9ba1c633ca37327550476fd7d0d00348_img.jpg\) detached](#) §4.4
5. Agriculture uses and structures, in accordance with the Right to Farm Act
6. [Animals, class I, II, III, and IV](#)  §4.46
7. [Essential services and structures](#)  §4.5
8. [Home occupations](#)  §4.10
9. Park, forest preserve, game refuge, and conservation area
10. Roadside stand (farm related)
11. [Stables, private](#)  §4.46
12. [On-site use WES](#)  §4.1.L & 4.11
13. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. Temporary housing for seasonal labor
1. Airports
2. Broadcast and receiving towers
3. [Farm market enhanced](#)  §4.45
4. Government facilities and buildings
5. [Medical hardship housing opportunity](#) §4.34
6. [Utility-scale wind energy systems and facilities](#)  §4.43
7. [Wireless communication](#)  §4.33
8. [Solar farms](#)  §4.48



3.1.1 A-1 Agriculture and Open Space Preservation

D. Development Standards

Lot Size ↔

Minimum lot area: 40 acres
 Minimum lot width at right-of-way: 660 ft.

Lot Coverage 📖

Area as percent of lot
 GFC (Ground floor coverage): 5%

Setbacks ↔

Minimum front yard: 50 ft.
 Minimum side yard: 20 ft.
 Minimum rear yard: 50 ft.

Building Height ↔

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information about the standards.

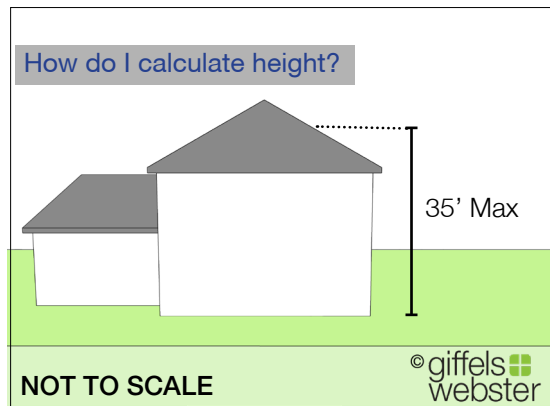
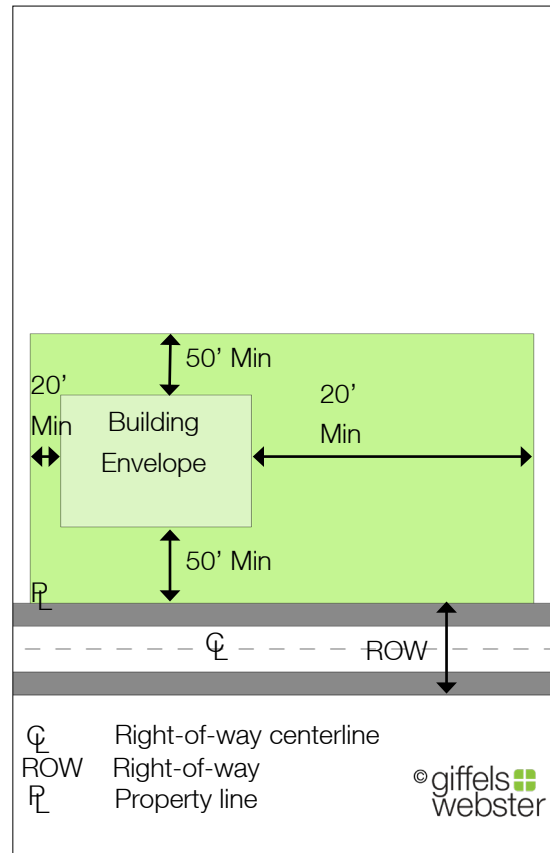
E. Additional Requirements

Article 5

- Required access/street frontage §5.2
- Stormwater management §5.9
- Composting §5.10
- Hazardous substances and sanitary wastes §5.11
- Sewage treatment and disposal §5.12
- Creation of ponds §5.16

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.2 A-2 General Agriculture

A. Intent and Purpose

This district is established to support stable, viable agricultural operations. The primary use of the district area is considered to be agriculture. The regulations of this district are designed to conserve and protect farm operations, including dairy farming, pasturage, cash cropping, stables (public and private), orchards, as well as other agricultural and related uses. It is the intent of this district to encourage consolidation of commercial and industrial agricultural uses. It is further the intent of this district to accommodate some residential growth in a managed setting so as to efficiently and effectively utilize land and limit conflicts with agriculturally productive lands. The regulations of the district are designed to exclude or discourage uses and structures that demand substantial public services, such as major thoroughfares, public sewer or water facilities, and other public services.

Relationship to Comprehensive Plan (Agricultural Preservation Areas): To maintain and enhance the rural character of Clinton County by retaining the County's agricultural, forested, and natural landscape qualities.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#) ^{§4.1}
2. [Adult family day care home](#) ^{§4.20}
3. [Adult foster care family home](#)
4. [Child family day care home](#)
5. [Single-family dwellings, detached](#) ^{§4.4}
6. [Agriculture uses and structures, in compliance with the Right to Farm Act](#)
7. [Animals, class I, II, III, and IV](#) ^{§4.46}
8. [Essential services and structures](#) ^{§4.5}
9. [Golf courses](#) ^{§4.22}
10. [Government facilities and buildings](#)
11. [Home occupations](#) ^{§4.10}
12. [Medical marijuana primary caregiver](#) ^{§4.12}
13. [Park, forest preserve, game refuge, and conservation area](#)
14. [Roadside stand \(farm related\)](#)
15. [Stables, private](#) ^{§4.46}
16. [On-site use WES](#) ^{§4.1.L & 4.11}
17. [Private aircraft hangars](#) ^{§4.49}

C. Special Land Uses

1. [Child group day care home](#) ^{§4.20}
2. [Residential use associated with conservation, education or recreation](#)
3. [Temporary housing for seasonal labor](#)
4. [Airports](#)
5. [Broadcast and receiving towers](#)
6. [Campground](#) ^{§4.18}
7. [Cemeteries, public](#) ^{§4.19}
8. [Cider mill, retail](#)
9. [Commercial recreation, outdoor](#) ^{§4.24}
10. [Concentrated Animal Feeding Operation \(CAFO\)](#) ^{§4.25}
11. [Farm market enhanced](#) ^{§4.45}
12. [Game yard and hunting](#)
13. [Home based business](#) ^{§4.35}
14. [Livestock auction yard](#)
15. [Medical hardship housing opportunity](#) ^{§4.34}
16. [Nursery and greenhouse](#) ^{§4.37}
17. [Places of worship](#) ^{§4.21}
18. [Public service training facility](#) ^{§4.41}
19. [Rural historical institutional structures](#) ^{§4.36}

3.1.2 A-2 General Agriculture

- 20. Sale and repair of farm implements, fertilizer, feed, seed
- 21. Saw mill and kiln
- 22. Schools, elementary, middle, and secondary; private [§4.39](#)
- 23. Slaughter house
- 24. Stable, commercial [§4.38](#)
- 25. Veterinary clinic, large animal [§4.38](#)
- 26. Utility-scale wind energy systems and facilities [§4.43](#)
- 27. Wireless communication [§4.33](#)
- 28. Shared facilities and buildings
- 29. Solar farms [§4.48](#)

D. Development Standards

Lot Size ⇄

Minimum lot area: 10 acres
 Minimum lot width at right-of-way: 330 ft.

Lot Coverage [§4.38](#)

Area as percent of lot:
 (Ground floor coverage): 25%

Setbacks ⇄

Minimum front yard: 50 ft.
 Minimum side yard: 20 ft.
 Minimum rear yard: 40 ft.*

Building Height ⇄

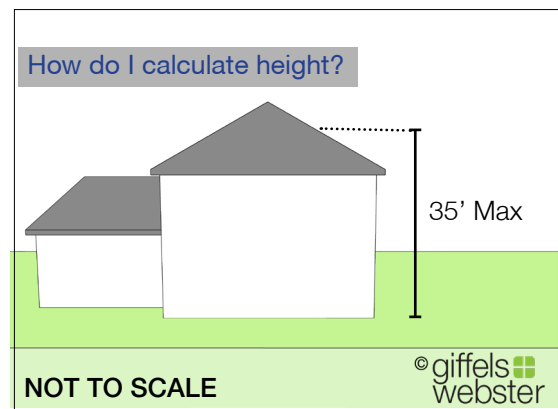
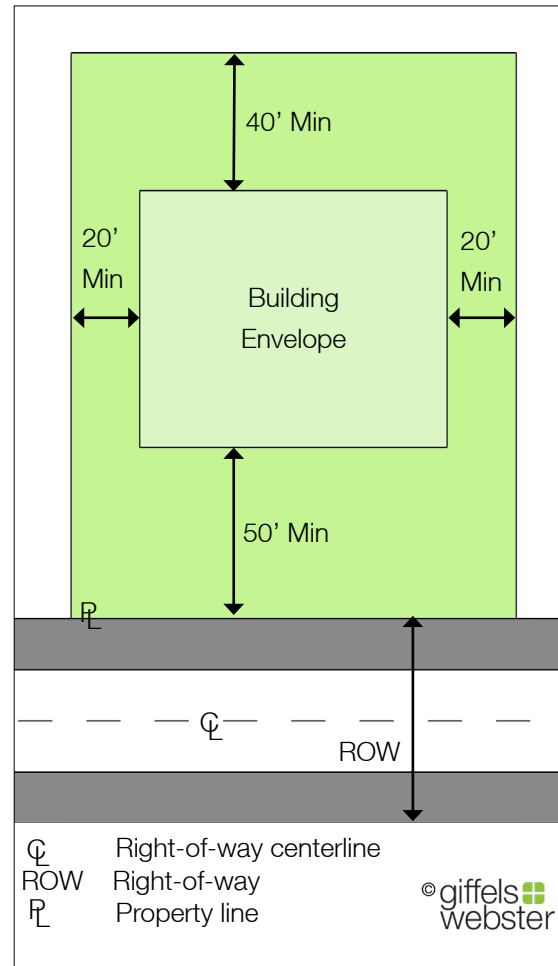
Maximum building height: 35 ft.

See Sections 3.2, 3.7, 3.8, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

E. Additional Requirements

Article 5

- Required access/street frontage [§5.2](#)
- Stormwater management [§5.9](#)
- Composting [§5.10](#)
- Sewage treatment and disposal [§5.12](#)
- Creation of ponds [§5.16](#)



Article 6

- Site plan review [§6.1](#)
- Special land uses [§6.2](#)
- Zoning/Land use permits [§6.3](#)

3.1.3 A-3 Agriculture/Residential Transition










A. Intent and Purpose

The intent is to provide a district in which agriculture, traditional farm homesteads, and low density single-family residential development may occur, in close proximity to each other along with other compatible uses. The prevalent use of the A-3 district area is considered to be transitional from agriculture to residential. The regulations of this district are designed to conserve and protect low density residential uses, while accommodating agricultural use and its related accessory uses. These regulations are also designed to exclude uses and structures that demand substantial public services, such as major thoroughfares, public sewer or water facilities and other public services.

Relationship to Comprehensive Plan (Rural Areas): To protect agricultural land and the rural character of Clinton County and provide for a variety of residential living opportunities at rural densities.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. Adult foster care family home 
4. Child family day care home 
5. [Single-family dwellings, detached](#)  §4.4
6. Agriculture uses and structures
7. [Animals, class I, II, III, and IV](#)  §4.46
8. [Essential services and structures](#)  §4.5
9. Government facilities and buildings
10. [Home occupations](#)  §4.10
11. Park, forest preserve, game refuge, and conservation area
12. [Stables, private](#)  §4.46
13. [On-site use WES](#)  §4.1.L & 4.11
14. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. Adult group day care home
2. [Adult foster care](#)  §4.13
3. Child group day care home 
4. Residential use associated with conservation, education or recreation
5. [Bed and breakfast](#)  §4.17
6. Broadcast and receiving towers
7. [Cemeteries, public](#)  §4.19
8. [Country club](#) §4.22
9. [Golf courses](#)  §4.22
10. [Home based business](#)  §4.35
11. [Medical hardship housing opportunity](#) §4.34
12. [Nursery and greenhouse](#) §4.37
13. [Places of worship](#)  §4.21
14. [Public service training facility](#) §4.41
15. [Rural historical institutional structures](#)  §4.36
16. [Schools, elementary, middle, and secondary; private](#)  §4.39
17. [Wireless communication](#)  §4.33
18. [Solar farms](#)  §4.48

3.1.3 A-3 Agriculture/Residential Transition

D. Development Standards

Lot Size ↔

Minimum lot area: 5 acres
 Minimum lot width at right-of-way: 185 ft.

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 25%

Setbacks ↔

Minimum front yard: 50 ft.
 Minimum side yard: 20 ft.
 Minimum rear yard: 40 ft.*

Building Height ↔

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.8, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

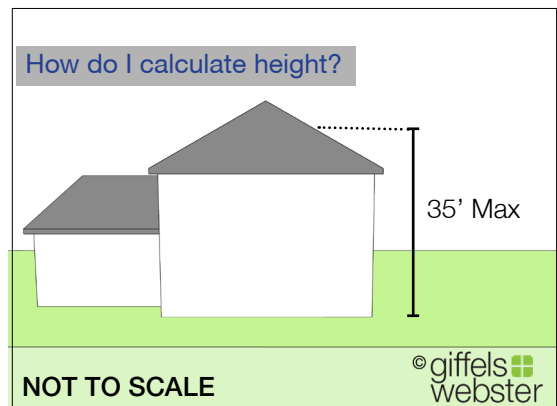
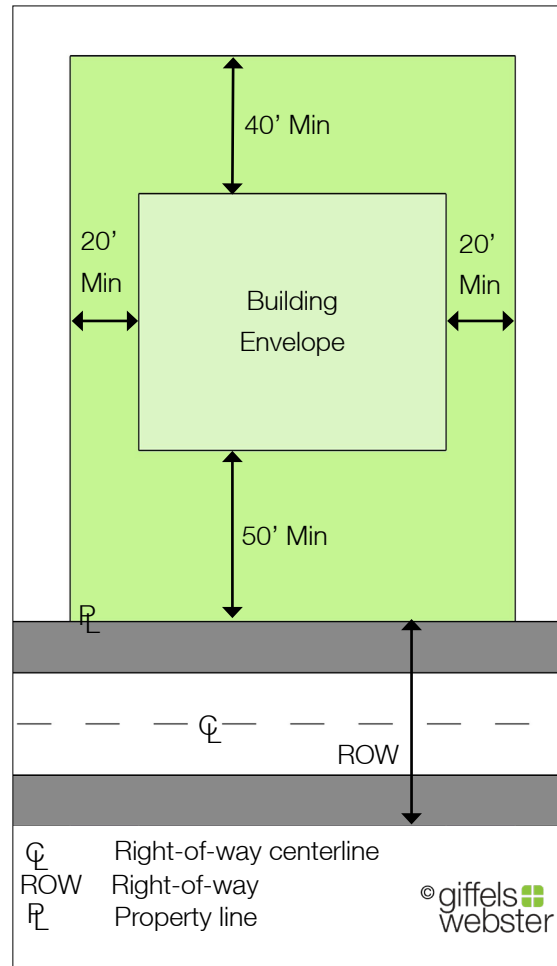
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Composting §5.10
- Multiple Residence Drive (MRD) §5.15

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.4 RR Rural Residential (Low Density)

A. Intent and Purpose

This district is established to provide areas in which the primary use is low-density single-family residential, plus customary accessory and compatible supportive uses. The RR district is suitable for the introduction of on-site septic fields and domestic water wells. It is envisioned that these areas will provide additional choices of desirable and economically feasible housing opportunities for various segments of the general public. Certain other private and public uses are permitted, as well as special uses subject to conditions that will insure compatibility with the primary use and essential rural character of this district.

Relationship to Comprehensive Plan (Rural Areas): To protect agricultural land and the rural character of Clinton County and provide for a variety of residential living opportunities at rural densities.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#) §4.1
2. [Adult family day care home](#) §4.20
3. [Adult foster care family home](#)
4. [Child family day care home](#)
5. [Single-family dwellings, detached](#) §4.4
6. [Animals, class I and III](#) §4.46
7. [Essential services and structures](#) §4.5
8. [Government facilities and buildings](#)
9. [Home occupations](#) §4.10
10. [Park, forest preserve, game refuge, and conservation area](#)
11. [On-site use WES](#) §4.1.L & 4.11
12. [Private aircraft hangars](#) §4.49

C. Special Land Uses

1. [Adult foster care](#) §4.13
2. [Adult group day care home](#)
3. [Child group day care home](#) §4.20
4. [Bed and breakfast](#) §4.17
5. [Cemeteries, public](#) §4.19
6. [Country club](#) §4.22
7. [Golf courses](#) §4.22
8. [Medical hardship housing opportunity](#) §4.34
9. [Museum](#)
10. [Places of worship](#) §4.21
11. [Recreation retreat, limited](#) §4.42
12. [Schools, elementary, middle, and secondary; private](#) §4.39
13. [Solar farms](#) §4.48

3.1.4 RR Rural Residential (Low Density)

D. Development Standards

Lot Size ⇄

Minimum lot area: 1 acres
 Minimum lot width at right-of-way: 135 ft.

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 30%

Setbacks ⇄

Minimum front yard: 50 ft.
 Minimum side yard: 15 ft.*
 Minimum rear yard: 40 ft.

Building Height ⇄

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

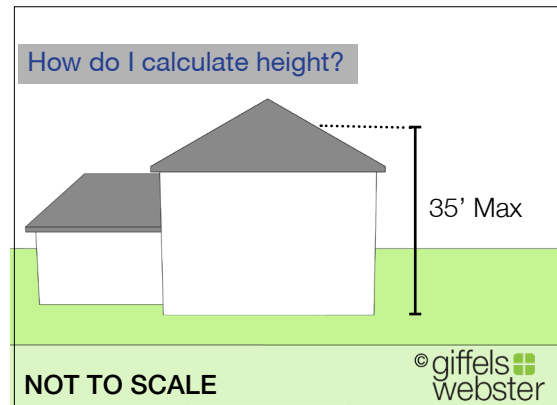
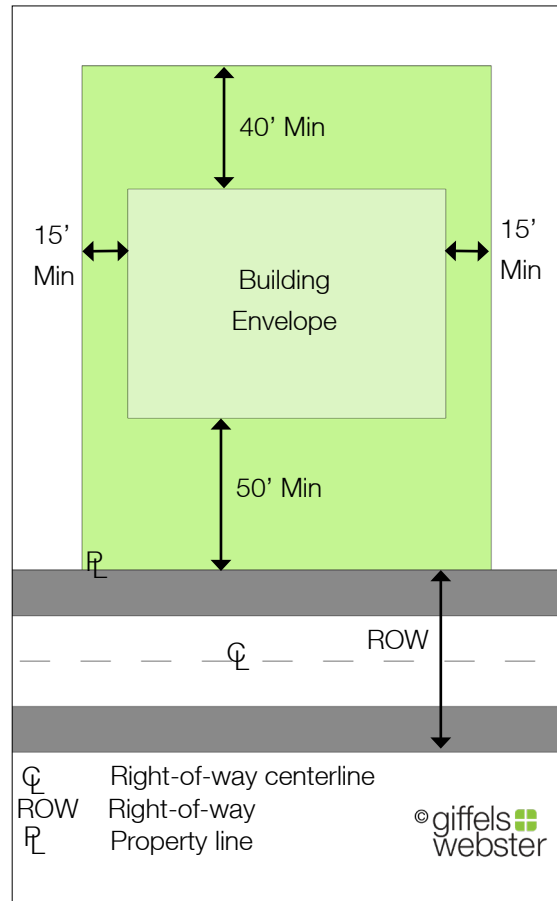
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Composting §5.10
- Multiple Residence Drive (MRD) §5.15

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.5 R-1 Single-Family Residential (Medium Density)

A. Intent and Purpose

The intent is to provide districts in which the main use is single-family residential, plus normal accessory and compatible supportive uses. A reasonable range of lot sizes is envisioned which will provide a choice of desirable and economically feasible development opportunities for all members of the general public. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer, and public water.

Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. [Adult foster care family home](#) 
4. [Child family day care home](#) 
5. [Single-family dwellings, detached](#)  §4.4
6. [Animals, class I](#)  §4.46
7. [Essential services and structures](#)  §4.5
8. [Government facilities and buildings](#)
9. [Home occupations](#)  §4.10
10. [Park, forest preserve, game refuge, and conservation area](#)
11. [On-site use WES](#)  §4.1.L & 4.11
12. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. [Adult foster care](#)  §4.13
2. [Adult group day care home](#) 
3. [Child group day care home](#)  §4.20
4. [Duplexes](#) §3.16
5. [Library](#)
6. [Medical hardship housing opportunity](#) §4.34
7. [Museum](#)
8. [Places of worship](#)  §4.21
9. [Recreation retreat, limited](#) §4.42
10. [Schools, elementary, middle, and secondary; private](#)  §4.39
11. [Swimming pool](#) 

3.1.5 R-1 Single-Family Residential (Medium Density)

D. Development Standards

Lot Size ⇄

Minimum lot area: 15,000 sq. ft.
 Minimum lot width at right-of-way: 80 ft.*

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 30%

Setbacks ⇄

Minimum front yard: 40 ft.
 Minimum side yard: 10 ft.
 Minimum rear yard: 30 ft.*

Building Height ⇄

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

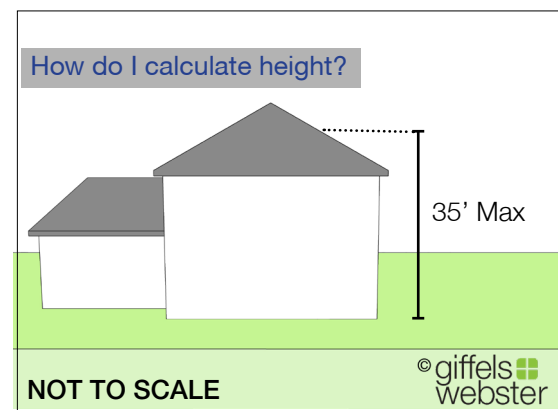
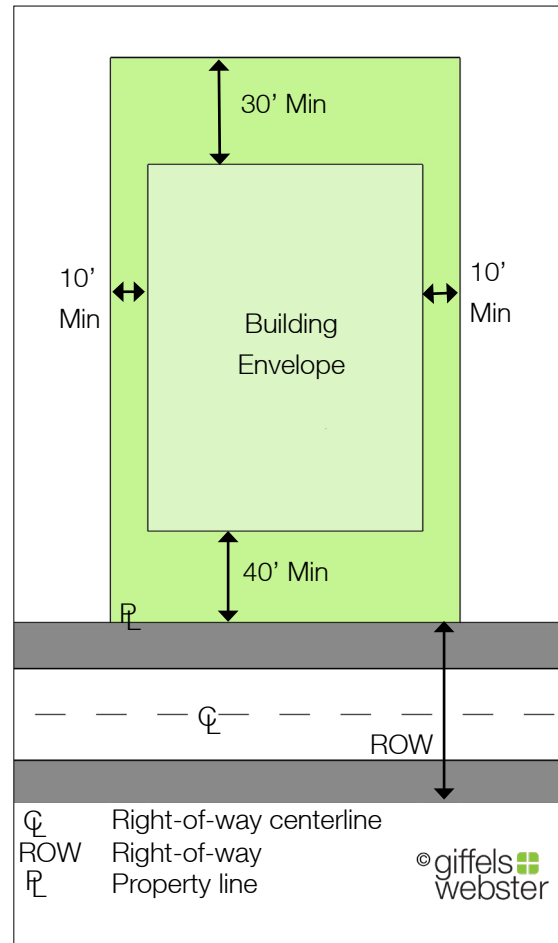
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Composting §5.10
- Multiple Residence Drive (MRD) §5.15

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.6 R-2 Single-Family Residential (High Density)










A. Intent and Purpose

The intent is to provide districts in which the main use is single-family residential, plus its normal accessory and compatible supportive uses. A reasonable range of denser lot sizes is envisioned which will provide a choice of desirable and economically feasible development opportunities for all members of the general public. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.


Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. Child family day care home 
4. [Single-family dwellings](#),  detached §4.4
5. [Animals, class I](#)  §4.46
6. [Essential services and structures](#)  §4.5
7. Government facilities and buildings
8. [Home occupations](#)  §4.10
9. Park, forest preserve, game refuge, and conservation area
10. [On-site use WES](#)  §4.1.L & 4.11
11. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. [Adult foster care](#)  §4.13
2. [Child group day care home](#)  §4.20
3. [Day care center](#)  §4.20
4. [Duplexes](#) §3.16
5. Single-family dwellings, attached (townhomes) 
6. Library
7. [Medical hardship housing opportunity](#) §4.34
8. [Places of worship](#)  §4.21
9. [Schools, elementary, middle, and secondary; private](#)  §4.39
10. Swimming pool 

3.1.6 R-2 Single-Family Residential (High Density)

D. Development Standards

Lot Size ⇄

Minimum lot area: 8,000 sq. ft.
 Minimum lot width at right-of-way: 70 ft.*

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 30%

Setbacks ⇄

Minimum front yard: 25 ft.*
 Minimum side yard: 10 ft.
 Minimum rear yard: 30 ft.**

Building Height ⇄

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

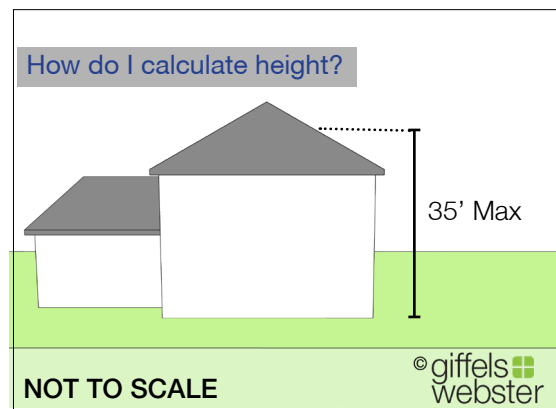
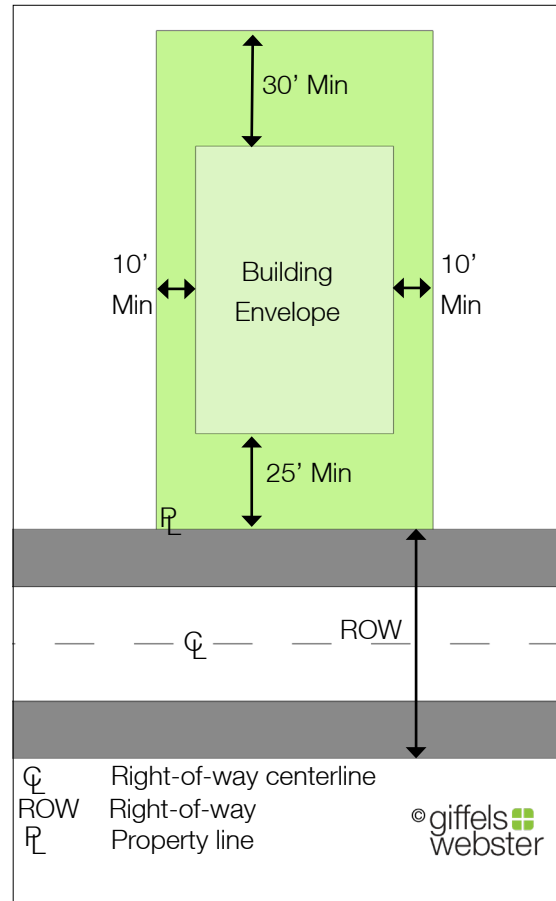
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Composting §5.10
- Multiple Residence Drive (MRD) §5.15

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.7 MF Multiple-Family Residential

A. Intent and Purpose

The intent is to provide sites for two-family and multiple-family dwelling structures and related uses that will generally serve as zones of transition between non-residential districts and single-family districts. The MF district is further provided to serve the limited needs for the apartment type of unit in an otherwise low density single-family and agricultural community. Due to its buffering characteristic between residential and non-residential uses, the MF district is intended to provide a residential area that is low rise in character, yet providing greater density by allowing increased building coverage than in the most intense single-family residential district. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.





Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. Child family day care home 
4. [Multiple family dwelling](#)  §3.16
5. [Animals, class I](#)  §4.46
6. [Essential services and structures](#)  §4.5
7. Government facilities and buildings
8. Park, forest preserve, game refuge, and conservation area
9. Shared facilities and buildings
10. [On-site use WES](#)  §4.1.L & 4.11

C. Special Land Uses

1. Adult group day care home
2. [Adult foster care](#)  §4.13
3. [Day care center](#)  §4.20
4. [Housing for the elderly and/or convalescent center](#)  §4.23
5. [Golf courses](#) §4.22
6. [Places of worship](#)  §4.21
7. [Schools, elementary, middle, and secondary; private](#)  §4.39
8. Swimming pool 

3.1.7 MF Multiple-Family Residential

D. Development Standards

Lot Size ↔

Minimum lot area: 3 acres (per zoning lot and/or district)

Minimum lot width at right-of-way: 100 ft. (per zoning lot and/or district)

Lot Coverage 📖

Area as percent of lot (Ground floor coverage): 30%

Setbacks ↔

Minimum front yard: 25 ft.*

Minimum side yard: 20 ft.*

Minimum rear yard: 25 ft.**

Building Height ↔

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

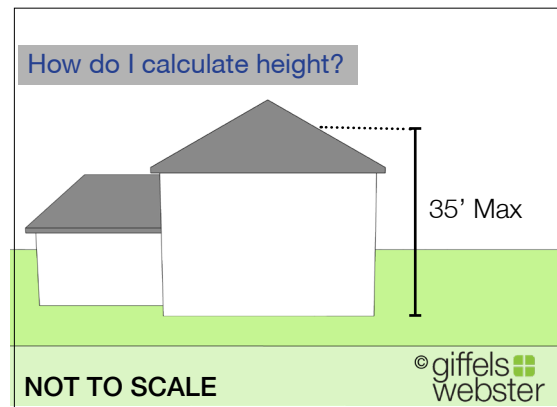
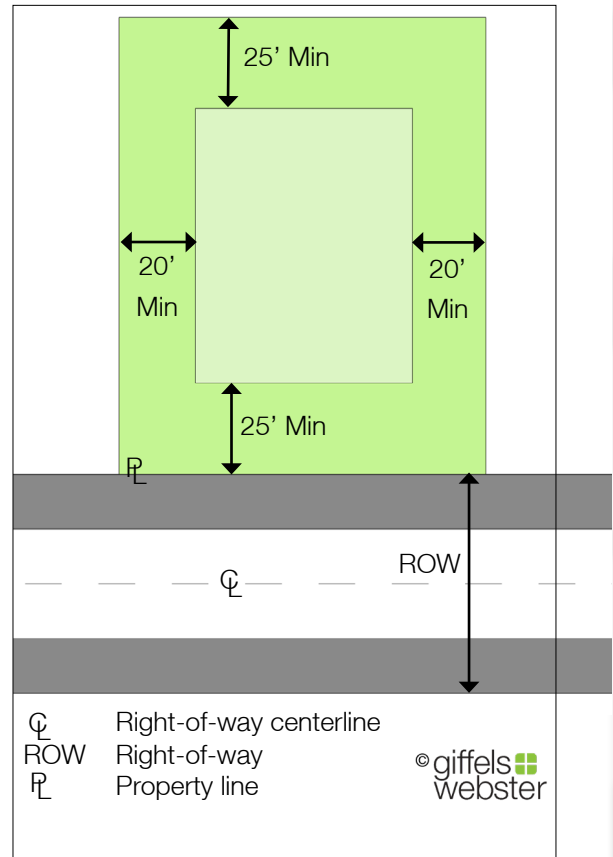
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Multiple Residence Drive (MRD) §5.15

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

3.1.8 MH Manufactured Housing Community









A. Intent and Purpose

The intent is to provide districts of such size and location as will encourage good manufactured home residential development, adjacent to essential community services, and otherwise protecting the health, safety and welfare of manufactured housing residents in Clinton County and the township in which the district is located, or proposed to be located. In addition to the requirements of this Ordinance, all manufactured home communities shall comply with the Mobile Home Commission Act 96 of the Public Acts, 1987 and the current Mobile Home Code adopted by the Michigan Mobile Home Commission.

Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses and buildings](#)  §4.1
2. [Adult family day care home](#)  §4.20
3. Adult foster care family home 
4. Child family day care home 
5. [Animals, class I](#)  §4.46
6. Dry cleaning 
7. Equipment storage
8. Government facilities and buildings
9. Park, forest preserve, game refuge, and conservation area
10. Shared facilities and buildings
11. [Stables, private](#)  §4.46
12. [On-site use WES](#)  §4.1.L & 4.11

C. Special Land Uses

None.

3.1.8 MH Manufactured Housing Community

D. Development Standards

Lot Size ⇄

Minimum site size:	15 acre
Minimum site area:	5,500 sq. ft.
Minimum lot area:	*
Minimum lot width at right-of-way:	*

Lot Coverage

Area as percent of lot (Ground floor coverage):	*
--	---

Setbacks ⇄

Minimum front yard:	*
Minimum side yard:	*
Minimum rear yard:	*
Minimum distance between buildings and public street line:	50 ft.
Minimum distance between buildings and side or rear property line:	10 ft.

Building Height ⇄

Maximum building height:	35 ft.
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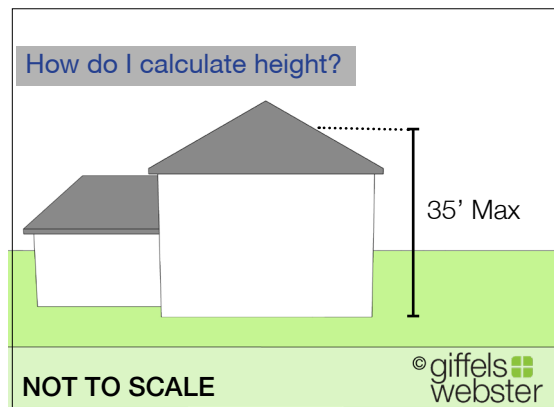
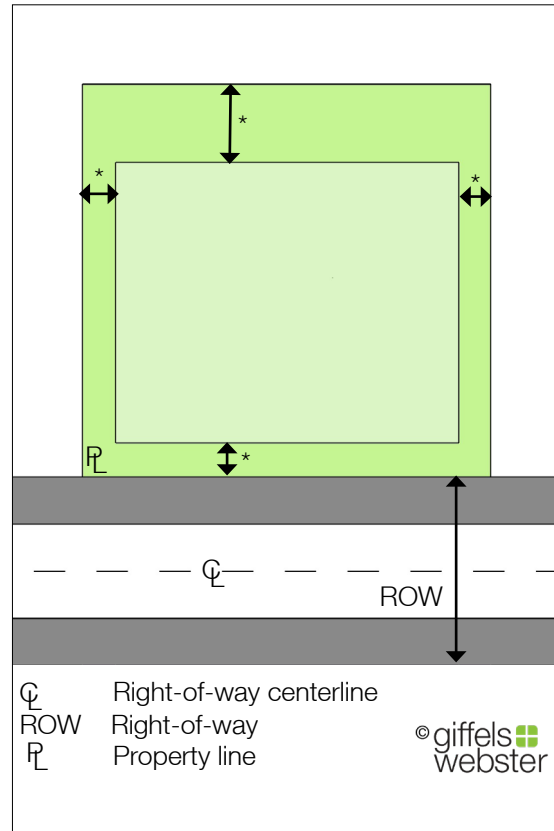
*See [Section 3.10 MH Manufactured Housing Community district review procedures and regulations.](#)

See [Sections 3.2, 3.6, 3.10, 3.16, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26](#) for more information.

E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Multiple Residence Drive (MRD) §5.15



Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3

3.1.9 C-1 Local Commercial

A. Intent and Purpose

The intent is to provide a district in which a neighborhood's local service and convenience shopping facilities can be optimally located to best serve neighborhoods within the County. These regulations are meant to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern.

Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#) [☰] §4.1
2. [Place of worship](#) [☰] and associated uses §4.21
3. Financial and business service establishment, banks, credit unions, and insurance offices
4. Government facilities and buildings
5. Dry cleaner/laundry distribution station [☰]
6. Personal service establishment [☰]
7. Medical and professional offices
8. Post offices and other similar governmental offices
9. Retail limited commodities [☰] (under 10,000 sf.)
10. [On-site use WES](#) [☰] §4.1.L & 4.11
11. [Animals, class I](#) [☰] §4.46
12. [Private aircraft hangars](#) [☰] §4.49

C. Special Land Use

1. [Automobile/Gasoline service station](#) [☰] §4.15
2. [Automobile service station and convenience mart](#) [☰] §4.15
3. [Bed and breakfast](#) [☰] §4.17
4. Club and/or lodge [☰]
5. Convenience store [☰]
6. [Day care center](#) [☰] §4.20
7. [Recreation, indoor and outdoor commercial](#) [☰] §4.24
8. Dry cleaning/laundry, coin operated [☰]
9. Dry cleaning/laundry outlet [☰]
10. [Recreation retreat, limited](#) §4.42
11. [Neighborhood shopping center](#) §4.30
12. [Solar farms](#) [☰] §4.48

3.1.9 C-1 Local Commercial

D. Development Standards

Lot Size ⇄

Minimum lot area: 20,000 sq. ft.
 Minimum lot width at right-of-way: 100 ft.

Lot Coverage

Area as percent of lot
 (Ground floor coverage): 50%

Setbacks ⇄

Minimum front yard: 50 ft.
 Minimum side yard: 15 ft.
 Minimum rear yard: 15 ft.

Building Height ⇄

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

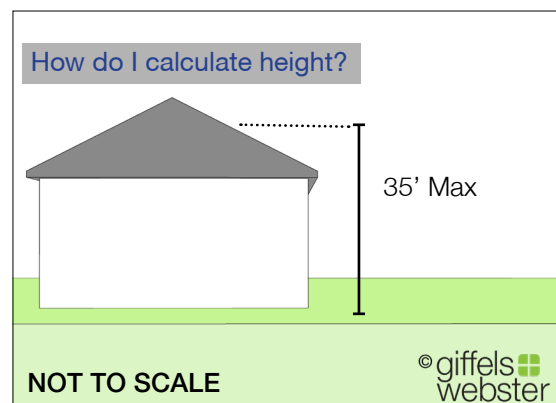
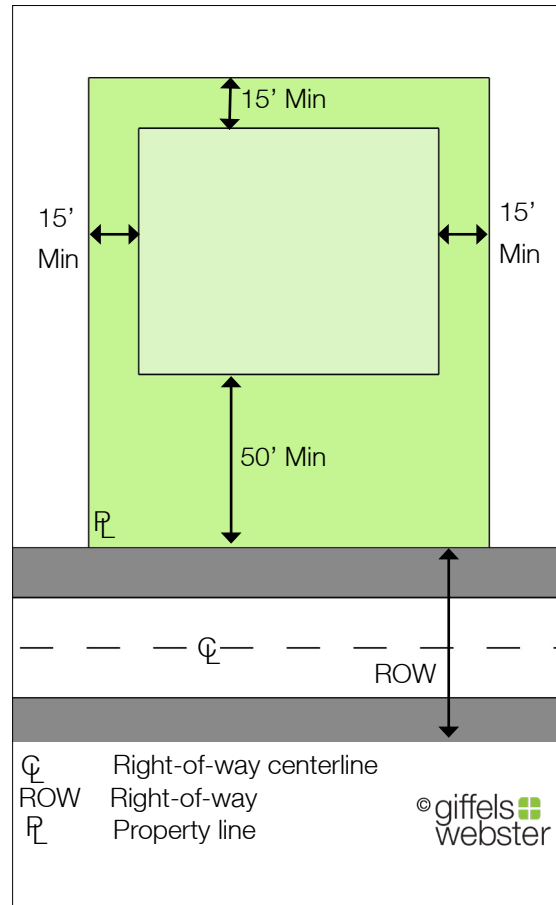
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Off-street parking and loading §5.5
- Lighting §5.6
- Signs §5.7
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.10 C-2 General Commercial













A. Intent and Purpose

This district is established to provide suitable locations for both local service, convenience shopping facilities and general retail, service and office establishments that serve a more broadly based market. These regulations are intended to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern. It is the intent of this district to encourage consolidation of the permitted uses, particularly as shopping centers. Consolidations of retail shopping facilities are encouraged, thereby lessening traffic congestion by reducing the number of commercial driveways opening onto major streets. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.
















Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#)  §4.1
2. [Place of worship](#)  and associated uses §4.21
3. Club and/or lodge 
4. [Government facilities and buildings](#) §4.41
5. Health and fitness club
6. Schools, private business or college
7. [Retail establishments](#)  §4.28
8. Theater, excluding drive-in theater 
9. Restaurant and/or bar 
10. [On-site use WES](#)  §4.1.L & 4.11
11. Financial and business service establishment, banks, credit unions, and insurance offices
12. Dry cleaner/laundry distribution station 
13. Personal service establishment 
14. Medical and professional offices
15. Post offices and other similar governmental offices
16. [Animals, class I](#)  §4.46
17. [Private aircraft hangars](#)  §4.49
18. Club and/or lodge 

C. Special Land Uses

1. [Sexually oriented uses](#)  §4.14
2. Assembly or dance hall 
3. [Recreation, indoor and outdoor commercial](#)  §4.24
4. [Day care center](#)  §4.20
5. Radios, television broadcast station, receiving and broadcasting towers, excluding wireless / cellular towers / facilities
6. Drive-in business associated with permitted use 
7. Equipment and/or vehicle rental 
8. [Recreation retreat, limited](#) §4.42
9. [Open air businesses/outdoor sales lots and displays](#)  §4.29
10. Storage, recreational vehicle 
11. [Automobile repair, major](#)  §4.15
12. [Automobile repair, minor](#)  §4.15
13. [Retail nursery and supply](#)  §4.37
14. [Storage, self-storage](#)  §4.31
15. Supermarket 
16. [Shopping center, community planned](#)  §4.30
17. Shopping mall, enclosed 

3.1.10 C-2 General Commercial

18. Amusements, temporary, transient[☰]
§4.32
19. Vehicle sales (new and used automobiles, farm machinery, recreational vehicles, off-road vehicles)
20. Vehicle wash establishment[☰] §4.15
21. Veterinary offices (small animal hospital and clinic)
22. Warehouse/indoor storage associated with retail sales business[☰]
23. Wireless communication facilities[☰]
§4.33
24. Retail establishments, large scale (big box)[☰] §4.28
25. Automobile/Gasoline service station[☰]
§4.15
26. Automobile service station and convenience mart[☰] §4.15
27. Bed and breakfast[☰] §4.17
28. Convenience store[☰]
29. Dry cleaning/laundry, coin operated[☰]
30. Dry cleaning/laundry outlet[☰]
31. Neighborhood shopping center §4.30
32. Solar farms[☰] §4.48

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.10 C-2 General Commercial

D. Development Standards

Lot Size ↔

Minimum lot area: 20,000 sq. ft.
 Minimum lot width at right-of-way: 100 ft.

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 50%

Setbacks ↔

Minimum front yard: 50 ft.
 Minimum side yard: 20 ft.
 Minimum rear yard: 20 ft.*

Building Height ↔

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

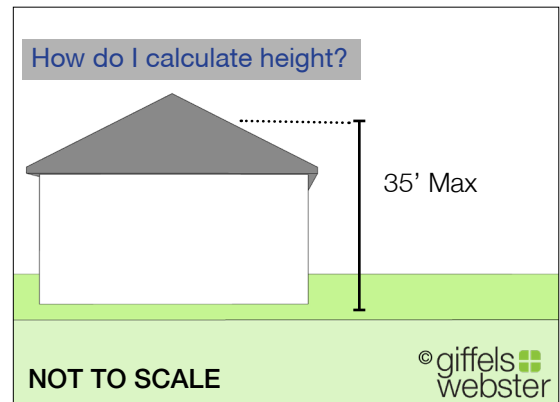
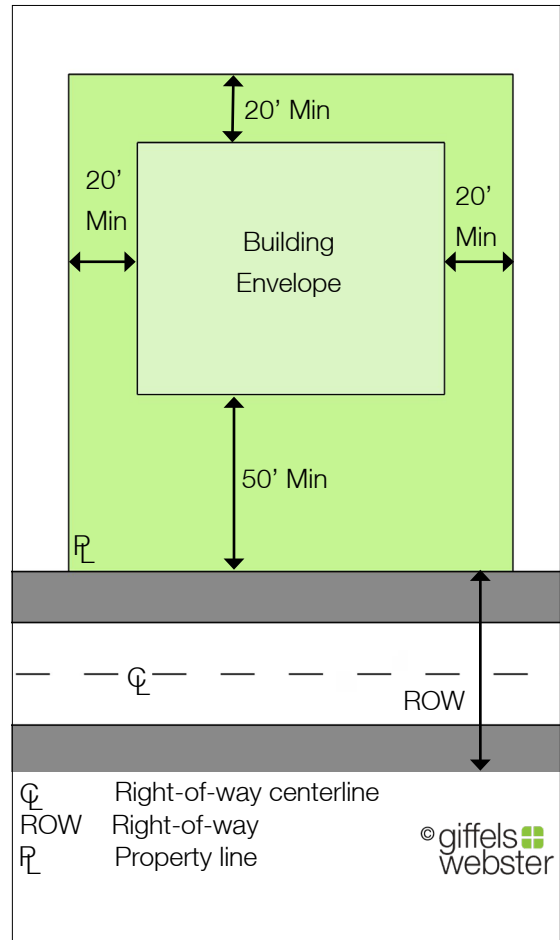
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Off-street stacking, parking and loading §5.4, §5.5
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.10 C-2 General Commercial

(Intentionally Blank)

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



3.1.11 C-3 Highway Service Commercial

A. Intent and Purpose

The intent is to provide a district for commercial and business uses which primarily serve the motoring public. When located in this district, such uses are prevented from encroaching into other districts where they could be deemed incompatible. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.

Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

① User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#) [☒] §4.1
2. [Place of worship](#) [☒] and associated uses §4.21
3. Club and/or lodge [☒]
4. Health and fitness club
5. Schools, private business or college
6. [Retail establishments](#) [☒] §4.28
7. Theater, excluding drive-in theater [☒]
8. Restaurant and/or bar [☒]
9. [Automobile repair, minor](#) [☒] §4.15
10. Drive-in business associated with permitted use [☒]
11. Equipment and/or vehicle rental [☒]
12. [Government facilities and buildings](#) §4.41
13. Public or private business school or college
14. Storage, recreational vehicle [☒]
15. Vehicle sales (new and used automobiles, farm machinery, recreational vehicles, off-road vehicles)
16. Veterinary offices, small animal hospitals and clinics [☒]
17. [Veterinary clinic, large animal hospital](#) [☒] §3.9 [☒]
18. [On-site use WES](#) [☒] §4.1.L & 4.11
19. Financial and business service establishment, banks, credit unions, and insurance offices
20. Dry cleaner/laundry distribution station [☒]
21. Personal service establishment [☒]
22. Medical and professional offices
23. Post offices and other similar governmental offices
24. [Animals, class I](#) [☒] §4.46
25. [Private aircraft hangars](#) [☒] §4.49
26. [Limited manufacturing operations connected to individual, scientific, or business research, development and testing](#) §3.9

C. Special Land Uses

1. [Automobile/Gasoline service station](#) [☒] §4.15
2. Assembly or dance hall [☒]
3. [Automobile repair, major](#) [☒] §4.15
4. [Billboard](#) [☒] §5.7
5. Funeral home, mortuary [☒]
6. [Gasoline or diesel service station](#) §4.15
7. [Kennels, commercial](#) [☒] §4.26
8. [Retail establishments, large scale \(big box\)](#) [☒] §4.28

3.1.11 C-3 Highway Service Commercial

9. Lumber yard 
10. Mobile home sales
11. Motels and hotels  §4.27
12. Sales and storage of new and used bus, truck, and heavy equipment
13. Shopping center, regional planned  §4.30
14. Shopping mall, enclosed 
15. Sexually oriented uses  §4.14
16. Recreation, indoor and outdoor commercial  §4.24
17. Day care center  §4.20
18. Radios, television broadcast station, receiving and broadcasting towers, excluding wireless / cellular towers / facilities
19. Recreation retreat, limited §4.42
20. Open air businesses/outdoor sales lots and displays  §4.29
21. Retail nursery and supply  §4.37
22. Storage, self-storage  §4.31
23. Supermarket 
24. Shopping center, community planned  §4.30
25. Amusements, temporary, transient  §4.32
26. Vehicle wash establishment  §4.15
27. Warehouse/indoor storage associated with retail sales business 
28. Wireless communication facilities  §4.33
29. Bed and breakfast  §4.17
30. Convenience store 
31. Dry cleaning/laundry, coin operated 
32. Dry cleaning/laundry outlet 
33. Neighborhood shopping center §4.30
34. Solar farms  §4.48
35. Commercial support services  §3.9.3.9
36. Day care center  §4.20 & 3.9
37. Prototype or pilot processing, manufacturing, and/or assembly associated with research activity §3.9.3.9

D. Development Standards



3.1.11 C-3 Highway Service Commercial

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

Lot Size ↔

Minimum lot area: 20,000 sq. ft.
 Minimum lot width at right-of-way: 100 ft.

Lot Coverage 📖

Area as percent of lot (Ground floor coverage): 60%

Setbacks ↔

Minimum front yard: 50 ft.
 Minimum side yard: 25 ft.
 Minimum rear yard: 25 ft.*

Building Height ↔

Maximum building height: 35 ft.

See Sections 3.2, 3.6, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

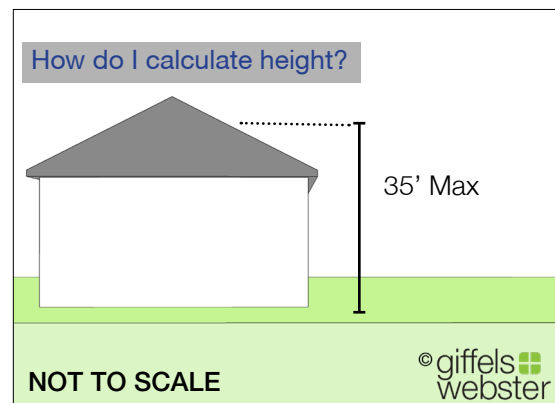
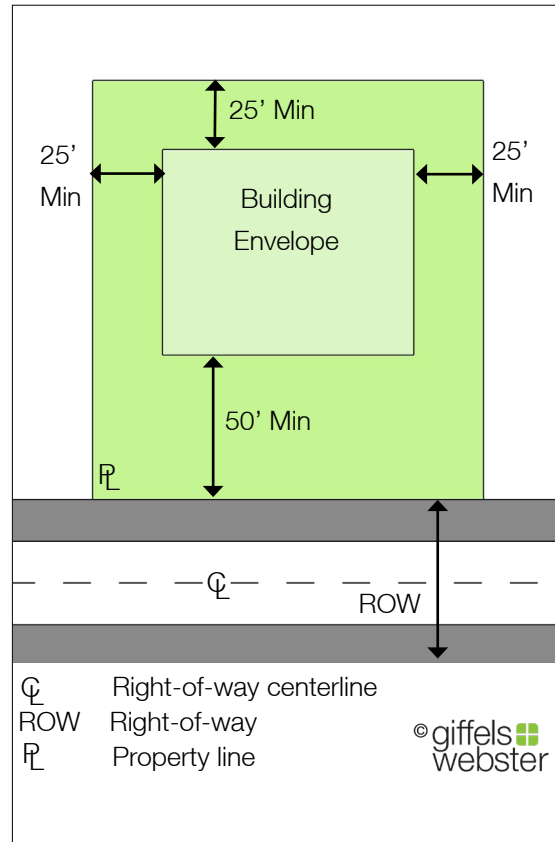
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Off-street stacking, parking and loading §5.4, §5.5
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.11 C-3 Highway Service Commercial

(Intentionally Blank)

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development
Procedures

7. Administration &
Enforcement



3.1.12 MR Mineral Resource Extraction





A. Intent and Purpose

The intent is to preserve, enhance and stabilize areas within the county which are presently engaged in the excavation of soils or minerals or because of the quality, quantity or uniqueness of the deposit are likely to be mined.




Relationship to Comprehensive Plan (Overlay Districts): Assure that mineral resource lands of long term commercial significance are conserved in order to provide continued and economical local access to valuable minerals, particularly those used in construction materials.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#)  §4.1
2. Crop and fruit farming, truck gardening, horticulture, aviary, hatchery, apiary, annelid farm, greenhouse, tree nursery, fish farm, etc.
3. [Government facilities and buildings](#) §4.41
4. [Mining and other activity generally associated with extraction operations \(processing, stockpiling, removing the overburden, extracting the mineral, site rehabilitation\)](#) §4.40
5. Conservation area for natural resources (no permanent structures), public, private
6. [On-site use WES](#)  §4.1.L & 4.11
7. [Animals, class I](#)  §4.46
8. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. Cement plant, batch plant or temporary asphalt plant in conjunction with extraction operation
2. [Single-family dwelling](#)  §4.4
3. Public service installations
4. [Wireless communication facilities](#)  §4.33
5. [Solar farms](#)  §4.48

3.1.12 MR Mineral Resource Extraction

D. Development Standards

Lot Size ⇄

Minimum lot area: 10 acres
 Minimum lot width at right-of-way: *

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): *

Setbacks ⇄

Minimum front yard: *
 Minimum side yard: *
 Minimum rear yard: *

Building Height ⇄

Maximum building height: *

*See Section 3.11 Permit to mine in the MR Mineral Resource Extraction district.

See Sections 3.2, 3.6, 3.11, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

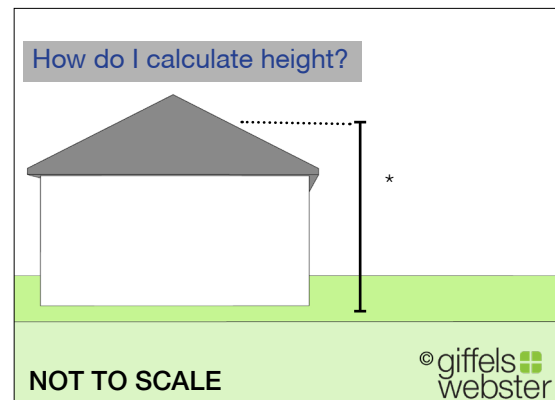
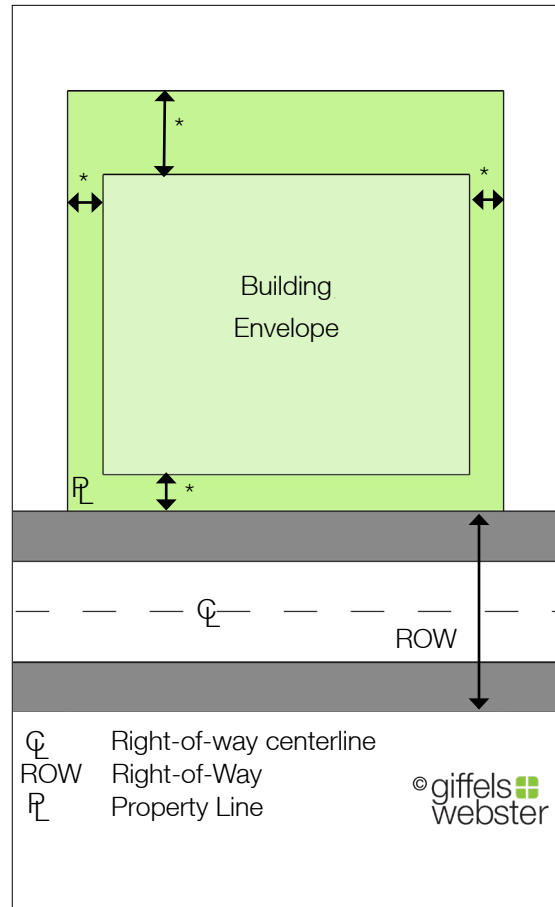
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Off-street stacking, parking and loading §5.4, §5.5
- Lighting §5.6
- Landscaping, greenbelts, buffering and screening §5.8
- Stormwater management §5.9
- Handling of hazardous substances §5.11
- Noise and vibration §5.14
- Fire hazard §5.17
- Safety §5.18

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.13 RO Research/Office District






A. Intent and Purpose

The Research/Office district is designed and intended for research and office facilities to serve the needs of commerce, industry, science, and education. Offices and limited prototype manufacturing operations in support of, and incidental to research activity are acceptable. This district is characterized by a low intensity of land coverage and uses, which produce an insignificant amount of heat, noise, glare, offensive odors, and similar environmental disturbances. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.





Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#)  §4.1
2. Data processing or computer center, including sales, service and maintenance of electronic data processing equipment
3. [Essential services and structures](#)  §4.5
4. [Government facilities and buildings](#) §4.41
5. [Laboratory and office for industrial, scientific, or business research, development and testing](#) §3.9.A
6. Medical and dental office
7. Office, professional and administrative
8. Office, local, state and federal governmental agency
9. [Office, non-profit organizations and agencies such as labor unions, civic and social and fraternal associations, and political and religious organizations](#) §4.47 & 3.9.E
10. [On-site use WES](#)  §4.1.L & 4.11
11. [Animals, class I](#)  §4.46
12. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. [Commercial support services](#)  §3.9.B
2. [Child day care center](#)  §4.20 & 3.9.C
3. [Motels and hotels](#)  §4.27
4. [Prototype or pilot processing, manufacturing, and/or assembly associated with research activity](#) §3.9.A & 3.9.D
5. [Solar farms](#)  §4.48

3.1.13 RO Research/Office District

D. Development Standards

Lot Size ↔

Minimum lot area:	1 acre
Minimum lot width at right-of-way:	100 ft.*

Lot Coverage 📖

Area as percent of lot (Ground floor coverage):	50%
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Setbacks ↔

Minimum front yard:	50 ft.
Minimum side yard:	15 ft.
Minimum rear yard:	40 ft.

Building Height ↔

Maximum building height:	50 ft.
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See Sections 3.2, 3.6, 3.9, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

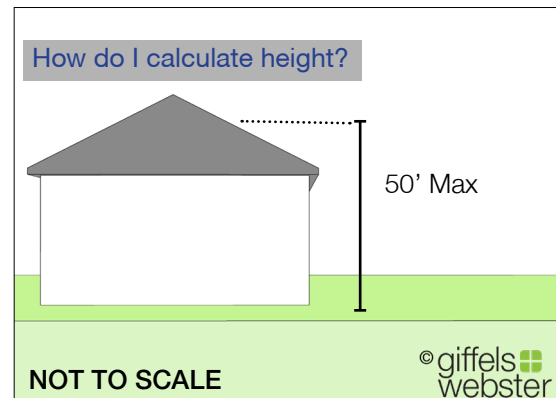
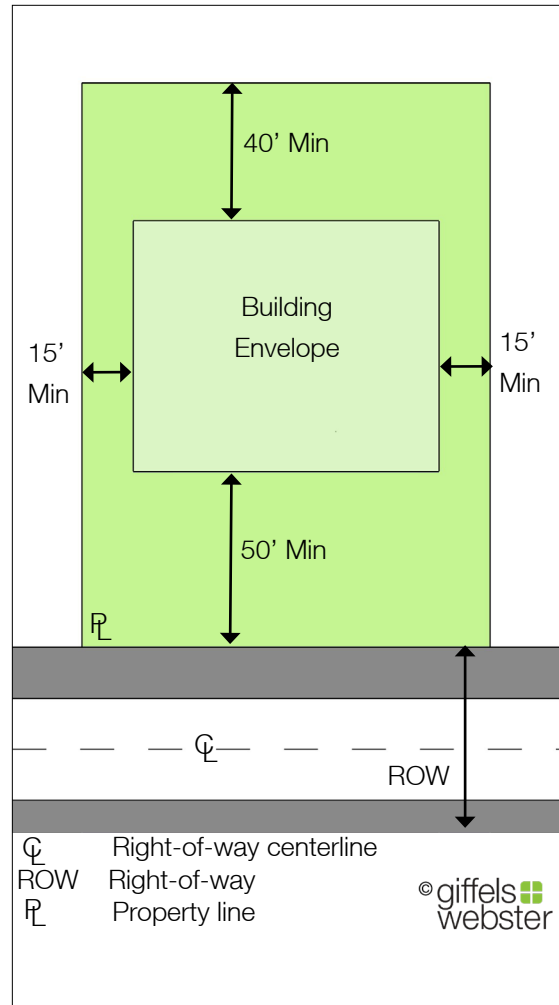
E. Additional Requirements

Article 5

- Intersection visibility §5.1
- Required access/street frontage §5.2
- Building grades §5.3
- Off-street parking and loading §5.5
- Lighting §5.6
- Signs §5.7
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.14 I-1 Light Industrial









A. Intent and Purpose

This district is established to make available resources and services essential to high quality light industrial development, including manufacturing, office/research, warehousing and distribution, and other similar light and low impact industrial uses, while also guarding against the encroachment of these uses into districts where they may be considered incompatible. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.





Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide low density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#)  §4.1
2. Agricultural wholesale and retail facility, including bulk storage of commodities
3. Ambulance station
4. [Billboard](#)  §5.7
5. Body and paint shop
6. Garage, commercial
7. Contractor establishment, equipment and material storage yard
8. Jobbing and machine shop and processing of machine parts
9. [Essential services](#)  §4.5
10. Experimental, film, or testing laboratory
11. [Government facilities and buildings](#) §4.41
12. Monument sales and yard
13. Equipment and material storage yard, municipal
14. Radios, television broadcast station, receiving and broadcasting towers, domestic
15. Scientific business/research
16. Laboratory, testing
17. Light industry 
18. Veneer processing and/or manufacturing facility
19. Wholesale establishment, warehouse,  cartage business, and truck terminal
20. [On-site use WES](#)  §4.1.L & 4.11
21. [Animals, class I](#)  §4.46
22. [Private aircraft hangars](#)  §4.49

C. Special Land Uses

1. Airport,  helicopter landing ports  and aircraft landing field
2. Blacksmith shop and welding shop
3. Building material and lumber supply
4. Storage, bulk, above or below ground of refined petroleum products
5. Dry cleaning plant, central
6. Collection center for household waste material to be recycled
7. Storage, outdoor, commercial
8. Sale of construction and farm equipment
9. Fabricated metal products, except heavy machinery and transportation equipment
10. Furniture and fixture sales
11. [Automobile wrecking/junk yards](#)  §4.16
12. Lumber, planing mill and saw mill 
13. Manufacture of monuments, cut stone, stone and clay products
14. Municipal waste or water treatment facility
15. Radio, television, telephone, transmitter tower

3.1.14 I-1 Light Industrial

16. Storage, recreational vehicle[☰]
17. Retail sales[☰] of goods assembled on the premises §3.12
18. Contractor's equipment and supplies sales, leasing, and storage
19. Truck and trailer rental facility
20. Vehicle service and repair (autos, farm, construction equipment and trucks)
21. Warehousing[☰] and materials distribution center
22. Wholesale of goods and materials
23. Wooden containers and pallets
24. Storage, self-storage[☰] §4.31
25. Solar farms[☰] §4.48

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3.1.14 I-1 Light Industrial

D. Development Standards

Lot Size ↔

Minimum lot area: 1 acre
 Minimum lot width at right-of-way: 150 ft.

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 55%

Setbacks ↔

Minimum front yard: 75 ft.
 Minimum side yard: 20 ft.
 Minimum rear yard: 50 ft.

Building Height ↔

Maximum building height: 50 ft.

See Sections 3.2, 3.6, 3.12, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

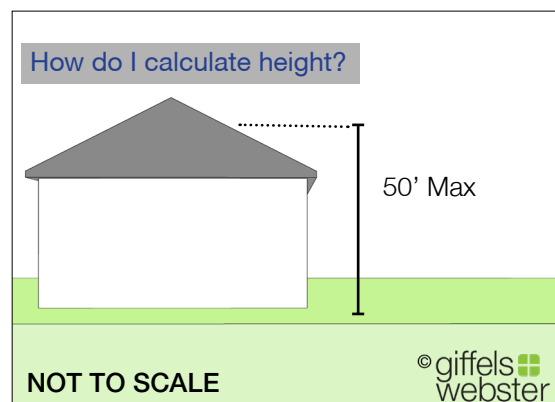
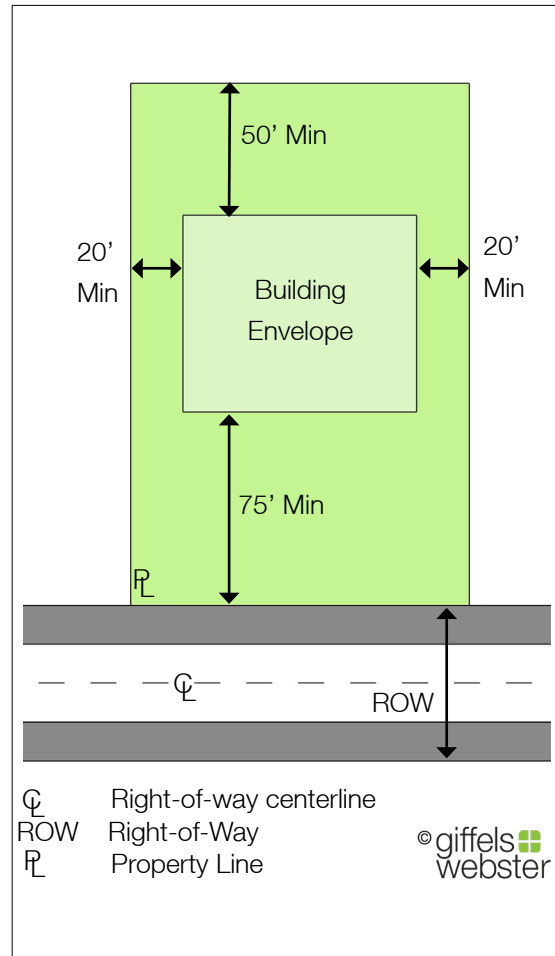
E. Additional Requirements

Article 5

- Required access/street frontage §5.2
- Off-street parking and loading §5.5
- Lighting §5.6
- Signs §5.7
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



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3.1.15 I-2 General Industrial

A. Intent and Purpose

The intent is to provide a district whose location will permit heavy manufacturing types of use. Further, the district is intended to provide land for the more large-scale and intense manufacturing, fabricating and assembling uses. While such uses may occasionally produce external physical effects noticeable to a limited degree beyond the boundaries of the site, nevertheless every possible effort shall be made to minimize such effects. The district is further intended to be located in areas adequately served by public services, such as primary county roads, public sewer and public water.

Relationship to Comprehensive Plan (Growth Areas): Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Accessory uses](#)  §4.1
2. Agricultural wholesale and retail facility, including bulk storage of commodities
3. Ambulance station
4. [Billboard](#)  §5.7
5. Body and paint shop
6. Garage, commercial
7. Contractor establishment, equipment and material storage yard
8. [Government facilities and buildings](#) §4.41
9. Lumber, planning mill and saw mill 
10. Monument sales and yard
11. Equipment and material storage yard, municipal
12. Radios, television broadcast station, receiving and broadcasting towers, domestic
13. Scientific business/research
14. Laboratory, testing
15. Light industry 
16. Wholesale establishment, warehouse,  cartage business, and truck terminal
17. [On-site use WES](#)  §4.1.L & 4.11
18. Jobbing and machine shop and processing of machine parts
19. Data processing or computer center, including sales, service and maintenance of electronic data processing equipment
20. [Essential services and structures](#)  §4.5
21. [Laboratory and office for industrial, scientific, or business research, development and testing](#) §3.9.A
22. Office, medical and dental office, not including overnight or veterinarian
23. Office, professional
24. Office, local, state and federal governmental agency
25. Office, non-profit organizations and agencies such as labor unions, civic and social and fraternal associations, and political and religious organizations
26. Veneer processing and/or manufacturing facility
27. General industry uses 
28. [Animals, class I](#)  §4.46
29. [Private aircraft hangars](#)  §4.49

3.1.15 I-2 General Industrial

C. Special Land Uses

1. Airport[☒], helicopter landing ports[☒] and aircraft landing field
2. Blacksmith shop and welding shop
3. Building material and lumber supply
4. Storage, bulk, above or below ground of refined petroleum products
5. Dry cleaning plant, central
6. Collection center for household waste material to be recycled
7. Storage, outdoor, commercial
8. Sale of construction and farm equipment
9. Fabricated metal products, except heavy machinery and transportation equipment
10. Furniture and fixture sales
11. **Automobile wrecking/junk yards[☒] §4.16**
12. Lumber, planing mill and saw mill
13. Manufacture of monuments, cut stone, stone and clay products
14. Municipal waste or water treatment facility
15. Radio, television, telephone, transmitter tower
16. Storage, recreational vehicle[☒]
17. Retail sales[☒] of goods assembled on the premises
18. Contractor's equipment and supplies sales, leasing, and storage
19. Truck and trailer rental facility[☒]
20. Vehicle service and repair (autos, farm, construction equipment and trucks)
21. Warehousing[☒] and materials distribution center
22. Wholesale of goods and materials
23. Wooden containers and pallets
24. **Storage, self-storage[☒] §4.31**
25. Composting, commercial
26. Production, processing and packaging of such products as cosmetics, toiletries, and pharmaceuticals
27. Sanitary landfill
28. Child day care center[☒] §4.21
29. **Motels and hotels[☒] §4.27**
30. Financial and business service establishments, banks, credit unions, and insurance offices
31. Commercial support service[☒]
32. Prototype or pilot processing, manufacturing, and/or assembly
33. **Solar farms[☒] §4.48**

3.1.15 I-2 General Industrial

D. Development Standards

Lot Size ↔

Minimum lot area: 2 acres
 Minimum lot width at right-of-way: 200 ft.

Lot Coverage 📖

Area as percent of lot
 (Ground floor coverage): 60%

Setbacks ↔

Minimum front yard: 75 ft.
 Minimum side yard: 35 ft.
 Minimum rear yard: 75 ft.

Building Height ↔

Maximum building height: 50 ft.

See Sections 3.2, 3.6, 3.12, 3.17, 3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 3.25, and 3.26 for more information.

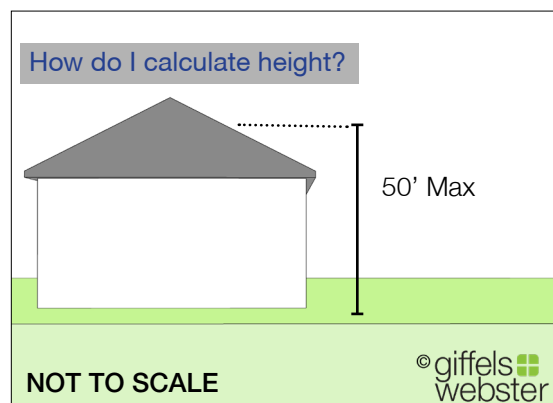
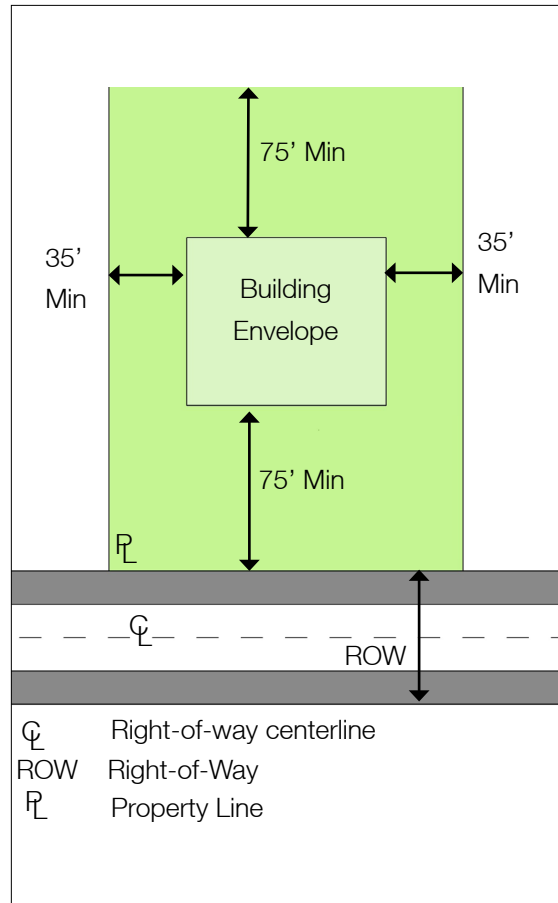
E. Additional Requirements

Article 5

- Required access/street frontage §5.2
- Building grades §5.3
- Off-street parking and loading §5.5
- Lighting §5.6
- Signs §5.7
- Landscaping, greenbelts, buffering and screening §5.8
- Noise and vibration §5.14
- Fire hazard §5.17

Article 6

- Site plan review §6.1
- Special land uses §6.2
- Zoning/Land use permits §6.3



3.1.15 I-2 General Industrial

(Intentionally Blank)

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Section 3.2

3.2 Notes to district standards

- A. In all districts no structure shall be erected, nor shall an existing structure be altered, enlarged or rebuilt, nor shall any open space surrounding any structure be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such structure is located except as otherwise permitted under [Section 7.19 Non-conforming uses of land and structures](#) of this Ordinance. No portion of a lot used in complying with the provisions of this Ordinance for yards, lot area, occupancy, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time except as otherwise permitted under [Section 7.19 Non-conforming uses of land and structures](#) of this Ordinance.
- B. All single-family and multiple family dwelling units in the R-1, R-2, MF and MH districts are required to be served by public sanitary sewer or a private community system/facility approved by the Michigan Department of Environment, Great Lake and Energy (EGLE). Private community systems are not permitted where local (township) ordinance requires, due to proximity or location, public sanitary sewer.
- C. All single-family and multiple family dwelling units in the R-1, R-2, MF and MH districts are required to be served by public water or a private community system/facility (Type I, or II) approved by the Michigan Department of Environment, Great Lake and Energy (EGLE).
- D. In all districts, minimum lot widths ↔ (as referenced on the respective district pages, above) are required along the street right-of-way upon which the lot fronts. The minimum required lot width shall be a single continuous unbroken measurement along a right-of-way. In the case of corner lots, minimum lot widths must be met along both street frontages. Where curvilinear street patterns or cul-de-sacs result in irregularly shaped lots with non-parallel side lot lines, no less than eighty (80) percent of the minimum lot width shall be required at the street right-of-way provided one hundred (100) percent of the minimum lot width is met at the building line.
- E. In all districts, minimum lot size (as referenced on the respective district pages, preceding) includes right-of-way.
- F. Excepting parcels 40-acres or more, all parcels created within the zoning jurisdiction of Clinton County, in all districts, to be buildable, shall not exceed the minimum depth to width ratio of 4 to 1 unless granted a variance from the Board of Appeals.
- G. In the manufactured home district (MH) accessory buildings required for normal operation of the mobile home development include such uses as stores, mechanical dispensers, equipment storage, coin operated laundry and dry cleaning facilities may be permitted provided that such uses are permitted in the district.
- H. No dwelling shall be erected in a non-residential zoning district, unless otherwise specifically provided for in this Ordinance for purposes of providing sleeping quarters of a watchman or caretaker.
- I. Non-residential building construction.
 1. Any building constructed in an RO, I-1, or I-2 district shall be located no closer than one hundred (100) feet from any boundary adjoining property zoned for single-family residential use.
 2. The front walls of any building in a C-1, C-2, C-3, RO, I-1 or I-2 District shall be constructed or faced with stone, brick, decorative block, or other material similar and compatible to other buildings and uses in the surrounding area as approved by the Planning Commission.



3.3 Provisions for official zoning map

These districts, so established, are bounded and defined as shown on the map entitled: "Zoning Map of Clinton County" adopted by the Clinton County Board of Commissioners, and which with all notations, references and other information appearing, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown were fully set forth herein.

3.4 Changes to official zoning map

In accordance with the procedures of this Ordinance and pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, if any change is made to the Zoning Map, including but not limited to a change in a zoning district boundary, such change shall be made by the Board of Commissioners and signed by the Chairperson of the Board of Commissioners and certified by the County Clerk with the assistance of the Zoning Official, promptly after the Ordinance authorizing such change has been adopted and published by the Board of Commissioners in accordance with [Article 6 - Development Procedures](#).

3.5 Authority of official zoning map

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Zoning Official and filed with the County Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the County. The County Clerk shall maintain a copy of the Zoning Map for public use.

Section 3.6

3.6 Application of district regulations

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance vary with the requirements of any other adopted rules or regulations, ordinances, the most restrictive, or those imposing the higher standards, shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

- A. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building, structure or premises is located, except as otherwise permitted under [Section 7.19 Non-conforming uses of land and structures](#) of the Ordinance.
 1. **Permitted use.** A permitted use shall be permitted by right only if specifically listed as a permitted use in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as permitted uses in a district subject to interpretation by the Board of Appeals.
 2. **Accessory uses and buildings.** An accessory use is permitted only if such use is clearly incidental to the permitted principal use.
 3. **Special land uses.** A special land use shall be permitted only if specifically listed as a special land use in the various zoning districts. Other uses of the same nature or class may be permitted as those listed as special land uses in a district subject to interpretation by the Board of Appeals.
- B. A petitioned use of land, building, or structure not specifically listed in the provision of this Ordinance as a permitted or special use shall be considered by the Board of Appeals under [subsection E of Section 7.20 Clinton County Board of Appeals](#) on the merits of the petitioned use being in the same nature and class and similar and compatible to other uses listed in the district where the petitioned use is proposed. Moreover, the Board of Appeals shall assess that the petitioned use is no more intrusive or detrimental to the surrounding area than other uses listed in the district where the petitioned use is proposed. If the petitioned use is found, in the opinion of the Board of Appeals, not to have merit with the criteria put forth above, the petitioner may then petition the Planning Commission pursuant to the provisions set forth in [Section 7.21 Amendments](#) to amend the text of the Ordinance to list the use under the district where the petitioned use is proposed.
- C. No structure shall hereafter be erected, altered or moved except by appeal, or variance as herein described by this Ordinance, that does not conform to the standards, limitations, yards, density, dimensions and other requirements set forth in the district in which said building, structure or premise is located and any other applicable provision of this Ordinance, except as otherwise permitted under [Section 7.19 Non-conforming uses of land and structures](#) of the Ordinance.

3.7 A-2 General Agriculture district standards

Performance standards for Agricultural Homestead Lot.

A. Intent.

1. As set forth in [subsection A of Section 3.14 Agricultural residential cluster option](#), the regulations and development options contained within [Section 3.8 Preservation performance zoning: A-2 General Agriculture and A-3 Agricultural/Residential Transition districts](#) and [Section 3.14 Agricultural residential cluster option](#) are intended to ensure that land areas of the County that are well suited for production of food and fiber are retained for such production. The County also recognizes the desires in the community to continue to retain and accommodate some residential growth in rural, agriculture areas. To that end, single-family residential continues to be an available use in agricultural and rural areas, but is accommodated in a form and fashion that continues to promote the primary goals of growth management and agricultural preservation.
2. It is also recognized that many existing single-family residential dwellings exist that have been historically associated with the agricultural production of property. The viability of these historically associated single-family residential dwellings to serve the agricultural production portion of the property has severely diminished over the years due to changes in the practice of farming and land management by those farming. It is further recognized that minimum area and frontage requirements for A-2 General Agriculture zoned parcels, as provided in [Section 3.1.2 A-2 General Agriculture](#) without application of preservation performance standards as listed in [Section 3.8](#), would be ten (10) acres and with a minimum of three-hundred and thirty (330) feet of frontage on a public road.
3. It is the intent of this section to establish, through a set of specific performances standards, a reduction in the minimum parcel size for historically associated single-family residential dwelling sought to be divided from the agriculturally productive portion of property to prevent the overuse of land for loss of existing housing stock and diminishment of productive agricultural land.

B. **Site plan review required.** Application under this section requires site plan review pursuant to [Section 6.1 Site plan review](#) of this Ordinance. Said site plan review shall be conducted administratively by the Zoning Official or their assign to assess compliance with [Section 6.1 Site plan review](#) of the Ordinance. If a single-family residence is proposed on the remainder parcel as outlined in [subsection A.3.8 of Section 3.7 A-2 General Agriculture district standards](#), site plan review shall be conducted by the Planning Commission.

- C. All of the following performance standards must be met for a reduction in the minimum parcel size for a historically agricultural associated single-family dwelling to be divided from the agriculturally productive portion of the property:
1. The parent parcel, in which the proposed parcel containing the single-family dwelling is sought to be created from, cannot be less than twenty (20) acres.
 2. At the time of application, the activity on the parent parcel, in which the proposed parcel containing the single-family dwelling is sought to be divided from, must meet the definition of “Farm Operation” as defined in Article 2 for at least one-half (1/2) of the acreage.

Section 3.7.C

3. The proposed homestead parcel containing the single-family dwelling cannot be less than one (1) acre nor more than five (5) acres in lot area including the right-of-way, nor can the lot area of the proposed division be less than required to accommodate existing well and wastewater disposal system. It may be required for the applicant to seek comment from the Mid-Michigan District Health Department (“MMDHD”) may be consulted prior to approval of the administrative site plan.
4. If the existing home/property is previously encumbered by a MMDHD deed restriction due to an existing sewage lagoon system; the proposed homestead parcel may be increased to that minimum size (typically 6 acres) to meet the required acreage and sewage lagoon setback requirements. Written verification of this requirement from the MMDHD shall be provided at the time of application.
5. The proposed parcel containing the single-family dwelling cannot have less than one-hundred and fifty (150) feet of frontage on a public road as measured at the right-of-way and must not exceed a lot width to depth ratio of four (4) to one (1). ↔
6. The remainder of the parent parcel following division of the proposed parcel containing the single-family dwelling must meet the dimensional requirements as outlined in [Section 3.1.2 A-2 General Agriculture](#), herein.
7. To be eligible, the historically associated single-family dwelling shall have received a building permit for construction of the single-family structure prior to July 17th, 2005. In addition, said structure shall have been completed and received a final certificate of occupancy on or before July 17th, 2006.
8. The remainder of the parent parcel following division of the proposed homestead parcel containing the single-family dwelling shall continue to remain in agricultural production. To ensure that this performance standard shall be substantive and the County has met objectives of this Ordinance and section, the applicant shall have placed on the deed of the remainder a restriction that property cannot be subsequently divided or utilized for residential purposes for a period of ten (10) years.
9. Approval of one (1) single-family dwelling may be granted on the remainder parcel upon site plan application to the Planning Commission. The applicant shall demonstrate that the proposed single-family dwelling is located so as to minimally impact or disrupt the agricultural characteristics or viability of the remainder parcel (i.e., typically the home should not be proposed in the middle of an existing field). The applicant shall demonstrate this by analysis of such items as: soil types; current vegetation; drainage patterns; access; proposed structures and associated improvements and the relationship to other nearby uses and structures.

Approval and construction of a single-family dwelling on the agricultural remainder shall require the aforementioned ten (10) year deed restriction to be placed on the remainder parcel starting at the time of building permit issuance.

3.8 Preservation performance zoning: A-2 General Agriculture and A-3 Agricultural/Residential Transition districts

- A. **Intent.** As put forth in [subsection A of Section 3.14 Agricultural residential cluster option](#), the County recognizes the continued desire of the community to accommodate some residential growth in rural, agriculture areas. Therefore, single-family residential continues to be an available use in agricultural and rural areas. Residential development, however, is intended to be accommodated only in a form and fashion that promotes the primary goals of agricultural preservation and other goals and objectives of the Comprehensive Plan by clustering residential sites, managing access to public roadways, and limiting sporadic residential growth without appropriate services. It is not the intent of the Ordinance or this section to promote, encourage, or enable plats or condominiums in agricultural areas due to the potential intensity of development and the propensity to encourage sprawl and inefficient use of community services.
- B. **Approach.** Traditional “sliding scale zoning” limits the number of times that a parent parcel or tract can be divided to create buildable lots, which are varied in size. Sections 108 and 109 of the Land Division Act also use a similar “sliding scale” approach in the creation of parcels. The approach contained herein is a form of “sliding scale” that is incentive based and relies upon performance standards to effectively manage residential growth on parcels created pursuant to Sections 108 and 109 of the Land Division Act in the agricultural areas of the County. These performance standards are developed to meet the aforementioned intent in the preceding paragraph and therefore are not applicable to development by plat or condominium.
- C. **Site plan review required.** Application under this section requires site plan review pursuant to [Section 6.1 Site plan review](#) of this Ordinance. The following tables in [subsection D](#) and [subsection E](#) illustrate the performance standards and the resulting buildable parcel size applicable to petition under this section of the Ordinance.

Section 3.8.D

D. A-2 General Agriculture district performance standards and resulting parcel size:

TABLE 3.8.D			
A-2 GENERAL AGRICULTURE DISTRICT PERFORMANCE STANDARDS AND RESULTING PARCEL SIZE			
Performance Standard	Maximum buildable parcel size without application of performance standard	Review process	Minimum / Maximum buildable parcel size with application of performance standard
Shared driveway (2 lots)	10 acres	Administrative site plan review (Section 6.1 Site plan review)	5 acres / 10 acres
Multiple Residence Drive (MRD, 3-4 lots)	5 acres	Planning Commission site plan review (Section 6.1 Site plan review and Section 5.15 Multiple Residence Drive (MRD))	1 acre / 5 acres
Public road (rural cross section, 5-8 lots)	3 acres	Planning Commission site plan review (Section 6.1 Site plan review)	1 acres / 3 acres
Public road (9 lots or more)	3 acres	Planning Commission site plan review (Section 6.1 Site plan review)	1 acre / 3 acres

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E. A-3 Agriculture/Residential Transition district performance standards and resulting parcel size:

TABLE 3.8.E				
A-3 AGRICULTURE/RESIDENTIAL TRANSITION DISTRICT PERFORMANCE STANDARDS AND RESULTING PARCEL SIZE				
Performance Standard	Maximum buildable parcel size without application of performance standard	Comprehensive Plan Designation	Review process	Minimum / Maximum buildable parcel size with application of performance standard
Shared driveway (2 lots)	10 acres	Rural, Rural Low Density	Administrative site plan review (Section 6.1 Site plan review)	5 acres / 10 acres
Multiple Residence Drive (MRD, 3-4 lots)	5 acres	Rural, Rural Low Density	Planning Commission site plan review (Section 6.1 Site plan review)	1 acre / 5 acres
Public road (rural cross section, 5-8 lots)	3 acres	Rural, Rural Low Density	Planning Commission site plan review (Section 6.1 Site plan review)	1 acres / 3 acres
Public road (5 or more land divisions)	3 acres	Rural, Rural Low Density	Planning Commission site plan review (Section 6.1 Site plan review)	1 acre / 3 acres

Section 3.8.F-I

- F. Minimum dimensional requirements for parcels within developments considered under this section with four (4) or fewer parcels:

TABLE 3.8.F				
MINIMUM DIMENSIONAL REQUIREMENTS FOR PARCELS WITHIN CONSIDERED DEVELOPMENTS WITH 4 OR FEWER PARCELS				
District	Width	Front yard ↔	Side yard ↔ total	Rear yard ↔
A-2 General Agriculture	150 ft.	40 ft.	20 ft.	30 ft.
A-3 Agricultural/Residential Transition	150 ft.	40 ft.	20 ft.	30 ft.
All parcels must meet the minimum lot depth to width ↔ ratio of 4 to 1.				

- G. Minimum dimensional requirements for parcels within developments considered under this section with five (5) or more parcels.

TABLE 3.8.G				
MINIMUM DIMENSIONAL REQUIREMENTS FOR PARCELS WITHIN CONSIDERED DEVELOPMENTS WITH 5 OR MORE PARCELS				
District	Width	Front yard ↔	Side yard ↔ total	Rear yard ↔
A-2 General Agriculture	150 ft.	50 ft.	20 ft.	40 ft.
A-3 Residential/Agricultural Transition	150 ft.	50 ft.	20 ft.	40 ft.
All parcels must meet the minimum lot depth to width ↔ ratio of 4 to 1.				

- H. Access drive standards.
 - Public roads are reviewed and approved by the Clinton County Road Commission. The Planning Commission must still approve a site plan pursuant to [Section 6.1 Site plan review](#) of this Ordinance to permit the application of above preservation performance standards.
 - Multiple Residence Drives (MRDs) are to be reviewed pursuant to the standards set forth in [Section 5.15 Multiple Residence Drive \(MRD\)](#) of this Ordinance.
- I. Eligibility. Preservation performance densities shall not be required under [subsection C of Section 3.14 Agricultural residential cluster option](#).



3.9 RO Research/Office district standards

- A. Limited manufacturing operations connected to industrial, scientific, or business research, development and testing are permitted in the RO district when they are equal to no more than 10 (10%) percent of the total usable floor area. ↔
- B. Commercial support services may be allowed as special land uses provided that no signs for such businesses are visible from the street.
- C. Child day care centers may be permitted as special land uses provided that:
 - 1. They are located and designed so as to be clearly intended primarily for the use of employees of the permitted principle use with which such business is affiliated, and not for use by the general public, and
 - 2. No sign for such business shall be visible from the street.
- D. Prototype or pilot processing, manufacturing, and/or assembly may be permitted as special land uses provided that:
 - 1. The use is strictly incidental and subordinate to a research activity, and
 - 2. If all such uses combined do not occupy more than twenty-five (25%) percent of the total floor area of the permitted use. ↔
- E. Administrative and professional offices, not including veterinarian type establishments or any type of medical facility permitting overnight patients, are permitted in the RO district.

3.10 MH Manufactured Housing Community district review procedures and regulations

- A. **Intent and purpose.** This district is intended to insure the orderly development of the County by regulating Manufactured Housing Community development in a manner which takes into account such special characteristics as locational needs, site layout and design, demand upon community services, and relationship to and effect upon surrounding uses of land, and conformance to the Comprehensive Plan.
- B. No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following:
 - 1. Manufactured Housing Community developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
 - 2. Accessory buildings required for normal operation of the mobile home development such as stores, mechanical dispensers, equipment storage, coin operated laundry and dry cleaning facilities may be permitted provided that such uses:
 - a. Shall not occupy more than ten percent (10%) of the total site;
 - b. Shall be subordinate to the residential use and character of the park;
 - c. Shall be located, designed, and intended to serve the trade or service needs of persons residing in the park.
 - 3. Signs purely for traffic regulation and direction within the Manufactured Housing Community may be utilized as required.

Section 3.10.C

- C. **Preliminary site plan review.** All proposed structures, excluding manufactured homes, or uses of land or structures shall be subject to the preliminary site plan review procedures below.
1. **Application.** Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the MH zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this district.
 - a. Every site plan submitted for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twenty-five (25) copies of the site plan shall be submitted with the application.
 - b. Upon receipt of a complete application and twenty-five (25) copies of the site plan, the Zoning Official shall forward the package to the Planning Commission within thirty (30) days for their review.
 - c. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. If a site plan does not meet the requirements of this Ordinance, it shall not be approved.
 2. **Data required.** Site plans shall contain the following:
 - a. The site plan shall be presented in a readable scale based on the size of the proposed project.
 - b. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
 - c. The location and dimensions of all existing and proposed sidewalks, curb openings, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and optional recreation areas.
 - d. The name and address of the property owner or petitioner.
 - e. The location of all rubbish receptacles.
 - f. Information indicating compliance with local fire ordinances and state fire laws, pursuant to Section 11(3) of the Mobile Home Commission Act.
 - g. The number of manufactured housing sites proposed.
 - h. Written assurance that surface drainage facilities will meet the requirements and standards of the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
 - i. The location of all proposed open space and written assurance that it meets the requirements of Rule 946 of the Manufactured Housing Commission.
 3. A copy of the final construction plan shall be submitted to the County upon approval by the Department of Consumer and Industry Services.

4. **Review process.**
 - a. The Planning Commission shall review the submitted site plan and communicate its approval, approval with conditions, tabling, or disapproval of the site plan not more than sixty (60) days after receipt of the plan. The sixty-day review period may be extended by mutual agreement of the Planning Commission and the developer. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review. Any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes, which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than 45 days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.
 - b. The Planning Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Approval or disapproval of the preliminary site plan shall be pursuant to the Mobile Home Commission Act and this Ordinance.
5. **Noncompliance.** Any substantial noncompliance with the approved Preliminary Plan, shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.
6. **Basis for approval.** In the process of reviewing the site plan, the Planning Commission shall consider:
 - a. Impact on adjacent single-family residential or site condominium development
 - b. The location and design of driveways providing vehicular ingress to and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
 - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - I. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and
 - II. Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - d. The adequacy and completeness of the landscape plan.
 - e. General information describing the transmission systems for essential services.

Section 3.10.D

- D. **Site development requirements.** The following requirements for site development, together with any other applicable requirements of the State of Michigan, Act 96, of 1987, as amended, shall be complied with. If any of the requirements of this subsection are less than those in the State Act, the State requirements shall prevail. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
1. **Site location.** The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and Rule 920 (1) (b) of the Manufactured Housing Commission Rules.
 2. **Space requirements.** The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet minimum per site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and Rule 125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
 3. **Yard requirements.** The required distances between manufactured home units and other structures and the required distances from property boundary lines shall meet the requirements of Rule 125.1941 and Rule 125.1944, and Rules 941 and 944 of the Michigan Administrative Code.
 4. **Park roads.** Two-way streets within a manufactured home development shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no parallel parking is permitted, 23 feet where parallel parking is permitted along one side and 33 feet where parallel parking is permitted along both sides.
 5. **Paving.** All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the [Michigan] Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area shall be considered part of the sidewalk system.
 6. **Sidewalks.** Sidewalks, which meet the standards established in Rule 928 of the [Michigan] Manufactured Housing Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares. Walks connecting the entrance of each manufactured housing unit to the balance of the park walk system shall be designed per Manufactured Housing Commission rules.

7. **Utilities.** The installation of utilities within a manufactured housing community shall be in accordance with the following requirements:
 - a. All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932(a), 934(a), 935(a), 937(2)(a), and 940 of the Manufactured Housing Commission.
 - b. All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual manufactured home sites, and shall be subject to the same requirements given herein for gas lines. The use of independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Manufactured Housing Commission.
 - c. Minimum standards for the home or installation of the home plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National Standards Institute) for manufactured housing units predating HUD.
 - d. All manufactured housing sites and all other buildings within the park shall be connected to the water system of the governmental jurisdiction, if it is available to the park, or to another state approved system. The park water system shall conform to parts 2-4 of the Michigan Department of Public Health (MDPH) Manufactured Housing Community Standards.
 - e. All manufactured housing sites and all other buildings within the park shall be connected to the sanitary sewerage system of the governmental jurisdiction if it is available to the park, or to other state approved systems. The park sanitary sewerage system shall conform to MDPH Manufactured Housing Community Standards.
 - f. All storm sewers shall be constructed in accordance with parts 2-4 of the MDPH Manufactured Housing Community Standards by the developer.
8. **Skirting.**
 - a. Skirting shall be installed around all manufactured housing units. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit all skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Housing Commission Rules.
 - b. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit-to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

Section 3.10.D

9. **Installation.** Each manufactured housing site shall conform to Manufactured Housing Commission requirements of Rule 602 for installation of manufactured housing units.
10. **Screening, buffering and landscaping.** Manufactured housing communities shall provide the following screening, buffering and landscaping:
 - a. If a manufactured home development abuts an existing residential or non-residential development, the park shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
 - b. The landscaping shall consist of evergreen trees or shrubs which are spaced so they provide a continuous screen at maturity.
 - c. Landscape material shall consist of evergreen trees a minimum of four (4) feet in height at installation and evergreen shrubs a minimum of three (3) feet in height at maturity.
 - d. Alternative screening techniques (earth berms, fences, etc.) may be approved by the Planning Commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
11. **Public health and safety.**
 - a. Fire hydrants shall be installed in all manufactured housing communities, for which public water systems are available and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the manufactured housing community.
 - b. For the protection of the public safety, an orderly street name system and numbering system shall be established by the Manufactured housing community owner and a plan of this system shall be verified with the Fire Department serving the location. Manufactured housing space numbers shall be located uniformly on each space, manufactured housing unit or identification marker throughout the manufactured housing community and street names shall be accurately marked.
 - c. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned that emit dense smoke objectionable odors.
 - d. Every home shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the home as to be in compliance with the applicable regulations of the Rules 702a of the Manufactured Housing Commission.
 - I. No open fire shall be permitted at any place, which may endanger life or property.
 - II. No fire shall be left unattended at any time.
 - e. Emergency access points shall be in compliance with [subsection E.1 of Section 3.10 MH Manufactured Housing Community district review procedures and regulations](#).
 - f. Each manufactured housing unit shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

12. **Lighting.** Street lighting shall be provided and paid for by the owner of the community and shall be approved by the Manufactured Housing Commission as to the adequacy of illumination. No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. All other lighting shall be in accordance with the State of Michigan, Act 96 of 1987, as amended.
13. **Storage areas.** All storage structures within a manufactured home park development shall meet the requirements of Rules 941 and 944 of the Manufactured Housing Commission.
14. **Open space.** A manufactured home community that contains 50 or more home sites shall have not less than two (2) percent of the gross acreage of the total site dedicated to designated open space, but not less than 25,000 square feet.
15. **Telephone, television, or other communication technologies.** Central television antenna systems, cable television, telephone, or other similar communication services shall have their distribution systems installed underground in compliance with local and state regulations.
16. **Solid waste and resource recovery.** The garbage and rubbish storage and disposal procedures in manufactured housing communities shall comply with Michigan Department of Environmental Quality Rules R325.3351-R325.3354.
17. **Severe weather warning and storm-fallout shelter.** A manufactured housing developer shall comply with Manufactured Housing Commission Rule 706: R 125.1706 Severe weather warning; shelters Rule 706. Immediately upon occupancy, the community shall provide each community resident with written information indicating whether the local government provides a severe weather warning system or designated shelters and, if provided, describing the system and giving the nearest shelter location.
18. **Miscellaneous provisions.**
 - a. **Occupancy.** A manufactured home park development shall be ready for occupancy when it has complied with Rule 214k and 214n of the Manufactured Housing Commission.
 - b. **Removal of towing mechanisms.** Towing mechanisms shall be removed from the manufactured housing dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the manufactured housing community.
 - c. **The grounds of a manufactured housing community shall be graded to drain properly.**
 - d. **New or used manufactured homes in manufactured home developments, which are to remain on-site, may be sold by resident, development owner, licensed retailer or broker, provided the manufactured housing development management permits the sale.**
 - e. **All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.**
 - f. **The owner or operator of any manufactured housing community shall be responsible for all street construction and street maintenance within the confines of the manufactured housing community.**
 - g. **Fences on individual home sites shall be uniform in height, not to exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide firefighters an access to at least two (2) gates.**

Section 3.11.A-B

3.11 Permit to mine in the MR Mineral Resource Extraction district

- A. **Review type, basic dimensional and other requirements.**
1. A permit to mine shall not be issued for any parcel of land unless that parcel lies within the MR Mineral Resource District.
 2. A permit to mine is subject to review by the Planning Commission subject to [Section 6.1 Site plan review](#) of the Ordinance. Information requirements and standards of review, above and beyond those standards listed in [Section 6.1 Site plan review](#), of this section shall also be provided and reviewed accordingly. Approval of a site plan constitutes a permit to mine.
 3. The minimum size of the petitioned property must be 10 acres or more. A variance must be received from the Board of Appeals prior to review by the Planning Commission for any proposed development less than 10-acres.
 4. The district shall have immediate and direct access to local roads capable of carrying the expected traffic prior to the commencement of the extraction operations. A statement from Clinton County Road Commission (CCRC) verifying the condition of the local road will be required prior to consideration by the Planning Commission.
 5. Existing legal non-conforming gravel pits shall become legal, conforming uses under the Mineral Resource District.
- B. **Site plan requirements in addition to [Section 6.1 Site plan review](#) requirements.**
1. Name and address of owner(s) of land from which removal will take place.
 2. Name, address and telephone number of person, firm or corporation who will be conducting the extraction and processing operation.
 3. Location, size and legal description of the total site area to be mined.
 4. Depiction, whether on a site plan or tabular, of the number of homes within 1,320' from the boundaries of the area of land under petition for site plan approval.
 5. Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
 6. A statement identifying federal, state and local regulations and permits required beyond those regulations required of this section.
 7. A hydro-geologic report of the proposed excavation site. Such a report shall, at a minimum, provide:
 - a. A general description of subsurface conditions, including general soil types and depths.
 - b. Depth of water table throughout the planned excavation area, and if applicable, the name of the aquifers impacted.
 - c. A statement of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
 - d. A statement of the necessity to install monitoring wells.

8. Division of property into cells (phases) and reclamation plan for both the total project and each cell and shall include:
 - a. The method and direction of extraction.
 - b. Surface overburden stripping plans.
 - c. A description of the depth of grade level over the entire site from which the material will be removed.
 - d. Grading, re-vegetation, and stabilization plan that will minimize negative soil erosion, sedimentation and public safety issues.
 - e. Landscaping provisions for buffer areas, landscaping and screening.
 - f. Description of location of each cell, number of acres included in each cell, estimated length of time to complete each cell, and the amount of time projected to complete the entire project.
 - g. Provide a conceptual representation of final anticipated landform, including generalized future development plans.
 9. Drainage on and away from the mining area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the extraction operation.
 10. The proposed exterior and interior haul routes that are expected to be the predominate traffic pattern for vehicles to and from the site. Exterior haul routes are to be determined by the CCRC, as statement of which shall be provided to the Planning Commission.
 11. The location and size of any processing equipment and/or structures.
 12. A detailed plan of operation for stripping topsoil and overburden, stockpiling, excavating and rehabilitating for each cell, or multiple cells.
 13. Measures to be taken by the applicant to control noise, vibration, dust and traffic.
 14. Accompanying the application shall be a road maintenance agreement between the corporation conducting the extraction operation and the Clinton County Road Commission.
- C. **Site development requirements.**
1. **Setbacks in which no part of the mining operation may take place**, excepting ingress or egress shall be as follows: ↔
 - a. Excavation shall not take place less than 20' from any adjacent property line. The Planning Commission may authorize the complete removal of material to an adjacent property line in situations where two (2) extraction operations share a common property. Such exception shall be based on review of the impact of the extraction on the adjacent operation and written authorization is received from both property owners.
 - b. Excavation shall not take place less than 50' from any County road right-of-way or Michigan Department of Transportation right-of-way. The Planning Commission may authorize extraction to take place to within 20' of the county road right-of-way provided that the CCRC is in agreement, a barrier or berm is constructed within the 20' setback, and the excavated area is backfilled and stabilized within one (1) year of excavation. ↔

Section 3.11.C-D

- c. Processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the property lines of the district and public rights-of-way or closer than five hundred (500) feet from any dwelling unit or principal residential district (RR, R-1, R-2, MF, MH), and shall (where practicable) be as close to the center of the subject property, or cell as possible.
 - d. Storage, mixing or processing of other aggregate and related materials (not including asphalt or concrete mixing facilities) brought to the site from elsewhere is permitted, but must be located proximate to the processing plant and are subject to all the same restrictions as other aggregate material extracted and stored at the site.
 - e. Interior haul routes shall not be located closer than 100' from a dwelling unit located on adjacent property, unless such property is zoned MR, Mineral Resource and the dwelling unit is legally non-conforming.
2. **Fencing.** In establishing the requirements for fencing of the operation, the Planning Commission shall take into account the scale of the operation, the population density in the surrounding areas, and the potential hazard to the health, safety and welfare of the citizens of Clinton County. If fencing is deemed a requirement of the permit to mine, the owner shall install and maintain fencing around the perimeter of the site or around the cell that is being mined. The fence shall consist of four (4) feet woven wire farm fence with one (1) strand of barbed wire on the top, or greater. The fence shall be securely attached to support posts not greater than 16.5 feet apart.
3. Interior access roads, parking lots, haul loading and unloading areas shall be watered, or chemically treated so as to limit the nuisance caused by windblown dust.
4. Should the final result of the excavation result in the creation of a body of water, the peripheral of the excavation shall be graded to a slope not to exceed 3' horizontal to 1' vertical to the seasonal low water level.
5. The site shall be kept clean and orderly. Inoperable and partially dismantled equipment, vehicles, and other types of machinery and parts associated with the operation shall not be stored in an area visible to the public from adjacent property or residence, or from the public roadway. The Planning Commission may, at their discretion, approve a specific area for such use. The area shall be screened by landscaping, fence and/or berm.
- D. **Landscaping, screening, and berming.** Screening shall be provided for active cells, operational areas and material storage areas. Perimeter screening shall also be required for areas having a residential density of more than one (1) dwelling unit to five (5) acres within five hundred (500') feet of any given boundary of a petitioned site. Such screening shall consist of one or more of the following:
- 1. Earth berms constructed to a height of six (6) feet above the mean elevation in the centerline of the adjacent public roadway or six (6) feet above the general level of terrain along property lines. Such berms shall have slopes that are not in excess of one (1) foot vertical to two (2) feet horizontal and shall be seeded to stabilize the soil. The berms shall also be shaped and formed to be consistent along the berms. Washout areas are to be repaired and stabilized.

2. For perimeter landscaping, plantings of evergreen trees not more than fifteen (15') feet apart, in two (2) staggered rows parallel to the boundaries of the property which shall be at least two (2) feet in height at the time of planting. Trees that die prematurely must be replaced at the next available planting season. The applicant is strongly encouraged for areas that are left undisturbed for residential future development, or other purposes, be heavily planted to serve as a nursery, provide screening, and to add economic value to the area once residential uses are proposed. These areas may, at the discretion of the Planning Commission, be started with seedlings.
 3. The six (6) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission if the particular site, terrain, and existing landscaping afford adequate screening.
- E. **Reclamation.** A cell shall be reclaimed by an operator pursuant to these rules by the end of the 5-year permit period or within the time set forth in the operator's reclamation plan approved by the Planning Commission.
1. Cell units shall be reclaimed progressively as they are worked out to the extent that they shall be reasonably natural and inconspicuous and shall be reasonably lacking any hazards.
 2. Sufficient topsoil shall be stockpiled on the premise, or stored in berms providing screening. Topsoil shall be promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one (1) year. Such areas shall then be seeded with at least temporary protection the first year and by the second year permanent seeding to stabilize the soil, lessen soil erosion potential and encourage proper growth.
 3. A layer of arable topsoil, of a quality approved by the Zoning Official shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan.
 4. In the construction of the final grade, all slopes and banks shall be graded to a minimum of a 3:1 slope and treated in the following manner to prevent soil erosion and stabilize soils:
 - a. Standards for seeding rates, fertilizer and mulching standards are to be based on the standards put forth by the USDA Natural Resource Conservation District. The applicant shall identify on the site plan in tabular form the type of seeding, fertilizer, and mulch as well as implementation rates.
 - b. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings fill and soils shall be of proper bearing capacity to support foundations, and septic systems.
 5. If the reuse plan involves a recreational or wildlife facility reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
 6. Upon cessation of mining operations and commencement of reclamation, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all structures, building, stockpiles and equipment from the area to be reclaimed.

Section 3.11.F-H

F. Termination of operations.

1. An operator shall submit written notice to the Zoning Official within six (6) months of abandonment of the extraction area or any portion thereof.
2. When activities on or use of the mining area, or any portion thereof, have ceased for more than one (1) year, or when, by examination of the premises, the Zoning Official determines that the mining area or any portion thereof has in fact been abandoned, the Zoning Official shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the mining area or portion thereof is continuing. If the Zoning Official finds the evidence satisfactory, they shall not make the declaration.
3. Areas that have been abandoned or are not in operation will be assessed for compliance with the approved site plan. Those items not in compliance will be listed and forwarded to the permit holder and a timeline given to obtain compliance. If compliance is not obtained within the specified time period, the permit holder shall be found in violation of the Clinton County Zoning Ordinance giving the County the right commence financial guarantee, bond revocation.

G. Financial guarantees.

1. Before issuance of a permit, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond running to the Clinton County Board of Commissioners, conditioned upon the prompt compliance with all provisions of this section and the approved site plan.
2. The Planning Commission shall, in establishing the amount and type of financial guarantee, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses likely to be incurred by the County or the Township, where the mining operation is located.
3. The total amount of the guarantee shall be based on the amount of acreage under permit within a given district, or overall all project area. For each acre containing excavated ground, water and material storage, two thousand (\$2000) dollars shall be bonded.
4. The amount of bond may be reduced or increased at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project, which are deemed necessary to protect the health, safety and welfare of Clinton County's resources and future users or inhabitants of the proposed project.
5. If abandoned and the surety amount is not sufficient to properly restore the site to protect the health, safety and welfare of the community, the County reserves the right to prosecute the violation of the Ordinance and seek a lien against the property to complete restoration activities.

H. Hours of operations.

1. The owner(s) and/or operators shall conduct extraction, excavation, and processing only between the following designated hours: 6:00 A.M. to 8:00 P.M., Monday through Friday, and 7:00 A.M. to 3:00 P.M. Saturday with no Sunday or holiday operations, which includes Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day.

2. The owner(s) and/or operators shall conduct loading and hauling only between the following designated hours: 6:00 A.M. to 8:00 P.M., Monday through Friday, and 7:00 A.M. to 3:00 P.M. Saturday with no Sunday or holiday operations, which includes Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Years Day.
 3. For documented situations beyond the permit holder's control, additional hours may be allowed by prior approval of the Zoning Official when it is shown that extenuating circumstances exist.
- I. **Conditions and safeguards.** The Planning Commission may impose such additional reasonable conditions and safeguards deemed necessary for the public health, safety or general welfare, for the protection of individual property rights, and for insuring the intent and purpose of this Ordinance. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
 - J. **Issuance of a permit to mine.** Permits for surface mining shall be issued to the operator. When an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Official may release the operator from the duties imposed upon them by this Ordinance, as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the permit to mine may be transferred.
 - K. **Permit term.** A permit to mine is valid for five (5) years. The operation shall be inspected a minimum of once a year by the Zoning Official and/or assigns to insure compliance with the permit and this Ordinance.
 - L. **Violations.** Violation notices shall be issued pursuant to the provisions delineated in [Article 7 - Administrative & Enforcement](#) of this Ordinance. Violation of the site plan shall be considered a use violation under [Article 7 - Administrative & Enforcement](#) of this Ordinance.
 - M. **Modification of the general site plan.**
 1. The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight.
 2. The Planning Commission may require the modification of the general site plan when:
 - a. Modification of the site plan is necessary so that it will conform to the existing laws.
 - b. It is found that the previously approved plan is clearly impossible or clearly impractical to implement and maintain.
 - c. The approved plan is obviously not accomplishing the intent of the Ordinance.

Section 3.12 - 3.13.D

3.12 I-1 Light Industrial district standards

Retail sales of goods assembled on the premises may be a permitted as a special land use subject to the following conditions:

- A. The building floor area devoted to retail sales comprises no more than twenty-five (25%) percent of principal building floor area, and
- B. The outdoor sales area comprises no more than twenty-five (25%) percent of the minimum required lot area.

3.13 PUD Planned Unit Developments

- A. **Intent and Purpose**
 1. The intent of this district is to authorize the use of the PUD for the following purposes: encourage the use of the land in accordance with its natural characteristics and adaptability; conserve agricultural and natural features and the expenditure of energy; encourage innovation in land use planning to bring about a greater compatibility of design and use; provide for usable, functional open space and wildlife corridors, preserving view sheds and the rustic, rural appearance of the area; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the current and future citizen of Clinton County. In that the PUD can be utilized for the development of a variety of uses that are found in other districts, the intents and purposes of other districts are applicable given the proposed uses being presented with a PUD.
 2. Relationship to Comprehensive Plan
 - a. Growth Areas: Focused around existing cities and villages and are intended to provide high to medium density uses similar to development patterns in incorporated communities. Importantly, these areas provide transition from urban to rural land uses.
 - b. Rural Areas: To protect agricultural land and the rural character of Clinton County and provide for a variety of residential living opportunities at rural densities.
- B. **Permitted uses**
 1. All uses permitted in any other zoning district, subject to the provisions of this section.
 2. Accessory uses in accordance with the provisions of [Section 4.1 Accessory buildings, structures, and uses](#).
- C. **Special land uses**
 1. Any special land uses would be negotiated, subject to the provisions of this section.
- D. **Planned unit development regulations.**
 1. Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its character and adaptability; conserve natural resources and agricultural land and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of Clinton County; and bring about a greater compatibility of design and use. The provisions of this district provide enabling authority and standards for the submission, review, and approval of an application for a PUD.

2. A PUD may be applied for in any area of the County, excepting those areas designated as “Agricultural Preservation” on the future land use map in the Clinton County Comprehensive Plan. The granting of a PUD application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the Board of Commissioners.
 3. Any land use authorized in this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
 4. The applicant for a planned unit development must demonstrate all of the following criteria as a condition to being entitled to treatment under this section:
 - a. Granting of a PUD will result in one (1) of the following:
 - I. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely under typical zoning requirements to be achieved without application of this section; or
 - II. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of this section; or
 - III. A non-conforming use or uses shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district and future land use classification in which it is situated.
 - b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - c. The proposed development shall be consistent with the public health, safety and welfare of Clinton County.
 - d. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - e. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - f. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
 - g. The proposed development shall be consistent with the goals, objectives and policies of the Clinton County Comprehensive Plan.
- E. **Procedure for review.**
1. Pre-application conference. Prior to the submission of an application for PUD approval, the applicant shall meet with the Zoning Official, together with any staff and consultants deemed appropriate by the Zoning Official. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed PUD, as well as the following information: Total number of acres in the project; a statement of the number of residential units; the number and type of non-residential uses, the number of acres to be occupied by each type of use; the known deviations from Ordinance standards and regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

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2. **Preliminary PUD plan.** Within six (6) months following the pre-application conference, the applicant shall submit a Preliminary Plan of the proposed PUD for consideration by the Planning Commission. If a Preliminary Plan is not submitted within six (6) months following the date of the pre-application conference, another pre-application conference shall be had.
 - a. **Information required.** A Preliminary Plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review. The Preliminary Plan shall consist of an overall plan for the entire development and be of a scale not greater than one (1) inch equals twenty (20) feet, or less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. The size of paper on which the site plan is presented shall be no smaller than 11" by 17", or no larger than 36" by 48". Standard paper size is 24" by 36". Information included on the Preliminary Plan shall include the following information:
 - I. Location (vicinity map) and description of site; dimensions and area.
 - II. General topography; soil information.
 - III. Name, address, and phone number of the property owner(s); applicant's name, address, and phone number, and interest in property, owner's signed consent for petition, if the applicant is not the owner.
 - IV. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor.
 - V. Scale, north arrow, date of plan, dates of revisions.
 - VI. For buildings/structures known at the time of petition to be located within the PUD, show the location, outline, general dimensions, distances between, floor area ⇄, number of floors, height, general floor plans and elevations, number and type of dwelling units.
 - VII. For use areas (which are portions of the PUD site dedicated to a particular uses to be petitioned for implementation in the future through site plan review), provide the location and dimensions of use areas, a listing of the uses permitted in the use areas, dimensional requirements for future development, maximum floor coverage, and density.
 - VIII. Location and size of agricultural areas, open areas, conservation or recreation areas.
 - IX. Proposed streets/drives, including general alignment, right-of-way, public or private, surface type, construction cross-section and width.
 - X. For structures known at the time of the petition to be located within the PUD and for use areas where development is anticipated in the future through site plan review, provide parking information, such as dimensions of spaces and aisles, surface type, and a schedule of regulations for parking, or parking calculation table.
 - XI. Table showing: existing zoning classification of property; required yards; applicable density, and lot area per dwelling unit for residential development; and lot coverage (percent) and floor area ratio ⇄ for non-residential development;
 - XII. Location and size of required or proposed transition, greenbelt and landscape strips.
 - XIII. Proposed general grading and drainage patterns; outline of existing building/structures and drives; existing natural and manmade features to be retained or removed.
 - XIV. Adjacent land uses and zoning; location of adjacent buildings; drives/streets within fifty (50) feet of the PUD site boundaries.



- XV. Anticipated infrastructure construction and development phasing for the overall PUD site.
- XVI. General description of proposed water, sanitary sewer, and storm water systems.
- XVII. A narrative report providing a description of the project, a discussion of the market concept and feasibility of the project, and an explanation as to the manner in which the criteria set forth in Section 710 and Section 804 have been met.
- XVIII. Information that is not deemed applicable by the applicant shall be so stated in note form on the Preliminary Plan.
- b. **Planning Commission action.** Utilizing the process and procedure outlined in [Section 7.21 Amendments](#), the Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the Preliminary Plan and shall take one of the following actions:
- I. **Approval.**
 - i. Upon finding that the Preliminary Plan meets the criteria and standards set forth in [subsection J of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and finding that the petition generally satisfies the provisions of [subsection D of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed with the preparation of the Final Plan.
 - ii. Approval of the Preliminary Plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the Planning Commission or the Board of Commissioners to approval of the Final Plan. The Planning Commission shall inform the Board of Commissioners of its action to approve the Preliminary Plan.
 - II. **Tabling.**
 - i. Upon finding that the Preliminary Plan does not meet the criteria and standards set forth in [subsection J of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and/or satisfy the provisions of [subsection D of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
 - ii. If a revised Preliminary Plan is not submitted within six (6) months of the action to table by the Planning Commission, the application for PUD shall automatically be null and void.
 - III. **Denial.** Upon finding that the Preliminary Plan does not and cannot meet the criteria and standards set forth in [subsection J of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and/or satisfy the provisions of [subsection D of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), the Planning Commission shall deny preliminary approval. The Planning Commission shall inform the Board of Commissioners of its action to deny the Preliminary Plan.

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3. **Final Plan.** Within six (6) months following receipt of the Planning Commission approval of the Preliminary Plan, the applicant shall submit a Final Plan and supporting materials conforming to this section and information requested to be provided as part of the review of the Preliminary Plan. If a Final Plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission approval, the Preliminary Plan approval shall automatically be null and void.
 - a. **Information required.** A Final Plan and application for a PUD shall contain the following information:
 - I. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet or less than one (1) inch equals two hundred (200) feet, and of such detail that the Planning Commission can readily interpret the plan. Given the size of the property, the Planning Commission may require for the overall site be divided among several sheets for clarity.
 - II. Information as required for the Preliminary Plan.
 - III. A vicinity map; legal description of the overall site; dimensions and legal descriptions of use areas. Lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.
 - IV. Description of land division mechanism, or property transfer mechanism, to be utilized in the implementation of the PUD (i.e., simple land division, plat, site condominium, condominium, lease, etc.)
 - V. Existing topography (contour interval of two (2) feet); all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands (regulated or not); clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or higher are to be accurately identified and located on the plan view.
 - VI. Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
 - VII. Owner, use, zoning and future land use classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.
 - VIII. General grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
 - IX. Location and alignment of all proposed streets and major drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials, dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details.



- X. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the Final Plan by the Planning Commission.
- XI. Criteria for the location and dimensions of proposed parking lots in use area, including spaces per square footage of buildings; dimensions of spaces and aisles; and typical cross-section showing surface, base, and sub-base materials.
- XII. Location, width, and surface of proposed sidewalks and pedestrian ways.
- XIII. Location, use, size and proposed improvements of open spaces, conservation areas and recreation areas; maintenance provisions for such areas.
- XIV. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
- XV. Location, type, size, area, height, and sketch of proposed signs serving overall development, or large portions thereof.
- XVI. Landscaping schedule of regulations for use areas and perimeter landscaping plan meeting or exceeding the requirements set forth in [Section 5.8 Landscaping, greenbelts, buffering and screening](#) of this Ordinance.
- XVII. General description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established.
- XVIII. Location of proposed perimeter retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
- XIX. Provide lighting standards for the overall site and individual uses areas. Such information shall include locations, types, direction of light, and intensity in compliance with [Section 5.6 Artificial lighting, exterior lighting, and glare](#) herein.
- XX. Specific requirements for residential developments and use areas.
 - i. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units; density requirements (minimums & maximums).
 - ii. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
 - iii. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses and density cited for the particular area.
 - iv. Amount and location of recreation spaces; type of recreation facilities to be provided in identified recreation space.
 - v. Community building criteria and other accessory uses, such as swimming pools, clubhouses, etc.
 - vi. Architectural standards for buildings; sample facades and elevations are to be provided.
- XXI. Specific requirements for non-residential developments and use areas.
 - i. Ground floor coverage ↔ and floor area ratio ↔ minimums and/or maximums.
 - ii. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses and intensity of use cited for the particular area.

Section 3.13.E

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

- iii. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
 - iv. Architectural standards for buildings using sample facades and elevations.
 - v. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of an application for a PUD.
 - vi. A schedule of the general improvements for the development of the site, including, without limitation, roadways, utilities, landscaping, etc.
 - vii. A traffic impact study, the geographic scope of which to be determined by the Planning Commission as part of the Preliminary Plan review.
- b. **Planning Commission and action.** Utilizing the process and procedure outlined in [Section 7.21 Amendments](#), the Final Plan shall constitute an application to amend this Ordinance and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission, and the Board of Commissioners, as provided by law.
- I. **Approval.**
 - i. Upon finding that the Final Plan meets the criteria and standards set forth in [subsection P of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and satisfies the standards for approval set forth in [subsection D of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), the Planning Commission shall recommend approval to the Board of Commissioners.
 - ii. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the Board of Commissioners must exercise discretion.
 - II. **Tabling.** Upon finding that the Final Plan does not meet the criteria and standards set forth in [subsection P of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and/or the standards for approval set forth in [subsection D of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), but could meet such criteria if revised, the Planning Commission may table action until a revised Final Plan is resubmitted. If a revised Final Plan is not submitted by the applicant for final approval within six (6) months following the tabling of the Final Plan application, the Preliminary Plan approval and application for Final Plan approval shall automatically be null and void.
 - III. **Denial.** Upon finding that the Final Plan does not and cannot meet the criteria and standards set forth in [subsection P of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and/or the standards for approval set forth in [subsection G of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), the Planning Commission shall recommend denial to the Board of Commissioners.



- c. **Board of Commissioners action.**
 - I. Upon receiving a recommendation from the Planning Commission, the Board of Commissioners shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in [subsection P of Section 6.1 Site plan review](#) and [subsection F of Section 3.13 PUD Planned Unit Developments](#) and finding that the Final Plan meets or does not meet the standards for approval set forth in [subsection G of Section 3.13 PUD Planned Unit Developments](#) and [subsection E of Section 7.21 Amendments](#), the Board of Commissioners shall approve, table or deny the Final Plan.
 - II. Prior to approval of a Final Plan, the Board of Commissioners shall require all standards and conditions of approval to be incorporated in a development agreement. The development agreement shall be reviewed by the County Attorney, approved by the Board of Commissioners, and signed by both the County and the applicant.
- F. **Project design standards.**
 - 1. **Residential design standards.**
 - a. Density for residential uses may be allowed at the discretion of the Planning Commission based upon the provisions of the Comprehensive Plan and the uses being proposed and there corresponding densities in other districts where such uses are permitted by right and special land use. The applicant must demonstrate consistency with the Comprehensive Plan and planning and design excellence resulting in a material benefit to Clinton County, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.
 - b. The architectural design of the development shall be of a high quality. A range of elevations and floor plans shall be provided for single-family units; identical elevations shall not be permitted for units adjacent to or facing each other. All residential units shall be comprised of high quality materials, including a predominance of brick, stone or wood.
 - c. Landscaping shall be a strong feature of a development. In addition to the standards of [Section 5.8 Landscaping, greenbelts, buffering and screening](#) and those indicated in [Section F.3 of Section 3.13 PUD Planned Unit Developments](#), residential development within the PUD district shall be required to provide the following:
 - I. Where residential development abuts a public road right-of-way located outside of the proposed development, screening requirements consistent with being located adjacent to a conflicting use (per [Section F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#)) shall be provided. Additional landscaping and screening may be required given the intensity of use on the adjacent roadway.
 - II. Residential development of a higher density or one which would have a negative impact on existing residential uses shall provide screening consistent with being located adjacent to a conflicting use (per [Section F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#)) or, if determined by the Planning Commission, additional landscaping and screening.

Section 3.13.F

2. Non-residential design standards.

- a. Density and ground floor coverage ↔ minimums and maximums may be allowed at the discretion of the Planning Commission based upon the provisions of the Comprehensive Plan and the uses being proposed and their corresponding densities and ground floor coverage's ↔ in other districts where such uses are permitted by right and special land use. The applicant must demonstrate consistency with the Comprehensive Plan and planning and design excellence resulting in a material benefit to Clinton County, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.
- b. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- c. The PUD shall provide an environment of high quality and complementary building architecture and site design. Special emphasis should be placed upon methods that tend to reduce the large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape.
 - I. Miscellaneous design criteria.
 - i. Building entries shall be readily identifiable and accessible, with at least one (1) main entrance facing and open directly onto a connecting walkway with pedestrian frontage.
 - ii. Architecture will be evaluated based upon its compatibility and relationships to the landscape, and vice versa.
 - II. Building massing and form.
 - i. Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and a projecting or recessed elements.
 - ii. All buildings shall have a roof pitch of no less than two (2) feet of rise (vertical) over twelve (12) feet of run (horizontal).
 - iii. The exterior of the building shall appear to have an abundance of individual uses through the inclusion of windows and varying architectural treatments, while the interior may consist of one individual use.
 - iv. Architectural interest shall be provided through the use of repetitious patterns of color, texture and material modules, at least one of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet.
 - v. Building facades greater than one hundred (100) feet in length shall incorporate recesses, projections and or windows along at least twenty (20) percent of the length of the facade. Windows, awnings, and arcades must total at least sixty (60) percent of a facade length abutting a public street.



- vi. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- III. Materials.
 - i. Low maintenance shall be a major consideration.
 - ii. Materials shall blend with those existing on adjacent properties.
 - iii. One dominant material shall be selected, with a preference towards masonry and stone.
- IV. Building roofs.
 - i. In instances where roof vents, roof-mounted mechanical equipment, pipes, etc., can be viewed from above, they shall be grouped together, painted to match roof color to reduce their appearance, and screened from view.
 - ii. In instances where flat roof areas can be viewed from below, all roof vents, roof-mounted mechanical equipment, pipes, etc., shall be screened from view.
 - iii. Sloped and pitched roof treatments are preferred.
 - iv. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest.
- V. Color and texture.
 - i. Simple and uniform texture patterns are encouraged.
 - ii. Variations in color shall be kept to a minimum.
 - iii. Colors shall be subdued in tone, of a low reflectance and of neutral or earth tone colors.
 - iv. Accent colors may be used to express corporate identify, however, neon tubing is prohibited.
- d. Landscaping shall be a strong feature of a development. At minimum, the standards of [Section 5.8 Landscaping, greenbelts, buffering and screening](#) and of those indicated in [subsection F.3](#) below shall be met.
- 3. **General design standards.**
 - a. All regulations applicable to setbacks ⇄, parking and loading, general provisions, density and other requirements shall be met in relation to each respective land use in the PUD based upon zoning districts in which the uses are listed as permitted uses, or uses permitted by special use. In all cases, the strictest provisions shall apply.
Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the PUD, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the PUD plan for the purpose of achieving the objectives of this section.
 - b. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit, which would reasonably be expected to accrue from the proposal, shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
 - I. The availability of feasible and prudent alternative methods of accomplishing any development.

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- II. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 - III. The size, quality and rarity of the natural resources or natural features, which would be impaired or destroyed.
- c. A perimeter setback ⇄ shall be required by the Planning Commission for the purpose of buffering the PUD in relation to surrounding properties. If the PUD project includes non-residential uses adjacent to property planned, zoned or used for residential purposes, and/or if the PUD is larger than three (3) acres in area, such perimeter setback ⇄ shall be established with a dimension from the property line of up to fifty (50) feet at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the PUD. The setback distance need not be uniform at all points on the perimeter of the development.
 - d. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
 - e. Underground installation of utilities shall be required, including electricity and telephone.
 - f. Pedestrian walkways shall be separated from vehicular circulation, unless such collaboration is part of the overall development concept.
 - g. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 - h. Where non-residential uses adjoin off-site residentially zoned, planned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, at its discretion, shall review and approve the design and location of such mechanisms.
 - i. The Board of Commissioners upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Comprehensive Plan, and other County standards or policies as a guide.
- G. **Conditions.**
- 1. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
 - 2. Conditions imposed shall be designed to: protect the public health, safety, and welfare; preserve natural features and resources; and, be necessary to meet the intent and purpose of this Ordinance, and ensure compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved PUD and included in the development agreement.

H. **Phasing of construction;** Land Division Act, plats, condominiums and site plan review; and commencement of construction.

1. **Phasing.**

- a. Where a PUD is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.
- b. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the Board of Commissioners after recommendation from the Planning Commission.

2. **Land Division Act, plats, condominiums, individual site plans.**

- a. Uses approved as part of the adoption of a PUD District shall be permitted by right as long as such uses are implemented in accordance with the approval by the Board of Commissioners of the Final Plan, development agreement, and any additional documentation. All development proposed within the PUD must receive final site plan approval pursuant to [Section 6.1 Site plan review](#) of this Ordinance. Those proposed developments requiring review under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended), especially in the case of the platting of a subdivision, must file proper application for review under respective processes contained herein. The Township administers simple land divisions and any division must in compliance with the Townships local ordinance.
- b. The application for final site plan review, application under the Land Division Act or Condominium Act will be reviewed utilizing the regulations set forth in the PUD district and must be found in compliance with said district, Final Plan and development agreement.

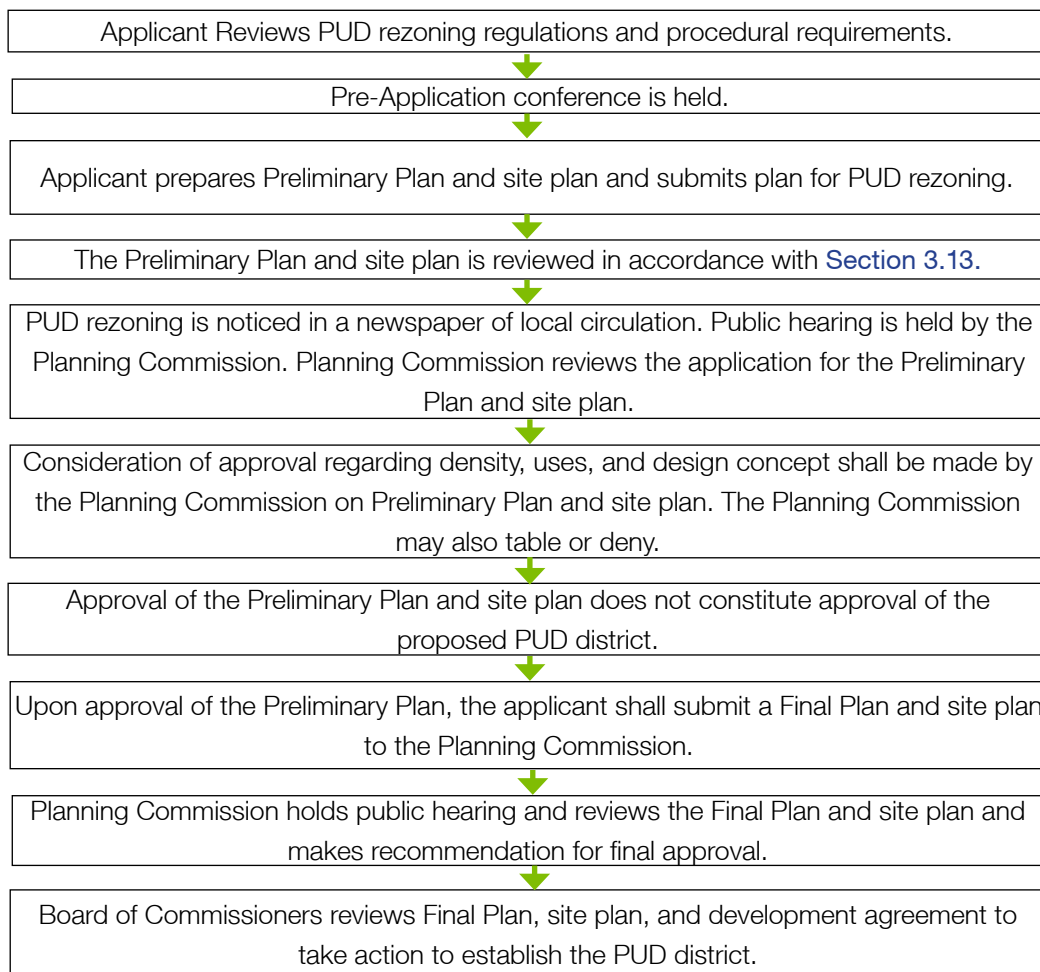
3. **Commencement and completion of construction.**

- a. To ensure completion of required improvements, the County is authorized to impose performance guarantees for all, or portions of the PUD. Construction on Phase I, if applicable, shall be commenced within one (1) year following final approval of a PUD and shall proceed substantially in conformance with the phasing plan and schedule set forth by the applicant in the Final Plan.
- b. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Board of Commissioners upon good cause shown if such request is made to the Board of Commissioners prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Board of Commissioners, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of the existing and applicable law and Ordinance provisions.

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- I. **Effect of approval.** When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the Final Plan and development agreement shall be recorded by the applicant at the Clinton County Register of Deeds, evidence of which shall be supplied to the Zoning Official.

Clinton County PUD Process



NOTE: The above is an overview of the Clinton County PUD Ordinance, and is not intended to replace the specific language of provisions put forth under [Section 3.13 PUD Planned Unit Developments](#).

3.14 Agricultural residential cluster option

- A. **Intent.** The intent of this section is to maintain and enhance the agricultural and rural character of Clinton County. Agricultural preservation lands are intended to retain the agricultural, forested and natural landscape qualities. It is recognized that the public health and welfare of the citizens of Clinton County are greatly dependent upon the sustenance and economic benefits provided by a viable agricultural industry. The regulations and development options contained within this section and [Section 3.7 A-2 General Agriculture district standards](#) and [Section 3.8 Preservation performance zoning: A-2 General Agriculture and A-3 Agricultural/Residential Transition districts](#) are intended to ensure that land areas that are well suited for production of food and fiber are retained for such production. The County also recognizes desires in the community to continue to accommodate some residential growth in rural, agriculture areas. To that end, single-family residential continues to be an available use in agricultural and rural areas, but is accommodated in a form and fashion that continues to promote the primary goals of agricultural preservation. Other specific purposes for which these regulations and development options include:
1. Protect and maintain productive agricultural lands within the:
 - a. A-1 Agricultural and Open Space Preservation district
 - b. A-2 Primary Agriculture district
 - c. A-3 Agriculture/Residential Transition district
 2. Minimize demand for public services.
 3. Encourage a more creative approach to rural residential development in agricultural districts, rather than conventional land division, and allow greater flexibility in the siting of units.
 4. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, agricultural land, open space, and other natural assets.
 5. Reduce the number of driveways accessing Clinton County public roads.
 6. Encourage the provision of open space.
- B. **Right to farm.** The right to farm is recognized to exist as a natural right, which is desirable to preserve, especially in the rural setting of Clinton County. This right specifically recognizes the need to move equipment, and/or the possibility of generating noise and odors, which may penetrate non agricultural zoning districts and/or use areas, or impact existing and future residential uses. A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation conforms to the Michigan Right to Farm Act, PA 93 of 1981, as amended.
- C. **Eligibility criteria.** To be eligible for Agricultural Residential Cluster Option (“cluster option”) consideration, the applicant must present a site plan, in accordance with [Section 6.1 Site plan review](#), for residential development that meets all of the following:
1. **Recognizable benefits.** The cluster option shall result in a recognizable and substantial benefit, both to the residents of the property and to the preservation of agricultural farmlands in Clinton County. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.
 2. **Minimum project size where applicable.** The cluster option contained herein may be applied for on parent parcels of twenty (20) acres and larger. For purposes of these regulations, adjacent parcels of contiguous land that are currently under one (1) ownership shall be considered a single parcel.

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3. **Open space.** No more than thirty-five (35) percent of the parent parcel may be developed as a cluster residential development. A minimum of sixty-five (65) percent of the parent parcel shall remain as a single contiguous parcel and be designated as an agricultural/open space preservation area.
 4. **Guarantee of open space.** The applicant shall guarantee to the satisfaction of the Planning Commission that all open space portions of the development will be maintained in the manner approved by means of [subsection D](#) and [subsection E](#) of [Section 3.14 Agricultural residential cluster option](#), and as recorded on the approved site plan. Documents shall be presented that bind all successors and future owners in fee title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to Clinton County and the land uses continue as approved in the site plan.
 5. Being a “qualified county”, as defined in MCL 125.216h, the cluster option shall be applied if the following, in addition to the preceding, are met:
 - a. The land is zoned at a density equivalent to two or fewer dwelling units per acres, or if the land is served by a public sewer system, three or fewer dwelling units per acre;
 - b. The development does not depend upon the extension of public sewer and water, unless development of the land without the exercise of the clustering option would also depend upon extension of sewer and water; and
 - c. The option has not been previously exercised with the respect to the land.
- D. **Project standards.** A proposal under this section is restricted to dwelling units in any zoning district to which the cluster option applies.
- E. **Open space requirements.**
1. All land within a development that is not devoted to a lot of record, including a residential unit, an accessory use, vehicle access, vehicle parking, or to a recorded roadway right-of-way, shall be preserved in perpetuity and dedicated as open space.
 2. The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is acceptable to the Planning Commission. Acceptable mechanisms include but are not limited to the following:
 - a. Recorded deed restriction.
 - b. Covenants that run perpetually with the land.
 - c. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 399.251).
 - d. Joint ownership with the County or applicable Township.
 - e. Land trust.

Such conveyance shall assure that the open space will be protected from all forms of development, except as may be shown on an approved site plan, and shall never be changed to another use.
 3. **Maintenance and prohibition.** The Planning Commission may require the inclusion of open space restrictions that prohibit and/or require the following:
 - a. Prohibit dumping or storing of any material or refuse;
 - b. Prohibit activity that may cause risk of soil erosion or threaten any living plant material;
 - c. Prohibit cutting or removal of live plant material except for removal of dying or diseased vegetation;

- d. Prohibit use of motorized off-road vehicles;
 - e. Prohibit cutting, filling or removal of vegetation from wetland areas,
 - f. Prohibit use of pesticides, herbicides or fertilizers within or adjacent to wetlands;
 - g. Require that parties who have an ownership interest in the open space maintain the preserved open space;
 - h. Require the provision of standards for scheduled maintenance of the open space;
 - i. Provide for maintenance to be undertaken by Clinton County or the applicable Township, at the County's option, in the event that the preserved open space is inadequately maintained, or is determined by the County to be a public nuisance, with the assessment of costs upon the property owners.
- F. **Areas not considered open space.** The following land areas are not to be included as dedicated open space for the purposes of this section:
- 1. Road right-of-ways of public or private roads.
 - 2. Areas within the minimum setbacks of a dwelling unit.
 - 3. Land which is under water (lakes, streams, water courses, and other similar bodies of water).
 - 4. Any area to be improved into a lake or pond; and/or more than fifty (50) percent of the area of regulated wetlands.
- G. **Continuing obligation.** The dedicated open space shall forever remain open space, subject to development with only those uses approved by Clinton County on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and public water and sewer systems, shall be strictly prohibited.
- H. **Permitted density.** The permitted density within the development area shall not exceed that permitted by the underlying zoning district in a conventional development.
- I. **Approval criteria.**
- 1. The proposed density shall not result in an unreasonable increase in the need for or burden upon essential public services.
 - 2. The proposed development shall not result in an unreasonable impact or burden on neighboring properties.
 - 3. The proposed development shall acknowledge the need to assure and further the protection of the public health, safety and welfare of the Clinton County citizens.
 - 4. All cluster lots or parcels shall comply with the following minimum yard requirements:

TABLE 3.14.I.4				
MINIMUM YARD REQUIREMENTS FOR CLUSTER LOTS OR PARCELS				
District	Width	Front yard ↔	Side yard↔ total	Rear yard ↔
A-2 General Agriculture	100 ft.	40 ft.	20 ft.	30 ft.
A-3 Agricultural/Residential Transition	100 ft.	40 ft.	20 ft.	30 ft.

- 5. The project demonstrates open space preservation and design excellence by blending into the landscape of Clinton County. The minimum lot size shall be one (1) acre.

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6. Development under the cluster option may be developed as:
 - a. An acreage parcel division, subject to the limitations of the Michigan Land Division Act.
 - b. A subdivision plat or a site condominium.
 - c. All acreage parcel or site condominium developments proposed under this section shall be subject to site plan review.
 - d. All subdivisions shall be subject to subdivision plat review.
- J. **Project standards.** In considering any application for approval of the cluster option, the Planning Commission shall make determinations on the basis of the standards for approval outlined in [subsection J](#) and [subsection P](#) of [Section 6.1 Site plan review](#) herein as well as on the basis of the following standards and requirements:
1. Compliance with the goals, objectives and provisions of the Comprehensive Plan.
 2. **Compatibility with adjacent uses.** The proposed plan under the cluster option shall set forth in detail all specifications with respect to setbacks, density, and other design features. Such specifications and design features shall exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the proposed land uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. The placement of proposed structures, as well as lot layout and lot design.
 - b. Circulation and road configuration.
 - c. The location of agricultural operations.
 - d. The preservation of natural resources, including protection of woodlands, wetlands and floodplains.
 3. **Environmental regulations.** The proposed plan for development under the cluster option shall be protective of the natural environment and shall comply with all applicable environmental protection laws and regulations.
 4. **Compliance with applicable regulations.** The proposed Agriculture Residential cluster option plan shall comply with all applicable Federal, State, County and local regulations.
- K. **General requirements.**
1. **General application requirements.** Application under this section shall be made according to procedures and guidelines contained in [Section 6.1 Site plan review](#). The required materials shall be submitted to the Zoning Official, with all required fees.
 2. **Recording of action.** The applicant shall record an affidavit with the Clinton County Register of Deeds office containing the full legal description of the project site, specifying the date of final site plan approval, and declaring that all improvements will be carried out in accordance with the approved site plan. In addition, all deed restrictions and easements shall be duly filed with the Clinton County Register of Deeds office and copies of recorded documents presented to the County and applicable Township.
 3. **Zoning permit.** It shall be the responsibility of the applicant to obtain all applicable County, State or Federal permits. Following final approval of the site plan and presentation of evidence of the required recording, as required above, a zoning permit may be obtained.
 4. **Continuing adherence to plan.** Any property owner who fails to maintain the approved site plan shall be deemed in violation of the use provisions of the Zoning Ordinance and shall be subject to the penalties for same.



5. **Performance guarantee.** The Planning Commission may require that a performance guarantee, in accordance with [subsection B of Section 7.18 Site plan compliance and enforcement](#) herein, be deposited with the County to insure completion of applicable proposed improvements.
6. **General revisions.** An approved site plan may be revised in accordance with the procedures set forth in [Section 3.14 Agricultural residential cluster option](#), herein and would require new site plan approval.
7. **Minor changes.** Notwithstanding [subsection K.6](#) of this section, minor changes to an approved site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in [subsection U of Section 6.1 Site plan review](#), subject to the finding of all of the following, in addition to those provisions outlined in [subsection U of Section 6.1 Site plan review](#):
 - a. Such changes will not adversely affect the initial basis for granting approval.
 - b. Such minor change will not adversely affect the overall open space community, in light of the intent and purpose of such development as set forth in this section.
 - c. Such changes shall not result in the reduction of open space.

3.15 Access Control Overlay Zone

A. Intent and Purpose

1. The Access Control Overlay zoning district standards are intended to regulate the number and location of access points, provide standards for shared drives and frontage roads, anticipate future road improvement needs and provide threshold requirements for the use of traffic impact studies as well as content requirements throughout the overlay zone.
2. Relationship to Comprehensive Plan. These standards are intended to promote realization of the recommendations of the Clinton County US-27 / 27BR Access Management Plan. The Plan demonstrates that regulations on the number and placement of access points can assist in preserving the traffic capacity of the roadway and lessen the potential for accidents.

B. Permitted Uses

1. Those uses permitted in the underlying zoning district, subject to provisions required under [Section 3.15 Access Control Overlay Zone](#).

C. Special Land Uses

1. Those uses permitted by special land use approval in the underlying zoning district, subject to provisions required under [Section 3.15 Access Control Overlay Zone](#).

D. Standards.

1. Intent and Purpose. The Access Control Overlay Zone standards are intended to regulate the number and location of access points, provide standards for shared drives and frontage roads, anticipate future road improvement needs and provide threshold requirements for the use of traffic impact studies as well as content requirements throughout the overlay zone. These standards are intended to promote realization of the recommendations of the Clinton County US-27/27 BR (US-127BR) Access Management Plan. The Plan demonstrates that regulations on the number and placement of access points can assist in preserving the traffic capacity of the roadway and lessen the potential for accidents.

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2. The standards of this section are further intended to:
 - a. Minimize disruptive and potentially hazardous traffic conflicts thereby reducing the frequency of fatalities, injury and property damage resulting from traffic accidents;
 - b. Separate traffic conflict areas by reducing the number of direct access points;
 - c. Provide efficient spacing standards between access points and between access points and intersections;
 - d. Establish uniform access standards to ensure fair and equal application;
 - e. Implement the goals of the Comprehensive Plan;
 - f. Implement the recommendations of the US-27/27 BR (US-127BR) Access Management Plan;
 - g. Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction that disrupts business;
 - h. Maintain and expand the current service drive system;
 - i. Require coordinated access among several landowners;
 - j. Insure reasonable access to properties, though the access may not always be direct access;
 - k. Coordinate Planning Commission and Board of Commissioners decisions on development proposals with access permit decisions by the Michigan Department of Transportation and the Clinton County Road Commission.
3. **Applicability.**
 - a. The standards of this section shall apply to any project within the Access Control Overlay Zone as defined below and as shown on the Zoning Map. These regulations shall apply as an overlay district to the Ordinance. As an overlay zone, these regulations will apply in addition to regulations presently in force.
 - b. The access standards herein may be more restrictive than those provided by the Clinton County Road Commission or the Michigan Department of Transportation. If there is a conflict with the access standards of the agency having jurisdiction within the roadway right-of-way, the more restrictive standards, as determined by the Planning Commission with input from the appropriate road agency, shall apply.
4. **Description of Access Control Overlay Zone.**
 - a. The overlay zone shall apply to all sections of the US-127BR corridor under the jurisdiction of the Ordinance. Said overlay zone also includes those sections of Round Lake Road, Price Road and M-21 between US-127BR and the US-127 expressway. The overlay zone shall also be applied 800 feet east of the interchanges of Round Lake Rd., Price Rd. and M-21 with US-127 under the jurisdiction of the Ordinance.
 - b. Intersecting public roads with US-127BR will also be included in the overlay zone for a distance of six hundred (600) feet.
 - c. In all cases, the overlay zone shall have a depth of six hundred (600) feet from the road right-of-way.
 - d. The overlay zone shall be shown on the Zoning Map.

- E. **Standards for projects requiring site plan, special land use, or subdivision approval.**
1. The standards of this section shall apply to any project within the Access Control Overlay Zone as defined herein and as shown on the Zoning Map that is required to be reviewed and approved pursuant to [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#) and for those projects requiring subdivision approval. This shall include a petition under [Section 3.13 PUD Planned Unit Developments](#) . These standards shall also be applied to any existing site, which is proposed for redevelopment or change in use.
 2. Procedures.
 - a. Pre-application conference. The applicant meets with the Zoning Official and, at the discretion of the Zoning Official, a professional traffic consultant to discuss the project as a whole prior to making application for development. Whenever possible, a representative from the Clinton County Road Commission (CCRC) and the Michigan Department of Transportation (MDOT) shall also attend. A summary of that discussion will be presented to the Planning Commission at the next regularly scheduled meeting and a determination will be made by the Planning Commission as to whether a study is needed, the type of study needed and any specific items to be addressed. The applicant should indicate at the time of the pre-application conference any known waiver or modification of requirements that will be requested as part of the application. If a representative from the appropriate road agency does not attend the pre-application conference, the Planning Commission will consult with that road agency prior to making a final determination on study requirements and/or waivers;
 - b. The applicant shall submit the traffic impact study or statement to the Planning Commission with the request for the development proposal and distributed to other agencies pursuant to the procedure set forth in [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#).
 - c. A copy may also be submitted to the metropolitan planning organization, transit agency, etc. as appropriate for projects of regional significance.
 3. **Number of access points.**
 - a. The number of non-residential driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway. Access may be via an individual access point, shared access point, or access via a service drive.
 - b. One (1) access point along corridor roadways within the Access Control Overlay Zone shall be permitted for each parent parcel on which a development meeting the standards of [subsection E](#) of this section is being pursued. The Planning Commission may require shared access or access via a service drive based upon general guidelines and/or as illustrated in the Corridor Plan. Additional access points may be permitted if one or more of the following applies:
 - I. One (1) additional access point along US-127BR may be allowed for a parent parcel with a continuous frontage of over eight hundred (800) feet, if the Planning Commission determines there are no other reasonable access opportunities; or
 - II. One (1) additional access point may be allowed along streets that intersect US-127BR for a parent parcel with at least six hundred (600) feet of frontage along that street;
 - III. One (1) additional access point may be allowed if the parent parcel is a corner parcel with at least three hundred (300) feet of frontage along both US-127BR and an intersecting public street;

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- IV. One-way access points are discouraged (unless otherwise noted in the Plan) due to their conflict with the county and township’s goal to reduce the number of driveways.
- 4. Access point spacing.
 - a. Access points should be located to provide the most favorable driveway grade and assure that no undue interference with the free movement of road traffic will result. Minimum sight distance requirements of the road agency must be met and should be taken into consideration concerning access point spacing and location standards outlined in the following sections.
 - b. Access point spacing will be determined as a function of roadway operating speeds. Spacing will be determined according to the following schedule:

Table 3.15.A.4.b	
ACCESS POINT SPACING	
Posted road speed (MPH)	Minimum spacing
25	150 ft.
35	300 ft.
40	420 ft.
45	550 ft.
50+	660 ft.

- c. These spacings are considered necessary to maintain safe stopping distances and traffic operation and alleviate congestion and potential accidents. Spacing will be measured from the midpoint of each access point. In the event that a particular parcel or parcels lack sufficient roadway frontage to maintain adequate spacing, the land owner(s) have the following options.
 - I. Pursue a deviation according to the provisions of [Section 7.20 Clinton County Board of Appeals](#); or
 - II. The adjacent landowners may agree to establish a shared access point or participate in the development of a service road. In either case, the performance requirements for the access point must be met according to the provisions of this section of the Ordinance.
 - III. Access points improvements, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the appropriate road agency and upon written certification from the adjacent landowner agreeing to such encroachment.



- d. Access points shall be directly aligned with those across the street or offset a minimum distance as outlined by the MDOT and/or as shown in the following table. Longer offsets may be required depending on the expected inbound left-turn volumes of the access point.

Table 3.15.A.4.d	
ACCESS POINT SPACING	
Posted road speed (MPH)	Minimum offset
25	325 ft.
35	425 ft.
40	525 ft.
45	630 ft.
50+	750 ft.

- 5. **Access Point Spacing from Intersections.** For those roads or highways within the overlay zone full movement access points shall be a minimum of 400' away from the intersection on the upstream side (as you approach the intersection) and 300' on the downstream side. Spacing of access points on roads that intersect US-127BR shall be at least 200' from the nearest edge of the US-127BR right-of-way.
- 6. **Shared access points.**
 - a. Access via shared access points or joint use of an access point by two property owners shall be encouraged. In cases where access is restricted by access point spacing requirements, a shared access point may be the only access design allowed. A shared access point and easement shall be developed at the midpoint between the two properties or across one parcel to access another. The easement is subject to review and approval by the Planning Commission and shall be recorded with the County Register of Deeds.
 - b. When a cross parking arrangement or agreement has been reached and recorded with the County Register of Deeds regarding two parcels using a shared access point, the number of parking spaces required for each of the parcels, or future developments may be reduced by ten (10) percent.
- 7. **Frontage roads and service drives.**
 - a. The Planning Commission may require that access to individual properties be provided by service roads. This shall be done in areas where additional development is anticipated based on the current [Zoning Map](#), proposed revisions to the map, and/or the Future Land Use Map of the Comprehensive Plan. If a service road is required, access to individual properties shall be provided via these roads, rather than by direct connection to the public roads that are subject to the Access Control Overlay Zone.

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- b. All service roads shall be designed, constructed and maintained as a public road. The service drive or frontage road shall run the full length of the petitioned development area and be designed for extension and/or alignment with the existing or planned service roads on adjacent property. Public roads must be reviewed, approved and accepted by the Clinton County Road Commission. There shall be no parking, loading or unloading permitted on the service road. This restriction includes parallel or other parking along the roadway;
- c. Adequate storage area (the distance between the main road and the service road or the first internal cross access) shall be provided. The storage shall be deep enough to accommodate the expected vehicle queues based on the trip generation characteristics of the existing/ proposed land uses to be served and shall be a minimum of one hundred (100) feet.
- d. In areas where service roads are proposed or required by the Planning Commission but adjacent properties have not yet developed, the site under petition for site plan or special land use shall be designed and orientated to accommodate a future service road or access to a future service road.
- e. A temporary direct connection to the adjacent roadway may be approved as part of the review process if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service road and insures construction of the service road at a future date as determined by the Planning Commission. The following information will be required:
 - I. The applicant shall provide designs showing how the proposed development would connect and provide access to a future service road. These designs shall be part of the approval of the proposed development. The designs will be utilized in review and approval of future developments.
 - II. The applicant shall provide a financial guarantee for the removal of the temporary access point and participation in the development of a future service road. The amount of the guarantee shall be based on an estimate of the temporary access point removal from the applicant plus an estimate from the Clinton County Road Commission for the per mile cost of construction of a new public road. The temporary access point status and renewal of financial guarantee shall be reviewed five (5) years from the issuance of the site plan or special land use approval.
 - III. The applicant shall enter into a development agreement with Clinton County outlining the above considerations and agreeing that upon submittal of a development proposal within five hundred (500) feet of their property that their site plan and/or special land use approval can be opened for renewal and discussion of implementation of a service road.



- F. **Traffic impact studies.** The requirements of this section are based upon those outlined in the handbook Evaluating Traffic Impact Studies, sponsored by the Tri-County Regional Planning Commission, Michigan Department of Transportation, and the Southeast Michigan Council of Governments in 1994. Clarification or additional information regarding the guidelines outlined in that handbook can be addressed by the Tri-County Regional Planning Commission.
1. **Applicability.** A traffic impact study shall be required and shall be submitted under any of the following situations. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic conditions.
 - a. A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over one hundred (100) peak directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
 - b. A Traffic Impact Assessment shall be required for projects that could generate fifty (50) to ninety-nine (99) peak directional trips during a peak hour.
 - c. A Traffic Impact Statement or Assessment, based on the thresholds in [subsection a](#) and [subsection b](#) above, shall be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two (2) percent annually).
 - d. A Traffic Impact Assessment shall be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) peak directional trips in a peak hour or result in at least seven hundred fifty (750) vehicle trips per day for the entire project. A Traffic Impact Statement shall be required if the traffic is expected to increase by over one hundred (100) peak directional trips in the peak-hour.
 - e. Where required by the road agency to evaluate access issues.
 2. **Contents.** The Traffic Impact Study shall include the following:
 - a. Description of the site, surroundings, and study area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
 - b. Description of the requested use. A description of factors such as the number and types of dwelling units, the gross and usable floor area ↔, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.

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- c. Description of existing traffic conditions:
 - I. Traffic counts. Existing conditions including peak-hour traffic volumes (and daily volumes, if applicable), on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity that are expected to be impacted, as identified by the community at a pre-application conference or discussion, should be provided for projects requiring a Traffic Impact Statement or Regional Traffic Analysis. Traffic count data shall not be over two (2) years old, except the community or road agency may permit twenty-four (24) hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years.
 - II. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (e.g., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions (e.g., regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.
 - III. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
 - IV. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
 - V. The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
 - VI. Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to site access point shall be provided.
- d. **Background traffic growth.** For any project requiring a Traffic Impact Statement with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved. For projects requiring a Regional Traffic Analysis, available long-range traffic projections shall be used.
- e. **Trip generation.**
 - I. Forecasted trip generation of the proposed use for the A.M. (if applicable) and P.M. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.



- II. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- III. For projects intended to be developed in phases, the trip generation by phase shall be described.
- f. **Trip distribution.** The projected traffic generated shall be distributed (inbound versus outbound, left turn versus right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.). For projects requiring a Regional Traffic Analysis, use of a network traffic assignment model projection (if available) may be required to help evaluate impacts.
- g. **Impact analysis.**
 - I. Level of service or “capacity analysis” at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analysis shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five (5) percent of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency.
 - II. Gap studies for un-signalized intersections, where applicable.
 - III. A Regional Traffic Analysis which evaluates the impact on the street network over a wide area and/or for up to twenty (20) years for a project of regional significance may be required by the community, if a network model is available
- h. **Access design/Access management standards.** The report shall include a map and description of the location and design of proposed access (access points or new street intersections) including: any sight distance limitations, dimensions from adjacent access points and intersections within two hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of this Ordinance and the applicable road agency.
- i. Other study items to be included in the traffic impact study.
 - I. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency;
 - II. Changes which should be considered to the plat or site plan layout;
 - III. Description of any needed non-motorized facilities;
 - IV. If the use involved a drive-through facility, the adequacy of the stacking area should be evaluated;
 - V. If a median crossover is desired, separate analysis should be provided;

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- VI. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.;
- VII. Description of site circulation and available sight distances at site driveways.
- j. **Mitigation/Alternatives.** The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing or improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.
- 3. **Preparer qualifications.** The person responsible for the preparation of the study shall meet the following requirements:
 - a. Three or more years of recent experience in the preparation of traffic impact studies.
 - b. The development of impact studies (and similar intersection and/or corridor analysis) comprises a major component of the recent professional experience of the person preparing the study. This requires ongoing experience and familiarity with the Highway Capacity Manual techniques as well as the computer software that provide level of service results and other analysis findings needed to fully assess potential impacts.
 - c. Specific education, training, and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organizations.
 - d. The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, particularly the Institute of Transportation Engineers (PTE) or the Transportation Research Board (TRB). This helps ensure that the preparer is maintaining their knowledge as new research is published and analysis techniques are changed or refined.
 - e. In addition, the preparer should have one of the following professional qualifications:
 - I. A registered engineer (PE).
 - II. A community planner with AICP or PCP certification.
 - III. A trained professional transportation planner.
 - f. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.
 - g. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.
 - h. Review of the study is important to ensure that the analysis and recommendations are based on accepted practices. The ITE recommends that the traffic impact study be reviewed by "trained traffic engineers or transportation planners." The qualifications of the reviewer(s) should parallel those of the preparers as outlined above. To this end, the County may opt to hire a qualified, professional consultant.



G. Waiver of study requirements.

1. The requirement for a traffic impact study or the study elements listed in Section 1705, Traffic Impact Studies, may be waived or modified following consultation with a representative of the appropriate road agency by the Planning Commission. Reasons for the waiver or modification shall be documented. Factors to be considered include:
 - a. Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project;
 - b. The existing level of service along the roadway is not expected to drop below “C” due to the proposed project;
 - c. The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location;
 - d. A similar traffic study was previously prepared for the site and is still considered applicable;
 - e. A similar traffic study is being required by the Clinton County Road Commission or the Michigan Department of Transportation for the same project.

H. Residential development. The standards of this section shall apply to any residential development project permitted without site plan or special land use approval within the Access Control Overlay Zoning District as defined herein which has frontage on US-127BR and will access US-127BR directly.

1. Dimensional requirements for residential development with frontage on US-127BR.

Table 3.15.H.1	
DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITH FRONTAGE ON US-127BR	
Minimum lot area	2 acres
Minimum lot width ↔	300 ft.
Minimum access point / driveway spacing	300 ft.
Front yard ↔	100 ft.
Side yard ↔	20 ft.
Rear yard ↔	50 ft.

2. Dimensional requirements for residential development with frontage on M-21.

Table 3.15.H.2	
DIMENSIONAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITH FRONTAGE ON M-21	
Minimum lot area	per zoning district
Minimum lot width ↔	per zoning district
Front yard* ↔	100 ft.
Side yard ↔	per zoning district
Rear yard ↔	per zoning district

3. Parking within required front yard ↔ is not allowed.

Section 3.15.I - 3.16

- I. **Deviations from guidelines.** For any development from which a deviation from the guidelines set forth herein is requested, the applicant shall submit to the Planning Commission a report containing the following information:
 1. Identification of traffic conditions and/or site restrictions;
 2. Justification of need;
 3. Identification of the impact of the development and its proposed access facilities on the operation of the abutting street;
 4. Description of the internal circulation and parking system;
 5. Compliance with the objectives of the County's access management guidelines.
 6. Upon adequate submission of the aforementioned information, the Planning Commission shall determine if alternate access arrangements or site designs are warranted and comply with the County's access management objectives.

3.16 Duplex and multiple-family dwellings, additional regulations

Site requirements for the MF district are as follows:

- A. Two-family dwellings (duplex) shall have a minimum lot size of one-half more than the minimum lot area required in the district.
- B. Multiple-family residential units, which are served by public sanitary sewers or private community systems/facilities as approved by the Michigan Department of Environment, Great Lakes, and Energy shall comply with the following lot area requirements per dwelling unit:
 1. Efficiency unit = 2,000 square feet
 2. One-bedroom unit = 4,000 square feet
 3. Two-bedroom unit = 6,000 square feet
 4. Three-bedroom unit = 8,000 square feet
- C. All private community system/facilities shall meet all applicable federal, state, and local standards and regulations. The system, facility and/or infrastructure shall be designed to readily connect into a future public sewer service without the need for reconstruction of any main or later sewer links.
- D. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:
 1. Efficiency apartments 400 square feet
 2. One-bedroom apartments 600 square feet
 3. Two-bedroom apartments 800 square feet
 4. Three-bedroom apartments 1,000 square feet
 5. Plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms in any dwelling unit.
- E. Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be equal to the height of the highest structure. Maximum building length shall not exceed two hundred (200) feet.
- F. No multiple dwelling shall be located closer than one hundred (100) feet to a perimeter property line that abuts a single-family residential district unless screened pursuant to [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).

3.17 Yard encroachments

- A. Terraces, patios, and similar accessory structures not attached to a principal building or accessory structure may project into a required yard as provided herein, provided that such structures are unroofed and without walls or other continuous enclosure, and are setback \Leftrightarrow 5' from a side or rear property line. Such structures are not permitted in the required front yard setback. Such areas may have open railings or fences not exceeding four (4) feet in height and may have non-continuous windbreaks or visual screens not exceeding six (6) feet in height in a side or rear yard \Leftrightarrow .
- B. Enclosed and unenclosed roofed porches attached to a structure shall be considered an integral part of the building to which they are attached and shall be subject to all principal and accessory structure yard requirements to which the improvement is attached.
- C. Unenclosed and unroofed porches, decks fire escapes, outside stairways, and balconies that are attached to a structure may project into a required yard a maximum of fifty (50) percent of the required side and rear yard \Leftrightarrow established by the district in which it is located. Such structures are not permitted in the required front yard setback \Leftrightarrow .
- D. Chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.

3.18 Yards and open space not to be used twice

No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

3.19 Street, alley, and railroad right-of-way

All street, alley, railroad, and abandoned railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, railroad right-of-way, and abandoned railroad right-of-way. Where the centerline of a street, alley, railroad right-of-way, or abandoned railroad right-of-way serves as a district boundary, the zoning of such street, alley, railroad right-of-way, or abandoned railroad right-of-way unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. No building or structure may be erected, constructed, or altered upon any right-of-way unless appurtenant to the right-of-way.

3.20 Street, alley or other public way vacated

Whenever any street, alley or other public way within Clinton County shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

Section 3.21 - 3.23

3.21 Animals allowed by zoning districts

- A. Class I animals may be maintained in all zoning classification districts, provided that dogs are licensed in accordance with the provisions of Act No. 339 of the Public Acts of Michigan of 1919 (MCL 287.261, et seq., MSA 12.511 et seq.), as amended and providing they do not create a public nuisance as herein defined.
- B. Class II animals may be maintained in the A-1, A-2, and A-3 zoning districts on property with a minimum of three (3) acres of area. One (1) acre of activity space shall be provided per each Class II animal up to a maximum of ten (10) Class II animals provided that they do not create a public nuisance as herein defined. Activity spaces shall be counted as the sum total of ground floor ↔ stable/housing area, pasture and manure storage area. Activity spaces shall be contiguous and shall not include leased portions of property adjacent to principal property. Areas where animals are housed, pastured and exercised shall be adequately fenced. Inability to prevent escape of animals from activity space shall be considered a public nuisance as herein defined.
- C. Class III animals may be maintained in the A-1, A-2, A-3 and the RR zoning classification district, with a minimum of two (2) acres of land area, provided that they do not create a public nuisance as defined herein.
- D. Class IV animals may be maintained in the A-1 district, provided they are maintained in compliance with all Federal, State, or County laws and further provided that they do not create a public nuisance.
- E. Class V animals shall not be maintained anywhere within the County.

3.22 Reduction or diminishment of a lot

No lot or parcel area shall be reduced or diminished so that yard setbacks ↔ and other open spaces shall be smaller than specified, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.

3.23 Buildings and lot of record

Every building or structure erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, office and industrial developments, there shall be no more than one (1) principal building/structure/use and its permitted accessory structures located on each lot in any district, unless specified elsewhere in the Ordinance.

3.24 General exceptions

- A. **Setback measurements.** ↔
1. Required front yard setbacks shall be measured from the front lot line to the setback line.
 2. No exterior face of a structure may protrude into the required yard space except for the outer edge of roof overhangs or cornices, which may extend up to one (1) foot into the required yard.
 3. All other required yards shall be located parallel and adjacent to property lines.
- B. **Exemptions for area, placement and height regulations**
1. The following improvements may be located anywhere on any lot, excepting rights-of-way and easements maintained by state and local units of government:
 - a. flag poles
 - b. hydrants
 - c. trellises
 - d. outdoor cooking equipment
 - e. sidewalks and private driveways
 - f. trees, plants, shrubs and hedges
 - g. fences, screens
 - h. light poles.
 2. Anything constructed, erected, placed, or planted or allowed to grow, shall conform to the provisions herein, regarding site distance and visibility at intersections and in conformance with site plan and special land use approvals.
 3. The following structures and appurtenances shall be exempt from the height regulations of this Ordinance:
 - a. cupolas, spires, belfries,
 - b. mechanical penthouses,
 - c. domes,
 - d. chimneys,
 - e. ventilators,
 - f. skylights,
 - g. water tanks,
 - h. public utility transmission and distribution lines and related structures,
 - i. radio, and television broadcasting and receiving antennae,
 - j. silos, grain storage bins and associated equipment,
 - k. parapets, and other appurtenances usually required to be placed above roof level and not intended for human occupancy.
 4. Wireless and/or cellular towers and/or facilities are not exempt from height restrictions, which are outlined in the special land use provisions for the use.

Section 3.25 - 3.26

3.25 Fill/Created land

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action shall be subject to the same zoning regulations as are applicable to lands to which the created land shall attach or be adjacent to. The created land shall be used for the same purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates. Such fill shall require approval by appropriate governmental agencies including, but not limited to, the Clinton County Drain Commissioner and Michigan Department of Environment, Great Lakes, and Energy (EGLE).

3.26 Supplementary height regulations

- A. The following structural appurtenances shall be permitted to exceed the height limitations for authorized uses in any district.
 1. Those purely ornamental in purpose such as spires of places of worship, belfries, domes, cupolas, ornamental towers, flag poles, and monuments.
 2. Those integral to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennae, electronic devices, heating and cooling units, silos and grain legs, and fire suppression tanks/towers.
- B. The foregoing permitted exceptions may be authorized only when the following conditions are satisfied.
 1. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or commercial purposes.
 2. Any structure permitted as an exception to a height limitation shall be erected no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve.
 3. Structures permitted as exceptions to height limitations shall not occupy more than twenty (20) percent of the gross roof area of any building upon which they may be located.

Chapter 76 | Article 4

Use Standards

Article 4 - Use Standards

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Section 4.1.A-F

4.1 Accessory buildings, structures, and uses

Except as otherwise permitted in this Ordinance, accessory buildings, structures and uses shall be subject to the following regulations.

- A. Where an accessory structure is attached to a main building, it shall be subject to, and must conform to, all area, height, and setback ↔ regulations of this Ordinance that apply to principal structures.
- B. An accessory structure is by its very nature and definition accessory and subject to the principal use of the property and structure. Therefore, the construction of an accessory structure prior to the commencement of a principal structure or use is prohibited.
- C. A detached accessory structure serving a single-family residential use shall not be located closer than five (5) feet to any side or rear lot line. If the detached accessory structure is more than fourteen (14) feet in height, then one (1) foot additional setback ↔ must be provided per each foot above fourteen feet.
- D. A detached accessory structure serving a non-residential use must meet setbacks ↔ and dimensional requirements of the principal structure in which the principal use is primarily located.
- E. A detached accessory structure shall be located no closer than ten (10) feet to any main building or other accessory building on the same property, or no less than ten (10) feet from any off-site building or structure.
- F. No detached residential accessory structure shall be located closer than the principal residential structure to any road right-of-way, unless one (1) of the following two (2) sets of conditions are met:
 1. Condition Set One:
 - a. The parcel exceeds five (5) acres in lot area; and
 - b. All setback ↔ requirements of the district in which the accessory structure is to be located are complied with; and
 - c. The accessory structure shall be located not less than two-hundred and twenty-five (225) feet from the road right-of-way; and
 - d. The accessory structure shall be located no closer than fifty (50) feet to an existing residential structure on an adjacent parcel.
 2. Condition Set Two:
 - a. Accessory structure exterior siding generally matches the color of the principal structure of which it is accessory to; and
 - b. Accessory structure roofing material generally matches the color of the principal structure of which it is accessory to; and
 - c. Accessory structure must meet the minimum front yard setback ↔ of a principal structure in the district that it is located and must be located no more than seventy-five (75) feet from the principal structure; and
 - d. The accessory structure shall be located no closer than fifty (50) feet to an existing residential structure on an adjacent parcel; and
 - e. No more than twenty (20) percent of an accessory structure floor area ↔ shall be located within an area defined as between the principal structure's front building line and the public right-of-way and the principal structures side building lines so as to not obstruct the view of the principal structure from the public road right-of-way.



- f. Irrespective of accessory structure height requirements outlined herein, no accessory structure reviewed and approved under this condition shall have a sidewall height exceeding ten (10) feet or a peak height of sixteen (16) feet.
- G. Agricultural buildings are exempt from this requirement and must meet at a minimum the required front yard setback ↔ for a principal residential structure in the district where it is located, plus fifty (50) percent additional setback if roadside loading areas are proposed.
- H. The total of all detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements and accessory structure size shall be subject to the restrictions in floor area ↔ based upon parcel size listed in the schedule below. Agricultural buildings shall be exempt from restrictions on total accessory floor area ↔.

TABLE 4.1.H	
MAXIMUM FLOOR AREA OF ACCESSORY BUILDINGS	
Parcel (Lot) Size	Total Accessory Floor Area ↔
One-half (1/2) acre or less	1,200 sq. ft.
More than one-half (1/2) and less than one (1) acre	1,600 sq. ft.
More than one (1) acre and less than five (5) acres	1,600 sq. ft. plus 2 sq. ft. of floor area for 100 sq. ft. of lot area not to exceed 5,000 sq. ft.
More than five (5) acres	1,600 sq. ft. plus 2 sq. ft. of floor area for 100 sq. ft. of lot area not to exceed 7,500 sq. ft.

- I. Residential detached accessory structures shall not exceed a sidewall height of sixteen (16) feet.
- J. Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
- K. Private swimming pools shall be considered as accessory structures and are subject to the following:
 - 1. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way that has been granted for public utility use.
 - 2. Rear or side yard setback ↔ shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than ten (10) feet between pool wall and any building on the lot. Front yard setbacks shall be that required of a principal structure in the district where located. The pool fence shall not be built within the required front yard ↔.
 - 3. For the protection of the general public, all swimming pools shall be completely enclosed by a chain link fence or a fence of comparable safety not less than four (4) feet or more than six (6) feet in height, and set at a distance of not less than four (4) feet from the outside perimeter of the pool wall. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use.
 - 4. Above ground pools of four (4) feet or more in wall height shall be exempt from complete enclosure by a fence. However, above ground pools shall be equipped with a removable ladder or locking gate system at all points of entry to the pool. Said ladder and gate system shall effectively control access to the pool. Said ladder shall be removed or gate locked when the pool is not in use.
- L. On-Site WES shall be considered accessory structures and subject to the provisions of this section and [Section 4.11 On-Site WES](#).

Section 4.1.M - 4.2.D

- M. Small scale solar panels or technologies installed at individual residential or commercial locations (e.g., roof or ground mounted panels) that are used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus energy back to the electrical grid, are permitted accessory uses in all zoning districts.

Said solar panels/structures are limited to rooftop, side or rear yard locations with a minimum 5' setback from adjacent property lines. If detached solar panels/structures are more than fourteen (14) feet in height, then one (1) foot additional setback must be provided per each foot above 14 feet. The maximum lot coverage standards as a percent of lot for each zoning district as noted in the respective district pages (See [Section 3.1 Established Districts](#)) also apply.

Approval for solar panels/structures between the primary structure (residence or business) and the adjacent roadway requires review and approval from the Planning Commission under the [Section 6.1 Site plan review](#) provisions of this Ordinance.

- N. Carports.
1. Such structures shall comply with the district setback ↔ and yard requirements of a detached accessory structure.
 2. If attached, such structure shall comply with the district setback ↔ and yard requirements of the principal structure.

4.2 Temporary dwellings

No cabin, trailer, motor home, mobile home, or other temporary structure, whether of a fixed or movable nature, may be erected, moved, or used for any dwelling purposes whatsoever, for any length of time unless otherwise permitted by this Ordinance. However, if a permanent dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable, self-contained movable dwelling units (e.g., mobile homes) may be permitted as indicated in the following sections:

- A. The location shall not be injurious to the surrounding property or neighborhood and meet all applicable setbacks ↔ for a principal structure in the district in which it is located.
- B. The water supply and toilet facilities serving the temporary dwelling shall conform to the minimum requirements as set forth by the Mid-Michigan Health Department.
- C. An application for a zoning/land use permit for the construction, erection, or movement of a temporary dwelling shall be made to the Zoning Official. The application shall be accompanied by a drawing, showing the location of the proposed temporary structure, and the proposed water supply and toilet facilities.
- D. After due consideration the Zoning Official shall approve or deny a permit for the same, and, if approved, shall clearly set forth on the permit that the structure is intended as a temporary dwelling while the principal structure is rehabilitated or reconstructed. The applicant must apply for applicable building and trade permits to rehabilitate or reconstruct the principal structure within 60-days of the event that caused the principal structure to be uninhabitable. Said temporary dwelling is to be vacated upon the expiration of 1-year from the issuance of building and trade permits for the rehabilitation or reconstruction of the principal structure, or 60-days following temporary occupancy from the Building Inspector, whichever comes first.

- E. On delivery of the permit, the owner or occupant shall certify, in a space allotted for that purpose that he/she has full knowledge of the terms of the permit, and the penalty applicable is a violation of this Ordinance. No permit shall be transferable to any other owner or occupant.

4.3 Temporary construction structure/activities

- A. Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year, with application and approval for a zoning/land use permit is obtained. Extensions may be allowed, at the discretion of the Zoning Official, if the temporary structure & activity is considered a necessity for the on-going development.
- B. Temporary construction activities with or without temporary buildings shall be defined as construction activities other than actual construction of buildings approved pursuant to a building and zoning/land use permit. They include, but not by way of limitation, a construction yard for the development of a subdivision or multiple family project, a cement or asphalt making operation for street and/or road construction, and other similar activities.
- C. The Zoning Official shall determine, before issuing a zoning/land use permit, whether the proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should be located at the proposed location. The Zoning Official shall also find that the proposed activity does not place excessive burden on the septic, sanitary sewer and/or water system, nor create a hazardous fire condition. In granting the approval, the Zoning Official may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. Compliance with this Ordinance and all other applicable County ordinances, standards, rules, and regulations, and proper clean-up of the site within a set period of time as indicated on the zoning/land use permit are required.
- D. Temporary construction activities allowed pursuant to this section shall conform to the following requirements.
1. All roads used for ingress or egress, on or off the site, shall be kept dust free by chemical or water treatment and/or by hard topping with cement or bituminous substance. Work within the right-of-way of a public road must be permitted through the Clinton County Road Commission (CCRC).
 2. Work/storage areas shall be kept clean and clear.
 3. Work areas shall be posted with the owner and operator's name and phone numbers.
 4. Work yards shall be fenced or otherwise made safe.
 5. Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet from access point in either direction to warn motorists if deemed appropriate and permitted by the CCRC.
 6. Working hours shall be between 7 A.M. and 8 P.M., Monday through Friday and 8 A.M. to 7 P.M. Saturday. No work shall be permitted on Sundays or holidays except by special permission of the Zoning Official upon demonstration of hardship or special circumstance.

Section 4.4

4.4 Standards for single-family dwellings: site-built, manufactured homes, mobile homes and prefabricated housing

No site-built single-family dwelling, mobile home, modular housing dwelling, or prefabricated house located outside of a Manufactured Housing Community or Mobile Home Park shall be permitted unless said dwelling unit conforms to the following standards.

- A. **Square footage.** The minimum requirement for habitable (excluding garage, un-insulated storage areas, etc.) ground floor coverage ↔ for a single-family structure:

One-story (ranch) ↔	960-sf.
One and a half story (cape cod) ↔	750-sf.
Two-story ↔	700-sf.
Split-level	900-sf.
- B. **Dimensions.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet. Breezeways, garages, porches and other appurtenances shall not be considered part of the required twenty (20) feet.
- C. **Foundation.** Each such dwelling unit shall be firmly attached to a perimeter foundation constructed on the site and shall have a wall of similar, or the same perimeter dimensions of the dwelling.
- D. **Undercarriage.** Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- E. **Sewage disposal or water supply.** Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the Mid-Michigan District Health Department.
- F. **Architecture.** All dwellings shall be aesthetically compatible in design and appearance with other single-family dwelling erected within the jurisdiction of the County. All homes shall have a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors with the second one being in either the rear or side of the dwelling. The slope of the roof pitch shall be at least 3 inches on 12 inches.
- G. **Code compliance.** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said manufactured house shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- H. **Building and zoning/land use permit.** All construction required herein shall be commenced only after a building and zoning/land use permit has been obtained.
- I. **Exceptions.** The foregoing standards shall not apply to a manufactured or mobile home located in a licensed mobile home park or manufactured housing community except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Mobile homes or manufactured homes that do not conform to the standards of this section shall not be used for dwelling purposes within the County unless located within a mobile home park or manufactured housing community district, or unless used as a temporary residence as otherwise provided in this Ordinance.



4.5 Essential services

Essential services shall be permitted as authorized and regulated by this Ordinance and other ordinances and regulations of the County and State. Due to the uniqueness of locating essential services and the dedication to the facilities for the public health, safety and welfare, parcels/lots dedicated for the purpose of locating and operating essential services may be less than the minimum required parcel/lot size in the district where located. Setbacks ↔ and other dimensional requirements for the development of an essential service on a parcel/lot that is less than the required minimum parcel/lot size shall be established to meet the intent and purpose of this Ordinance, applicable dimensional requirements for similar and like uses contained herein, and/or consideration of engineering requirements and structural analysis for petitioned improvements to ensure adequate protection of the public health, safety and welfare. The construction of structures and/or buildings associated with essential services (excluding enclosures, cabinets, containers or shelters for essential service equipment) shall be subject to the provisions of [Section 6.1 Site plan review](#).

4.6 Walls and screens

- A. Within the limits of the required front yard setback ↔ of a lot in a residential district, no fence, wall, or other screening structure shall exceed three (3) feet in height. No such fence or wall located within a side or rear yard ↔ shall exceed six (6) feet in height.
- B. In a commercial, industrial, or research office district, no fence, wall, or other screening structure shall exceed twelve (12) feet in height.
- C. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, are prohibited in the RR, R-1, R-2, C-1, C-2, C-3, MF, and MH zoning districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or structure as deemed necessary in the interests of public safety.
- D. On waterfront lots, fences, walls, screens and other structures that are located between the main building and the waterfront shall be of an open air type, permitting visibility through at least eighty (80) percent of its area.
- E. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

4.7 One lot, one building

In all districts allowing single-family residential as a permitted use, only one (1) principal building/structure shall be placed on a single lot of record.

Section 4.8 - 4.9

4.8 Garage sales, rummage sales, and similar activities

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions.

- A. Any garage sale, rummage sale, or similar activity shall be allowed without a building and zoning/land use permit for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a zoning/land use permit from the Zoning Official. In no instance shall more than two (2) garage sales, rummage sales, or similar activities be held in any one location within any twelve (12) month period.
- B. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- C. All such sales shall be conducted a minimum of twenty (20) feet from the front lot line of the premises of such sale.
- D. No signs advertising a garage sale or similar activity shall be placed upon public property. Four (4) signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

4.9 Seasonal sales

The sale of Christmas trees and other similar seasonal items shall be considered temporary accessory uses within A-1, A-2 and A-3 and all non-residential zoning districts subject to the following conditions:

- A. A temporary land use permit renewable shall be secured from the Zoning Official.
- B. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- C. Adequate parking and ingress and egress to the premises shall be provided.
- D. Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- E. Signs shall conform to the provisions of the district in which the seasonal use is located.
- F. Any lighting shall be directed and controlled to not create a nuisance to neighboring property owners.
- G. Broadcasting of music and announcements shall not be audible from any adjacent property containing a residential dwelling, or at the entrance of any building located in a non-residential district.

4.10 Home occupations

Home occupations that are clearly incidental to the principal residential use are permitted in any district permitting single-family residential use through administrative site plan review. The following standards must be met for issuance of a home occupation permit.

- A. The occupation shall utilize no more than twenty-five (25) percent of the total floor area of any one story of the residential structure so used, and not to exceed 400-sf.
- B. The home occupation shall involve no employees other than members of the immediate family permanently occupying and residing on the premises.
- C. All home occupation activities shall be conducted indoors. The outdoor storage of materials and activities shall be prohibited.
- D. No structural alterations or additions that will alter the residential character of the structure shall be permitted to accommodate a home occupation.
- E. Only customary domestic or household equipment, or equipment judged by the Zoning Official not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.
- F. There shall be no external evidence of such occupations except a small announcement sign not exceeding four (4) square feet and conforming to provisions of [Section 5.7 Signs](#) of this Ordinance.
- G. No unrelated commodity shall be sold on the premises in connection with a home occupation. Under no circumstance shall an “over-the-counter”, “walk-in” retail sales operation be conducted.
- H. No home occupation shall be permitted which is injurious to the general character of the residential district and which creates noise, dust, vibration, smell, smoke, glare or a congested or otherwise hazardous traffic or parking condition.

Section 4.11.A-B

4.11 On-Site WES

- A. **Purpose and findings.** Such improvements and associated equipment are intended to serve the needs of the on-site consumer and consumer located on adjacent property.
1. **Purpose.** Michigan's Public Act 295 of 2008 is known as the Clean, Renewable, and Efficient Energy Act (the "Act"). The Act's purpose is to promote the development of clean energy, renewable energy, and energy optimization through the implementation of a clean, renewable, and energy efficient standard. Clinton County has followed a similar path through the adoption and creation of the County's "Green Initiative" in an effort to achieve significant long term financial and environmental savings by establishing reasonable goals and objectives related to reducing greenhouse emissions. Property owners in the County may desire to achieve similar savings by establishing an on-site wind energy system to power their homes and businesses. Establishing development regulations to address wind energy will help promote the County's "Green Initiative" while protecting the public health, safety and welfare of County residents.
 2. **Findings.** The following regulations have been developed with the intention of obtaining an appropriate balance between the need for clean, renewable energy resources and the need to protect the public health, safety, and welfare of the community. Property owners may desire to develop on-site wind energy systems to provide clean, renewable energy for their own property.
- B. **Application for On-Site WES.** Prior to any installation an application for an administrative site plan review under [subsection V of Section 6.1 Site plan review](#) must be filed and approved by the Clinton County Community Development Department. Information required shall include the following:
1. All information required for a Preliminary Site Plan under [subsection I of Section 6.1 Site plan review](#).
 2. Proposed type, number and height of the On-Site WES to be constructed including the manufacturer and model, product specifications regarding noise output (measured in decibels; dB(A)), total rated generating capacity, dimensions, rotor diameter, and description of ancillary facilities (including but not limited to tower design, color, and wiring). ↔
 3. Where applicable, evidence that the Michigan Public Service Commission and the subject utility company has been informed of the applicant's intent to install an interconnected, customer-owned generator and that such connection has been approved.
 4. The location(s) of the On-Site WES and its supporting electrical system's components including distances from existing structures, utility lines or any other possibly impacted items on-site.
 5. An engineered set of plans illustrating the proposed On-Site WES must be prepared by a registered professional engineer licensed in the State of Michigan.
 6. Documentation establishing that any and all necessary building permits required for the On-Site WES can be acquired prior to installation.
 7. Standard drawings of any proposed equipment for review of the structural components of the On-Site WES, including structures, towers, bases, and footings. A registered engineer's certification is required for all drawings and any necessary calculations that indicate that the system complies with all applicable local, state, and federal building, structural and electrical codes.
 8. Any additional information deemed necessary by the Zoning Official to demonstrate compliance with the requirements found under this section or any other section in the Ordinance.

- C. **General requirements.** An On-Site WES is a permitted use in all zoning districts if it complies with the following requirements:
1. Installation and operation of the proposed On-Site WES shall be consistent with the public health, safety and welfare of Clinton County.
 2. On-Site WES must comply with all State, Federal and local laws and regulations, including but not limited to the applicable requirements of the Federal Aviation Administration (“FAA”), the Michigan Airport Zoning Act and the Michigan Tall Structures Act both prior to and after installation.
 3. The On-Site WES must minimize the adverse impacts of technological obsolescence of such equipment.
 4. **Visual appearance.**
 - a. On-Site WES shall be required to be of a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product.
 - b. On-Site WES shall not be artificially lighted except to comply with applicable FAA or other Federal, State or local requirements, or to the extent necessary for the reasonable safety and security thereof.
 - c. No advertising shall be allowed upon an On-Site WES. Additional items such as banners, streamers, flags and similar items are hereby prohibited from being attached to any On-Site WES.
 - d. Any electrical system components related to the On-Site WES, besides those wires reaching from the base of the support structure to the turbine, are required to be placed underground within the boundary of each Participating Parcel at a depth designed to accommodate the existing land use to the maximum extent practical.
 - e. The On-Site WES shall incorporate screening and buffering into the site design to minimize the negative visual impact on neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.
 5. **Ground clearance.**
 - a. Horizontal axis On-Site WES must have a minimum distance of twenty (20) feet between the lowest extension of a rotational blade and the average grade at the base of the structure within a thirty-two (32) foot radius. ↔
 - b. Vertical axis On-Site WES must have a minimum distance of twenty (20) feet between lowest part of the vertically rotating turbine and the average grade at the base of the structure within a thirty-two (32) foot radius. ↔
 6. **Sound.** No On-Site WES may exceed forty-five (45) dB(A) at any adjacent property line of a Non-Participating Parcel. During short-term events including, but not limited to severe wind, snow or rain storms, if the ambient sound pressure level exceeds forty-five (45) dB(A), the standard shall be ambient dB(A) plus five (5) dB(A).
 7. **Number.** A Participating Parcel shall not be occupied by a number of turbines exceeding a combined total potential power output greater than a maximum of ten (10) kW per hour and no On-Site WES shall provide service to more than three (3) households. No more than one (1) On-Site WES designed to be attached to a principal or accessory structure shall be permitted on a Participating Parcel.

Section 4.11.C

8. **Safety.**
 - a. An On-Site WES shall have a governing, breaking, feathering or other fail-safe system, designed by a certified engineer, to mitigate and prevent uncontrolled rotation during adverse weather conditions.
 - b. An On-Site WES must implement protection measures from lightning strikes.
 - c. A structural analysis must be provided demonstrating the worthiness of the proposed On-Site WES support system in the event of adverse weather conditions.
 - d. Support structures (i.e., the tower and or base) for an On-Site WES may utilize guy wires. Said guy wires must be clearly visible from ground level to a vertical height of six (6') feet via altered coloring, striping methods or other administratively approved methods of delineating or highlighting this part of the structure. Anchor points for an On-Site WES utilizing guy wires must not be located within the road right-of-way and must be anchored entirely upon the participating parcel. ↔
9. **Height.** No On-Site WES shall exceed a height of one hundred and fifty (150) feet as measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the on-site WES, whichever is greater. No On-Site WES designed to be attached to a principal or accessory structure shall exceed the total height of the structure to which it is attached by more than ten (10) feet. ↔
10. **Setbacks.** ↔
 - a. All setbacks required for On-Site WES shall be measured from the outside edge of the base of the tower to the nearest adjacent property line of a Non-Participating Parcel. On-Site WES shall be recognized as an accessory structure on a residential lot as stated in [subsection L of Section 4.1 Accessory buildings, structures, and uses](#).
 - b. An On-Site WES must not be less than the total height of the proposed structure away from a Non-Participating Parcel's property line.
 - c. The base location for any On-Site WES must not be located within the Participating Parcel's minimum zoning classification's setback requirements from existing structures, property lines or other necessary setbacks related to the site, including but not limited to utility easements, well/septic separations, or drain easements.
 - d. A minimum setback of a one to one (1:1) total height to separation distance is required between multiple On-Site WES.
 - e. If an On-Site WES is mounted to a principal structure, then the placement of the unit on the structure shall not be located on the structure's façade facing the road right-of-way. Roof mounted On-Site WES shall not be located closer to the right-of-way than the mid-point of the structure where situated. In the case of a corner lot or lake property, the County's Zoning Official must determine the Participating Parcel's principal frontage.
 - f. The placement of an On-Site WES meeting the conditions of [subsection F of Section 4.1 Accessory buildings, structures, and uses](#) must also maintain the greater of either the front-yard setback requirement for the Participating Parcel's established by the zoning district where located or the On-Site WES's total height.
 - g. All On-Site WES must maintain a one-to-one (1:1) total height to setback ratio from existing utility easements, power lines or other public infrastructure related items which may exist upon the participating parcel.



11. **Collocation.** No collocation of any Wireless Communications Facilities shall be permitted on any On-Site WES.
12. **Requirements of Section 4.1 Accessory buildings, structures, and uses.** As accessory uses, the On-Site WES must meet all applicable requirements of Section 4.1 Accessory buildings, structures, and uses, including but not limited to subsection F and subsection I. However, to the extent there is any discrepancy between the regulation contained in Section 4.1 Accessory buildings, structures, and uses and this section, the regulations under this section shall control over the general provisions of Section 4.1 Accessory buildings, structures, and uses.

Section 4.12.A-I

4.12 Medical marihuana primary caregiver

It is the intent of this section to establish regulations, review and permitting for Medical Marihuana Use of property and structure by a Primary Caregiver. Such Medical Marihuana Use shall be approved through the administrative site plan review process as set forth in [subsection V of Section 6.1 Site plan review](#) of the Ordinance prior to issuance of a zoning and/or building permit authorizing the Medical Marihuana use. Information required includes information required under [subsection I of Section 6.1 Site plan review](#). The following standards must be met for issuance of a zoning permit for such Medical Marihuana Use:

- A. The structure and property for the proposed Medical Marihuana Use shall be located in the A-2 General Agricultural district.
- B. The Medical Marihuana Use of structure and property must be incidental to the principal use of the property for single-family residential properties. The principal residential structure and property shall be owner-occupied by the Primary Caregiver.
- C. All Medical Marihuana Use activities shall be carried on within an Enclosed Locked Facility located in the principal residential structure and shall not require, or result in, any permanent interior or exterior alterations to the dwelling or property to accommodate the Medical Marihuana Use. No storage or display within the principal residential structure shall be visible from an adjacent property.
- D. The Medical Marihuana Use shall involve no employees other than the Primary Caregiver.
- E. No more than one (1) zoning permit for such Medical Marihuana Use shall be permitted per lot of record.
- F. No more than one (1) individual per household or dwelling unit shall be permitted to be a Primary Caregiver and service Qualifying Patients. The Primary Caregiver shall be limited in providing Usable Marihuana to no more than five (5) Qualifying Patients, and shall only be made to the Qualifying Patients for whom the Primary Caregiver is registered to provide medical marihuana.
- G. Only customary domestic or household equipment, or equipment determined by the Zoning Official not to be injurious or a nuisance to the surrounding neighborhood shall be permitted in connection with the Medical Marihuana Use. Any lighting or other methods utilized to promote plant growth must occur in an Enclosed Locked Facility shall employ interior shielding methods to prevent ambient light between the hours of 11:00 P.M. and 5:00 A.M.
- H. The Medical Marihuana Use shall utilize no more than twenty-five (25) percent of the total floor area of any principal residential structure, and such area (including, but not limited to, space for office, record retention, growing, storage, patient-waiting, etc.) shall not exceed four-hundred (400) square feet in total area.
- I. The minor sale of items associated and incidental to the Medical Marihuana Use is permitted, but shall only be made to the Qualifying Patients for whom the Primary Caregiver is registered to provide medical marihuana. Under no circumstance shall an “over-the-counter”, “walk-in” retail Medical Marihuana operation be conducted. No unrelated commodity shall be sold or displayed on the premises.

- J. No implementation, operation or conduct of the Medical Marihuana Use shall be permitted which is injurious to the general character of the district and which creates noise, dust, vibration, smell, smoke, glare or a congested or otherwise hazardous traffic or parking condition. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. The storage of fertilizer, chemicals, or other products associated with the Medical Marihuana Use shall not be stored in amount or area that could be hazardous.
- K. No traffic shall be generated by such Medical Marihuana Use of property under this section in greater volumes than would normally be expected for a single-family residential use. The Primary Caregiver shall be limited to no more than two (2) visits per day by Qualifying Patients for whom the Primary Caregiver is registered to provide medical marihuana. See also [subsection F](#), herein. Such visits to the property and/or structure by Qualifying Patients shall only occur between the hours of 7:00 A.M. and 8:00 P.M.
- L. Any need for parking generated by the conduct of such Medical Marihuana Use shall be met off the street and other than in the required front yard ↔, although vehicles may be parked in an existing driveway or parking area. No additional off-street parking demand shall be created.
- M. Signage, including site, wall and window signs, advertising the property for Medical Marihuana Use is prohibited.
- N. No Medical Marihuana Use of property and/or structure for purposes outlined in this section shall be permitted within one thousand (1,000) feet of an assembly use, such as a public/private school, place of worship, park, playground, substance abuse facility, or children’s day-care facility.
- O. All improvements for the Medical Marihuana Use of structure shall be in compliance with the State Construction Code, including application and receipt of building, electrical, plumbing or mechanical where applicable.
- P. At all times, the Medical Marihuana Use of property and/or structure for purposes outlined in this section must be in compliance with the General Rules of the Michigan Department of Community Health and the Michigan Medical Marihuana Act. To that end, no Medical Marihuana Dispensaries, cooperatives, collectives or Clubs/Assemblies shall be permitted in any zoning district.

Section 4.13

4.13 State licensed residential facilities

- A. It is the intent of this section to establish standards for adult foster care group facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. Adult Foster Care Group Facilities are subject to the following conditions:
 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of fifteen hundred (1,500) square feet per adult, excluding employees and/or care givers.
 2. The property is developed and maintained in a manner that is similar, compatible and consistent with the character of the neighborhood.
 3. One (1) off-street parking space per employee and/or caregiver shall be provided; and one (1) off-street parking space per three (3) residents shall be provided.
 4. Appropriate licenses with the State of Michigan shall be obtained and maintained.
 5. Be so constructed, arranged, and maintained as to provide adequately for the health and safety and welfare of all occupants.
 6. The interior community space, atmosphere and routine shall be that a resident may spend the majority of non-sleeping hours outside of resident's bedroom.
 7. A toilet, lavatory and bathing or showering facility shall be provided for each six (6) persons. At least one (1) toilet and lavatory shall be provided on each floor having resident bedrooms.
 8. Provide distinct living and sleeping areas. All areas shall be well lighted, heated and ventilated.
 9. Provide a living or day room area, which affords privacy for use by a resident and respective visitor.
 10. The living and sleeping areas for each resident shall not be in non-contiguous wings, units or buildings.
 11. A living room, dining room or other room not designed nor ordinarily used for sleeping shall not be used for sleeping purposes.
 12. A room shall not be used as a bedroom where more than one-half (1/2) of the room height is below grade except where the ceiling of such portion of a building is located five (5) feet or more above grade for more than twenty-five (25) percent of the perimeter measurement of the room.
 13. Bedrooms shall have at least one (1) window with a minimum sash area of eight (8) square feet.
 14. A single-occupancy bedroom shall have at least eighty (80) square feet of usable floor area ↔.
 15. A multiple-occupancy bedroom shall have at least seventy (70) square feet of usable floor area ↔ per person with a maximum of four (4) beds and persons per bedroom.
 16. A group foster care home shall be inspected and approved for fire safety by the local fire authority prior to the issuance of occupancy permit and shall be inspected at least annually.
 17. A four (4) square foot sign identification sign is permitted.
 18. County zoning approval is required prior to issuance of a license for an adult foster care small group home only if seven (7) or more residents will live in the home.
 19. County zoning approval is required prior to issuance of license for an adult foster care large group home.

4.14 Sexually oriented businesses

- A. **Purpose.** It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor the effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- B. **Uses constituting adult uses.** Applicable uses considered under this section are found in [Article 2 - Definitions](#). Such terms include: “Sexually Oriented Businesses” and “Specified Sexual Activities” and “Specified Anatomical Areas.”
- C. **Required spacing.** Sexually oriented businesses shall meet all of the following space requirements. Unless otherwise specified, the measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the building or structure used as part of the premises where a sexually oriented business is conducted to the nearest property line of a premise of the use listed below:
1. At least one-thousand (1000) feet from any other sexually oriented business. For this subsection, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
 2. At least one thousand (1000) feet from all places of worship.
 3. At least one thousand (1000) feet from all public or private educational facilities including but not limited to child day care facilities, licensed child care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
 4. At least one thousand (1,000) feet from all institutions providing human health services primarily for outpatients and medical care of the sick or injured including such facilities as doctor's offices and emergency care facilities.
 5. At least one thousand (1,000) feet from the boundary of any residential district, including the RR, R-1, R-2, MF or MH districts or one thousand (1,000) feet from any property containing any one-family or multiple-family residential use.
 6. At least one thousand (1,000) feet from any entertainment business, pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, dance club catering primarily to teenagers, movie theaters, and similar uses frequented by minors under the age of 18.

Section 4.14.C - D

7. At least one thousand (1,000) feet from any public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County which is under the control, operation, or management of the County or any municipal park and recreation authorities.

D. **Special standards.**

1. The maximum size of the building shall be three thousand (3,000 sq ft.) square feet.
2. The building and site shall be designed, constructed and maintained so material such as a display, decoration, or sign depicting, describing, or relating to activities or merchandise within the structure cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
3. Sexually oriented businesses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
4. The style, shape and color of the building materials shall be subject to approval by the Planning Commission and Board of Commissioners in consideration of the similarity and compatibility of said structure with other structures within a reasonable proximity.
5. In addition to provisions of [Section 5.8](#), a four and one-half (4-1/2) foot high brick or masonry wall shall be constructed to screen the parking lot from the adjacent public rights-of-way.
6. No person shall reside in or permit any person to reside in the premises of a Sexually oriented business.
7. No person operating a sexually oriented business shall permit any person under the age of eighteen (18) to be on the premises of said use either as an employee or customer.
8. Sexually oriented businesses shall comply with all applicable federal, state, and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
9. Any sign or signs proposed for the Sexually oriented business shall comply with the provisions of this Ordinance; may not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form; and may not include animated or flashing illumination.
10. Entrances to the proposed Sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two (2) inches in height stating that: (1) "Persons under the age of 18 are not permitted to enter the premises," and (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
11. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private street or a neighboring property.
12. Hours of operation shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday. All Sexually oriented businesses shall remain closed on Sundays and legal holidays.



- 13. All off-street parking areas shall comply with this Ordinance and shall be illuminated after sunset during all hours of operation of the Sexually oriented business, and until one (1) hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one (1) foot candle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.
 - 14. Any booth, room or cubicle available in any Sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:
 - a. Be handicap accessible to the extent required by law;
 - b. Be unobstructed by any floor, lock or other entrance and exit control device;
 - c. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
 - d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
 - e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.
- E. **Conditions.** Prior to the granting of approval for the establishment of any adult use, the Planning Commission and Board of Commissioners may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the special land use as in its judgment may be necessary for the protection of the public interest. Any evidence bond or other performance guarantee may be required, as proof that the conditions stipulated in connection therewith will be fulfilled.

Section 4.15

4.15 Automobile repair, gasoline service stations, vehicle washes and lube/oil change facilities

In addition to other regulations set forth in this Ordinance, all automobile repair, gasoline service stations, vehicle washes and lube/oil change facilities shall conform to the following requirements:

- A. The portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
- B. The entire area used for vehicle service shall be paved. Areas utilized for temporary storage of vehicles awaiting repair may be graveled at the discretion of the Planning Commission.
- C. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
- E. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than ninety (90) degrees.
- F. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- G. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- H. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, un-pierced enclosure.
- I. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause and vehicles without current license plates, shall be prohibited.
- J. Sales of used cars and other motorized vehicles on the premise shall be prohibited.
- K. Temporarily stored vehicles awaiting repair shall be stored in such a manner as not to be visible during non-business hours. In addition, vehicles awaiting repair or service are not permitted to be stored in required parking spaces for a period of more than one business day.



4.16 Automobile wrecking/junk yards

In addition to other regulations set forth in this Ordinance, all automobile wrecking / junk yards shall conform to the following requirements:

- A. Direct ingress and egress from a paved road.
- B. The required site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.
- C. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- D. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 A.M. and 6:00 P.M. on weekdays; between 7:00 A.M. and 12:00 noon on Saturdays.
- E. All flammable liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily stored in containers approved by the local fire authority until properly disposed of according to law. The applicant shall provide a written procedure for draining, storage and disposal.
- F. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.
- G. No portion of the yard operations (loading/unloading, storage of material/equipment, or processing) shall project into the required front yard. Customer/employee parking and travel lanes are permitted within the required front yard where in conformance with other provisions of this Ordinance. ↔
- H. Fencing/Screening shall be required as follows:
 1. A solid, screen-type fence or wall, at least eight (8) feet high as measured from grade, shall be provided along each public street frontage. The fence or wall shall be located no closer than twenty (20) feet from the public right-of-way. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn. ↔
 2. Where the yard is adjacent to an agricultural, residential, commercial, or industrial district, a perimeter solid, screen-type fence or wall, at least eight (8) feet in height as measured in [subsection H.1](#), preceding, shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 3. Strips of metal, plastic or other materials inserted into chain link/wire fences shall not be permitted in any fence enclosing a yard.
- I. Processed and unprocessed materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection, emergency access and visitor safety.
- J. The storage of processed and unprocessed materials within twenty (20) feet of a required perimeter fence shall not be stored at a height greater than the top of the fence. The storage of processed and/or unprocessed materials shall not exceed fifty (50) feet in height anywhere on the site. At no time shall any processed or unprocessed material be stacked to a height or in a manner that prohibits fire protection, emergency access or endangers the safety of visitors.
- K. Wrecking and processing operations are permitted in a yard but shall be described in the application for the special land use so that the Planning Commission and Board of Commissioners can implement standards and conditions to protect the health, safety and welfare of the community.

Section 4.17 - 4.18

4.17 Bed and breakfast accommodations

Bed and breakfast accommodations, in such district where a special land use approval is required, are subject to the following conditions:

- A. Each premise must be principally occupied and operated by its owner.
- B. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting or traffic.
- C. The total number of sleeping rooms is limited to six (6) rooms. No sleeping room shall be permitted that does not comply with the State Construction Code.
- D. There shall be no cooking facilities separate from the principal kitchen used for a bed and breakfast stay.
- E. Bed and breakfast bedrooms shall be a minimum of one hundred and twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
- F. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- G. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
- H. Every bed and breakfast bedroom shall contain a functional smoke detector, and an approved fire extinguisher shall be located on each floor on which such sleeping room is located.
- I. A four (4) square foot sign identification sign is permitted.
- J. One (1) off street parking space shall be provided in the interior side yard ↔ or rear yard ↔ area for each bed and breakfast bedroom. The Planning Commission and Board of Commissioners may increase or decrease required parking in order to meet the purposes of this section and protect the public health and safety.

4.18 Campgrounds/Recreational vehicle park

Publicly or privately owned and operated campgrounds and camp buildings providing temporary living quarters for campers on a daily, weekly or seasonal basis shall be subject to the following.

- A. The minimum site area shall be twenty (20) acres.
- B. The site shall have direct access to a public road.
- C. A minimum one hundred (100) foot setback ↔ shall be established around the perimeter of the property for the purpose of buffering a private campground or recreational vehicle park in relation to adjacent land currently zoned or used for residential purposes. The perimeter buffer shall be kept in its natural state. Where natural vegetation or land contour are insufficient to buffer a private campground or recreational vehicle park in relation to surrounding properties, the Planning Commission and Board of Commissioners may require additional setback ↔, landscaping, and/or berming beyond those listed in [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).
- D. Temporary campgrounds are strictly prohibited.
- E. Manufactured (mobile) homes shall not be permitted to be located within a campground.
- F. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements of the State of Michigan governing such uses.

4.19 Cemeteries, public

Cemeteries shall be subject to the following conditions:

- A. No building shall be located closer than one hundred (100) feet from any property line.
- B. Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.
- C. Direct ingress and egress shall be from a paved road.
- D. Unless otherwise prescribed elsewhere in this Ordinance, a ten (10) foot landscaping/greenbelt shall be provided around the perimeter of the property utilized for the proposed use.

4.20 Day care facilities (Group day care home & day care center)

- A. **Intent.** It is the intent of this section to establish standards for group home child care facilities, to meet existing State licensing regulations governing said operation, to provide accessible locations in both rural and urban areas in any school district throughout the County.
- B. **Standards for Group Day Care Homes.** Group Day Care Homes are subject to the following conditions:
 1. A group day care home shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - a. Another licensed Group Day Care Home.
 - b. A licensed Adult Foster Care Small Group Home or Large Group Home.
 - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Appropriate fencing for the safety of the children in the group day care home shall be maintained and outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
 3. The property is maintained in a manner that is consistent with the visible characteristics of the neighborhood.
 - a. Adequate screening between land uses and landscape buffering will meet those requirements found within [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).
 4. Indoor play areas within the home shall provide not less than thirty-five (35) square feet of space per child. Said requirements are not to include bath, kitchen or storage areas of the principal structure.
 5. Outdoor play areas shall not be less than twelve hundred (1,200) square feet in size and must be adjacent to the principle structure.
 - a. The identified outdoor play area must meet the minimum required setbacks ↔ governing a principal structure in relation to said parcel's zoning classification.
 6. The group day care home may be identified by a four (4) square foot sign maintained and erected in conformance with [Section 5.7 Signs](#).
 7. One (1) off-street parking space per employee that is not a member of the Group Day Care Home family shall be provided and one (1) off-street parking space per three (3) persons receiving day care.

Section 4.20.B - 4.21

8. Adequate space for turnaround maneuverability upon the subject property must be provided to accommodate both delivery and pick-up purposes on site.
 9. Hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 P.M. and 6:00 A.M. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
- C. **Standards for Day Care Centers.** Day Care Centers are subject to the following conditions:
1. A Day Care Center shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - a. Another licensed Group Day Care Home.
 - b. A licensed Adult Foster Care Small Group Home or Large Group Home.
 - c. A licensed facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 2. A separate drop-off and pick-up area, two (2) cars in width, shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 3. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every three (3) children/adults enrolled at the facility
 4. There shall be an outdoor recreation area of at least one thousand (1,000) square feet provided on the premises. Said area shall not be located within the front setback ⇄. All outdoor recreation areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet. The requirement of providing a recreation area may be waived by the Planning Commission if a public recreation area is available within five hundred (500) feet of the subject parcel.
 5. Appropriate licenses with the State of Michigan shall be maintained.
 6. Direct ingress and egress shall be from a paved road.

4.21 Places of worship

Places of worship and other incidental facilities approved by the Planning Commission are subject to the following conditions:

- A. Direct ingress and egress shall be from a paved road.
- B. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- C. Buildings of greater than the maximum height allowed in the zoning district that a place of worship is located in may be allowed, provided that front, side and rear yards ⇄ are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

4.22 Golf courses

Golf courses and country clubs, including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants, and caretaker residence shall be subject to the following conditions:

- A. Minimum site area shall be forty (40) acres.
- B. The location of structures, such as the club house and accessory buildings, and their operations shall be reviewed to insure minimum disruption of the adjacent properties, and as much distance as is practicable shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially planned, zoned or used property.
- C. All storage, service and maintenance areas when visible from adjoining residentially planned, zoned or used land shall be screened from view according to [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).
- D. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission and Board of Commissioners to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land planned, zoned or used for residential purposes.
- E. If applicable, the caretaker's residence must meet the minimum requirements of the district that the golf course is located in.
- F. Direct ingress and egress shall be from a paved road.
- G. Applicant shall provide a detailed site description showing tee areas and greens.

Section 4.23.A

4.23 Adult congregate/convalescent centers

A. Independent and assisted living.

1. For independent living, dwellings may be provided as single-family detached, two-family or multiple family units within a designated site, or development area. The minimum site area requirements for the purpose of calculating density shall be as follows:

TABLE 4.23.A.1	
SITE AREA PER UNIT FOR VARIOUS DWELLING UNIT SIZES	
Dwelling unit size	Site area per unit (sq. ft.)
Efficiency/One-bedroom	2,000
Two-bedroom	4,000
Each additional bedroom	500

2. For assisted living, where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in paragraph 1 above shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.
3. In consideration of multiple-family buildings, both independent and assisted living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission and Board of Commissioners may permit buildings of greater length when it can be demonstrated that architectural design and nature and topographic features ensure that the building is in scale with the site and surrounding areas.
4. Building setbacks ↔ for all structures shall comply with the following:
 - a. Perimeter setbacks shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
 - b. Internal setbacks for single and two-family dwellings located on an individual lot or site shall be as follows:

TABLE 4.23.A.4.B	
SETBACKS FOR SINGLE- AND TWO-FAMILY DWELLINGS ON AN INDIVIDUAL LOT OR SITE	
Front	25 ft.
Rear	35 ft.
Least side	7.5 ft.
Total Side/Between Buildings	20 ft.

- c. Internal setbacks ↔ for multiple, single-family attached and two-family dwellings not located on an individual lot shall be as follows:

TABLE 4.23.A.4.C		
SETBACKS		
FOR MULTIPLE, SINGLE-FAMILY ATTACHED AND TWO-FAMILY DWELLINGS		
	Multiple Family	Single/Two-Family
Internal Drives/Street	25 ft.	25 ft.
Side/Side Orientation	30 ft.	20 ft.
Side/Front, Side/Rear	30 ft.	35 ft.
Front/Front, Front/Rear, Rear/Rear	50 ft.	50 ft.

- 5. Each dwelling unit shall comply with the following minimum floor area ↔ requirements, excluding basements:

TABLE 4.23.A.5		
MINIMUM FLOOR AREA REQUIREMENTS PER DWELLING UNIT TYPE		
Dwelling unit type	Floor area ↔ (sq. ft)	
	Assisted Living Unit	Independent Living Unit
Efficiency	400	500
One-bedroom	550	650
Two-bedroom	700	800
Additional bedroom	150 per bedroom	150 per bedroom

- 6. The maximum height of a building is two (2) stories or thirty-five (35) feet. The Planning Commission and Board of Commissioners may at its discretion, permit up to three (3) stories only if the following conditions are met:
 - a. The site contains significant natural resources such as slopes or wetlands.
 - b. No increase in density shall be allowed.
 - c. Approval by the local fire authority is required.
 - d. An increased setback ↔ distance is established with respect to each setback required to be increased, including front, rear and side yard ↔ requirements and spacing requirements between buildings. The extent of increase, if any, for each set back measurement shall be established as part of the approval of the Planning Commission.
 - e. In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.

Section 4.23.A - 4.24.A

7. Open space and recreation shall be provided in accordance with the following requirements:
 - a. Total open space required shall be a minimum of fifteen (15) percent of the site.
 - b. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served
 8. Accessory and support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.
- B. Convalescent homes.**
1. Minimum lot size shall be based upon no less than two thousand (2,000) square feet per bed.
 2. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each bed in the convalescent home there shall be provided not less than one thousand five hundred (1,500) square feet of open space. Such space shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities and any space required for accessory uses. The one thousand five hundred (1,500) square foot requirement is over and above the building coverage area requirement.
 3. No building shall be closer than forty (40) feet from a property line.
 4. The lot location shall be such that at least one property line abuts a paved road. More than one (1) point of vehicle ingress and egress shall be provided directly from said thoroughfare.
 5. Area for access of emergency vehicles shall be provided for each primary building entrance.

4.24 Indoor and outdoor commercial recreation

- A. Indoor commercial recreation.**
1. The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
 2. Minimum site area shall be one (1) acre.
 3. No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned or used property.
 4. Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned or used land.
 5. Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and Board of Commissioners may stipulate noise standards beyond those stipulated otherwise in this Ordinance.
 6. Operating hours for all uses shall be determined by the Planning Commission and Board of Commissioners based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday 7:00 A.M. to midnight.

B. Outdoor commercial recreation.

1. The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.
2. All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two streets or highways.
3. No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
4. Minimum site area shall be based on the underlying district. However, the Planning Commission and Board of Commissioners may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjacent properties. Such an increase will be for the purposes of buffering, screening and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and Board of Commissioners may require additional information concerning the proposed use and the potential for nuisance.
5. No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned or used property.
6. A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned or used land. However, the Planning Commission and Board of Commissioners may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
7. Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) foot wall shall be provided along the side of the parking area adjacent to such land.
8. Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.
9. Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Board of Commissioners.
10. Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.
11. Central loudspeakers/paging systems are prohibited within two hundred (200) feet of residentially planned, zoned or used property. Such systems shall not be directed toward a residential area even if outside the 200' setback ↔.
12. Operating hours for all uses shall be determined by the Planning Commission and Board of Commissioners based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday 7:00 A.M. to midnight.

Section 4.25 - 4.26.E

4.25 Concentrated Animal Feeding Operation (CAFO)

It is the intent of this section to allow for intensive livestock operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

- A. The Michigan Right to Farm Act shall control minimum site area.
- B. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. See the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for the Care of Farm Animals.
- C. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- D. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats, mice, or other vermin.
- E. For the location of new or expanding intensive livestock operations see The Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- F. The storage of manure, odor or dust producing materials is also prohibited within one hundred (100) feet of any property line pursuant to the Right to Farm Act.
- G. Proper disposal of deceased animals shall be in accordance with State laws.

4.26 Kennels, commercial

Commercial kennels shall be subject to the following conditions:

- A. Compliance with all County and State regulations.
- B. All activities shall be conducted within a completely enclosed structure; no outdoor runs shall be permitted.
- C. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- D. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions.
- E. Kennel facilities shall be designed as follows:
 1. Constructed of masonry or comparable sound-proofing material;
 2. All windows shall be fixed (inoperable);
 3. Mechanical ventilation shall be provided in all areas;
 4. Wall, floors, and ground surfaces shall be covered with non-absorbent tile to accommodate wash down to floor drains;
 5. Floor drains are to be directly connected to a public sanitary sewer system;

F. Operating standards:

1. Animal odors and habitual barking noise shall not be detectable beyond the lot lines of the property in which the kennel is located;
2. Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses;
3. The premises shall be kept in a clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor;
4. Refuse shall not include animal waste;
5. Animal waste shall be disposed of through a sewage disposal system.
6. Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

4.27 Motels or hotels

Motels and hotels are subject to the following conditions:

- A. A site shall contain no less than two (2) acres of land and no less than one thousand (1,000) square feet of lot area shall be available per guest unit.
- B. Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air-conditioned floor area ↔ per guest unit.
- C. All buildings shall be setback ↔ no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to residentially zoned, planned or occupied land.
- D. Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.
- E. Cooking and/or kitchen facilities may be provided in new hotels/motels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been complied with.
- F. All parking areas of greater than five (5) spaces shall be set back from residentially planned, zoned or occupied parcel by no less than twenty-five (25) feet for rear and side yards ↔.
- G. Ingress and egress shall be from a paved road.

Section 4.28.A - D

4.28 Large scale (big box) retail establishment

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

It is further intended by this section that large scale retail establishments be designed in a manner that is compatible with the residential/rural character of Clinton County and complement the substantial public investment made in the infrastructure by the County and other public agencies.

- B. Large retail establishments shall be located as a special use within the C-2, C-3 Districts on sites having direct frontage on major highway or abutting property which will provide a site with direct access to such.
- C. Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, at the discretion of the Planning Commission and Board of Commissioners, when it is demonstrated by the applicant that the following conditions are met:
1. The site will be developed without the need for variances from the requirements for maximum lot cover, maximum floor area ↔ cover, maximum height, or minimum yard (setback ↔) requirements of the districts in which the site is located.
 2. All design standards set forth in [subsection D](#), below are met.
 3. Sufficient area is available to meet all landscaping and buffering standards set forth in [Section 5.8 Landscaping, greenbelts, buffering and screening](#).
- D. The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
1. **Aesthetic character.**
 - a. Facades and exterior walls:
 - I. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.
 - II. Ground floor ↔ facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.
 - III. Building facades must include a repeating pattern that includes no less than three (3) of the following elements:
 - i. color change;
 - ii. texture change;
 - iii. an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.



- b. **Roofs.** Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:
 - I. Flat roofs - parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.
 - II. Pitched roof -
 - i. overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - ii. an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
 - iii. three (3) or more roof slope planes.
 - c. **Materials and colors.**
 - I. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
 - II. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 - III. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - IV. Exterior building materials shall provide texture to at least fifty (50) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
 - d. **Entryways.** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
 - I. Canopies or porticos;
 - II. Overhangs;
 - III. Recesses/projection
 - IV. Arcades;
 - V. Raised corniced parapets over the door;
 - VI. Peaked roof forms;
 - VII. Arches;
 - VIII. Outdoor patios;
 - IX. Display windows;
 - X. Architectural details such as tile work and moldings that are integrated into the building structure and design;
 - XI. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - XII. Pavement / material changes at drive crossings to better define pedestrian cross walks.
2. **Site Design**
- a. **Parking lot location.** No more than two-thirds (2/3) of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the abutting streets.
 - b. **Connectivity.** The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings shall be installed to better define pedestrian cross walks.

Section 4.28.D

- c. Pedestrian circulation.
 - I. Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public street.
 - II. Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
 - III. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - IV. All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.
- d. **Central features and community space.** Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the County, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- e. **Delivery/Loading/Storage operations.** Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property. Delivery/loading/storage operations shall be setback ↔ a minimum of fifty (50) feet from adjacent residentially planned, zoned or used property.

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

4.29 Open air businesses/outdoor sales lots and displays

Open air business shall include, but not be limited, to the following uses: automobile, truck, trailer, motorcycle, recreation vehicle, snowmobile, jet skis, watercraft sales or rental, agricultural equipment sales, landscape supplies, lumber yards, home and garden centers, mobile homes sales, storage sheds, play houses and other prefabricated buildings, and lawn furniture and accessories.

- A. Minimum lot area shall be one (1) acre.
- B. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residentially planned, zoned or used property.
- C. Ingress and egress to the facility shall be only from a County Primary or major highway, or from an approved shared access drive to such thoroughfare.
- D. No more than two (2) driveways onto a County Primary or major highway shall be permitted per site.
- E. Inactive storage yards shall be completely obscured from view from public streets by fences, walls or dense perennial green vegetation.
- F. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials, goods or products.
- G. No public address systems shall be audible from any adjacent parcel containing a residential dwelling. Moreover, there shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- H. Storage of inoperable vehicle is prohibited, unless associated with a vehicle repair shop, then such vehicle shall not be stored on-site for more than two (2) weeks.
- I. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building and shall be associated with an approved vehicle repair shop on the same site.
- J. All areas subject to vehicular use shall be paved. For those areas utilized for display, depending on the product being displayed, the Planning Commission and Board of Commissioners may determine the surface treatment (i.e., paved, graveled, etc.).
- K. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All regulations contained within [Section 5.6 Artificial lighting, exterior lighting, and glare](#), shall be met.
- L. There shall be no strings of flags, pennants or bare light bulbs permitted.
- M. No merchandise, other than the display of new and used automobiles, recreational vehicles, farm machinery or other self-propelled vehicles, for sale shall be displayed within the required front yard setback ↔.

Section 4.30- 4.31.G

4.30 Planned shopping centers

- A. Must be served by existing or programmed essential public service facilities such as public water, sanitary sewer, and adequate storm drainage facilities.
- B. Principal access shall be from a major highway or county primary road, unless a neighborhood shopping center.
- C. A transition strip of no less than fifty (50) feet is required along all sides of the site abutting a residentially planned, zoned or used parcel and/or an institutional use, and along all public rights-of-way. This area shall be landscaped in accordance with [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).
- D. No structure shall be located closer to any property line of the shopping center than a distance equal to twice its height.

4.31 Self-storage facilities

Self-storage facilities are subject to the following requirements and conditions:

- A. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- B. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- C. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- D. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- E. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All outdoor vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with [subsection F.4 of Section 5.8 Landscaping, greenbelts, buffering and screening](#).
- F. The exterior design of the storage units is subject to Planning Commission and Board of Commissioners review and approval, and must be compatible with adjacent properties and the rural character of Clinton County. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission and Board of Commissioners may consider the use of a building material that is aesthetically compatible.
- G. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one-way) and separate from parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveways must meet the following minimum standards:
 - 1. When storage units open onto one (1) side only, twenty (20) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
 - 2. When storage units open onto both sides thirty (30) feet wide for one-way traffic and forty (40) feet for two-way traffic.

- H. The local fire authority or designated representative is to review the site plan for all issues related to vehicle access and fire safety.
- I. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission and Board of Commissioners as well as the following:
 1. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinances requirements for a unit in a multiple-family dwelling, not including the office space for the self storage facility.
 2. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission and Board of Commissioners.
 3. The caretaker or watchman's residence is subject to all area and setback ↔ requirements of the district that it is located in.
 4. The maximum height of the caretaker or watchman's residence shall be twenty-four (24) feet or two (2) stories.
- J. Parking requirements: One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- K. Direct ingress and egress shall be from a paved road.

4.32 Transient and amusement enterprises

- A. Circuses, carnivals, music festivals, other transient amusement enterprises and similar temporary public gatherings of people shall be permitted for a limited and specific period of time in accordance with the special land use provision of this Ordinance and the use classification pertaining to the particular district. In addition to the above required findings, the Planning Commission and Board of Commissioners shall permit such enterprises only upon the finding that the location of such activities will not adversely affect adjoining properties or the public health, safety or general welfare. Posting of a bond or other security payable to the County in an amount determined to hold the County free and harmless of all cost or liabilities incident to the operation of such activities may also be required.
- B. Police protection or the posting of a certificate of insurance in such amounts and limitations as the Board of Commissioners may determine for the purpose of indemnifying an adjoining land owner or a person using the premises, for any damage or injury resulting from the operation of such activity may be required. The Planning Commission and Board of Commissioners shall issue the special land use permit for a specific named purpose, and for a specific period of time. The permit shall be a temporary one only for that period of time and shall not be renewable or transferable.

Section 4.33.A

4.33 Wireless communication facilities

- A. **Purpose and intent.** It is the general purpose and intent of the County to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the County to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large.

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

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
2. Establish predetermined areas considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within predetermined areas.
4. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
5. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.
6. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
7. Promote the public health, safety, and welfare.
8. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
9. Consideration that the presence of numerous tower structures, particularly if located within residential or agricultural areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.



- B. **General regulations applicable to all facilities.** All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed, at the sole discretion of the Planning Commission and Board of Commissioners to meet the purpose and intent of this section:
1. Conditions:
 - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be harmonious with surrounding areas.
 - c. Facilities shall comply with applicable Federal and State standards relative to the environmental effects of radio frequency emissions.
 - d. The applicant shall demonstrate the need for the proposed facility to be located as proposed, based upon the presence of one or more of the following factors:
 - I. Proximity to a major thoroughfare or county primary road.
 - II. Areas of population concentration.
 - III. Concentrations of commercial, industrial and/or other business centers.
 - IV. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - V. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - VI. Other specifically identified reasons creating facility need.
 2. The following additional standards shall be met:
 - a. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs that might result in lower heights.
 - b. A proposed accessory building to enclose switching equipment shall be limited to maximum height in direct relation to the amount and type of screening being proposed to be implemented.
 - c. **Setbacks** ↔.
 - I. Residential dwellings: The setback of a proposed new support structure shall be one hundred fifty (150) feet or the height of the proposed structure, whichever is greater. The required setback shall be measured from the property line of any adjacent zoning district that permits residential dwellings, or from the property line of any adjacent property, in any non-residential district, containing a residential dwelling.
 - II. Public right-of-way: The setback of a proposed support structure shall be one hundred fifty (150) feet, or the height of the proposed support structure, whichever is greater.
 - III. From non-residential parcels: Where a proposed new support structure abuts a parcel of land planned, zoned or used for a non-residential use (commercial or industrial), and does not contain a residential dwelling, the minimum setback of the structure shall be fifty (50) percent of the height of the support structure.

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- d. Where an existing structure will serve as an attached wireless communication facility, setbacks of the existing structure shall not be materially changed or altered, based upon a determination by the Planning Commission and Board of Commissioners.
- e. There shall be an access drive to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of fourteen (14) feet in width and meet the construction requirements of a Multiple Residence Drive (MRD) under [Section 5.15 Multiple Residence Drive \(MRD\)](#) herein.
- f. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- g. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with or enclosed within the principal building.
- h. The Planning Commission and Board of Commissioners shall review and approve the color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- i. The support structure system shall be constructed in accordance with federal, state and local codes, including all applicable building codes. Submission for building permit shall include the submission of a soil report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and Michigan Aeronautics Commission shall be noted.
- j. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonable prudent standard.
- k. An open weave wire fence at least six (6) feet in height shall be constructed and set away from the base of the tower at least ten (10) feet in all directions.
- l. Advertising signs are prohibited on tower structures.
- m. Minimum lighting standards required by the FAA shall be placed on the tower structure.
- n. The proposal shall be reviewed in conformity with the collocation requirements of this section.

C. **Application requirements.**

1. A site plan prepared in accordance with [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#) shall be submitted to the Office of the Zoning Official. Said application shall be deemed administratively complete unless determined not to be by the Zoning Official or their assignee within fourteen (14) days of submission. The Special Land Use application must be approved or denied within ninety (90) days of the application being determined administratively complete or else deemed approved.
2. The site plan shall include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base and accessory buildings in accordance with [Section 5.8 Landscaping, greenbelts, buffering and screening](#), Landscaping, Greenbelts, Buffering and Screening. In all cases, there shall be shown on the plan, fencing which is required for protection of the support structure and security from children and other persons who may otherwise access the facilities.
3. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall. The certification will be utilized along with other criteria, such as applicable regulations for the district in question in determining the appropriate setback to be required for the structure and other facilities, if greater than required in [subsection B.2.c](#) of this section.
4. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in [subsection E](#) of this section. Removal. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash or (2) surety bond.
5. The application shall include a map showing existing and known proposed wireless communication facilities within the County and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the County which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality.
6. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. The owner shall update this information annually during all times the facility is on the premises.

D. **Collocation.**

1. **Statement of policy.** It is the policy of the County to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures. It is also the policy of the County to approve new facilities only if it is demonstrated that the new facility can and will support numerous collocations. Collocations are permitted by right and subject to administrative site plan review provisions of the Ordinance.
2. **Feasibility of collocation.** Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
 - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility is able to provide structural support.

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- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas and the like.
 - d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the County, taking into consideration the standards set forth in this section.
3. **Requirements for collocation.**
- a. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
 - b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
 - c. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use and shall not be altered, expanded or extended in any respect.
- E. Removal.
- 1. The County reserves the right to request evidence of ongoing operation at any time after the construction of an approved wireless communication facility.
 - 2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
 - b. Six (6) months after new technology is available at reasonable cost as determined by the County, which permits the operation of the communication system without the requirement of the support structure.
 - 3. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Official.
 - 4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.
- F. Wireless communication facilities in the MR Mineral Resource Extraction district.
- 1. Wireless communication facilities are a special land use in the MR district that may be permitted following special approval, provided that such facility will not impede or prohibit either the development of the minerals or the post-mining development.



4.34 Medical hardship housing opportunity

- A. It is the intent of this section to provide standards that will allow extended family living in traditional single family neighborhoods. Such provisions will permit the conversion of or addition to, a single family dwelling to include an accessory dwelling unit as a means of accommodating an elderly parent or other family member with a documented medical hardship requiring daily assistance and care. Also permitted will be the placement of detached, removable, self-contained residential units designed for installation on the same lot as the principal dwelling.
- B. **Accessory apartment:** The following provisions shall apply.
1. Principal dwelling must be owner occupied.
 2. Such conversion or addition of an accessory apartment shall not change the exterior presentation of the principal as a single-family dwelling.
 3. One additional parking space beyond that provided for the principal dwelling.
 4. Approval by the Mid-Michigan District Health Department to utilize existing water and septic facilities, or approval to modify, increase in size, or implement a new system.
 5. For the property under petition, a statement recorded with the Clinton County Register of Deeds that no person unrelated to the owner of the principal dwelling shall occupy said accessory apartment and that the accessory apartment shall provide housing opportunity for a person being cared for, or is caring for, a relation.
 6. Occupancy of the unit is for up to two (2) blood relatives of those persons occupying the principal dwelling unit.
 7. Such unit has a kitchen (or kitchenette), bath, living area, and sleeping area.
- C. **Detached, movable, self-contained units:** The following provisions shall apply:
1. Only owner of principal dwelling may install a detached, movable, self-contained unit (hereinafter referred to as "unit").
 2. The unit shall be removed upon cessation of occupancy of extended family member identified in the special land use approval.
 3. The unit must meet front and side yard setbacks of the district in which it is located.
 4. Planning Commission may establish temporary rear yard setback for a medical hardship housing opportunity unit.
 5. Unit shall meet applicable codes for manufactured housing.
 6. Bonding, or other economic guarantee satisfactory to the Planning Commission, shall be provided to the County to assure the removal of the medical hardship housing opportunity unit upon cessation of use.
 7. Planning Commission may establish time limits on the utilization of the medical hardship housing opportunity unit.
 8. Occupancy of the unit is for up to two (2) blood relatives of those persons occupying the principal dwelling unit.
 9. Such unit has a kitchen (or kitchenette), bath, living area, and sleeping area.

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4.35 Home based business

The regulation of a Home Based Business as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential character of the agricultural and residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. A Home Based Business is intended for service type businesses, not to include general retail, office, or industrial. The Planning Commission shall make determination as to whether proposed use fits the intent and purpose of the Ordinance.

- A. The minimum lot size for a Home Based Business is three (3) acres;
- B. The Home Based Business shall occupy no more than one existing accessory building that is in addition to the residential dwelling unit on the same lot. The non-residential use shall only be permitted in a dwelling unit and/or one (1) existing accessory structure;
- C. The non-residential use shall only be incidental to the primary residential use. All activities shall be carried on within an enclosed structure and shall not require, or result in, any permanent interior or exterior alterations to the dwelling or property upon which the dwelling is located;
- D. No Home Based Business accessory building shall be permitted within one hundred (100) feet of any adjoining lot line;
- E. No equipment or process shall be used in such Home Based Business that creates noise, vibration, glare, vermin, animal waste, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- F. No storage or display of goods within the dwelling unit or accessory structure shall be visible from adjacent property;
- G. The Home Based Business shall not require additional off-street parking spaces or loading or unloading areas;
- H. The Home Based Business shall not entail the use or storage of explosive, flammable, or otherwise hazardous waste;
- I. The dwelling on the site shall be occupied by the owner of the Home Based Business;
- J. The Home Based Business shall occupy no more than twenty five percent (25%) or 800 square feet (whichever is less) of the floor area of the dwelling unit, but may occupy all of the accessory structure;
- K. The Home Based Business shall permit no more than two (2) employees on the premises other than members of the immediate family residing on the premises;
- L. The outdoor storage of goods and/or materials are prohibited, with the exception of large equipment, which at the discretion of the Planning Commission may be located within a buffered and screened area.
- M. No traffic shall be generated by such Home Based Business in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such Home Based Business shall be met off the street and other than in a required front yard, although motor vehicles may be parked in an existing driveway, if it is of sufficient size. No additional off-street parking demand shall be created;



- N. All lights shall be directed on site and shielded to reduce glare to adjacent areas;
- O. Hours of operation shall be determined by the Planning Commission.
- P. There shall be no exterior advertising of a Home Based Business.

4.36 Rural historical institutional structures

- A. **Purpose.** The purpose of this section is to provide for the rehabilitation and reuse of historically institutional buildings located in rural portions of Clinton County and to ensure the appropriate redevelopment and preservation of historical practices consistent with the County's rural character. The intent of the section is to provide for suitable alternatives to the conversion of historically implemented institutional buildings for residential purposes. This section does not attempt to establish a historical district or promote the conversion of historical structures from originally intended purposes.
- B. **Applicability.** Said section is applicable if all of the following conditions apply:
 1. The structure on the property is characterized as a historical structure formerly utilized for institutional purposes, such as a place of worship or school.
 2. For purposes of this section, historical institutional structures are defined as originally constructed between 1800 and 1933.
 3. The structure is not regulated or currently eligible for consideration under Federal and State regulations regarding their use and redevelopment.
 4. The development does not depend upon the extension of a public sewer or public water supply system.
 5. The Planning Commission shall assess the compliance of the proposal under the Comprehensive Plan designation "Rural Commercial."
- C. **Subject to other applicable ordinances.** The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 1. The provisions of this Ordinance that are not in conflict with and/or preempted by this section.
 2. The Land Division Act.
 3. Subject to the rules and regulations of the Clinton County Drain Commissioner, Clinton County Road Commission and Mid-Michigan Health Department rules and regulations.
 4. Subject to all regulations put forth by the State of Michigan regarding the rehabilitation and reuse of historically significant structures.
- D. **Review and approval standards.**
 1. Permitted retail uses shall include the following:
 - a. Arts & Crafts
 - b. Locally grown products and processed foods, such as jellies, jams & preserves.
 - c. Antiques, not including antique vehicles.
 - d. Any additional uses as approved by the Planning Commission to be compatible and meeting the intent and purpose as noted above.
 2. Application for development under this section is subject to the approval process and information requirements put forth in [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#) of this Ordinance.

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3. Additional informational requirements under this section shall include:
 - a. A detailed written description of the past use history of the existing structure.
 - b. A detailed written description of the proposed use of the existing structure.
 - c. A detailed written and graphical description of the existing condition of the existing structure.
 - d. A detailed written and graphical description of the proposed rehabilitation of the existing structure.
 - e. Solicitation for comment and comment received regarding said proposal from the State Historical Preservation Office of the State of Michigan. Communication to the State office shall include a, b, c and d, above.
4. Performance standards under this section shall include:
 - a. Upon completion of rehabilitation, no more than 50% of usable floor area ↔ shall be utilized for retail purposes.
 - b. Upon completion of rehabilitation, no less than 25% of usable floor area ↔ shall be dedicated to portraying historical characteristics of the structure within the context of the community.
 - c. Parking shall be provided in compliance with [Section 5.5 Off-street parking and loading](#) of the Zoning Ordinance.
 - d. Signage shall be provided in compliance with [Section 5.7 Signs](#) of the Zoning Ordinance.
 - e. Lighting shall be the minimum as required for security purposes.
 - f. Hours of operation shall be contained within the hours of 8:00 A.M. to 7:00 P.M. Monday through Saturday and 10:00 A.M. to 5:00 P.M. on Sunday.
5. Front, rear and side yard setbacks ↔ and minimum required frontage and lot area of the underlying zoning district, established to protect the health, safety, and welfare of the general public, are to be met under this section, except by variance approved by the Board of Appeals.

4.37 Commercial, non-farm related nursery and greenhouse

- A. Minimum lot area shall be one (1) acre.
- B. The storage or materials display areas shall meet all the yard setback ↔ requirements applicable to any building in the District.
- C. All loading activities and parking areas shall be provided on the same premises off-street.
- D. The storage of any soil, fertilizer, or similar loosely package materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- E. No public address systems shall be audible from any adjacent parcel containing a residential dwelling. Moreover, there shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- F. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All regulations contained within [Section 5.6 Artificial lighting, exterior lighting, and glare](#) shall be met.
- G. There shall be no strings of flags, pennants or bare light bulbs permitted.
- H. All areas subject to patron vehicular use shall be paved. For those areas utilized for display, depending on the product being displayed, the Planning Commission and Board of Commissioners may determine the surface treatment (e.g., paved, graveled, etc.).

4.38 Stable, commercial

- A. **Location.** Commercial stables shall not be located on land that is part of a recorded plat.
- B. **Minimum size.** Commercial stables shall have a minimum of one (1) acre per animal, but in no such case shall there be less than twenty (20) acres.
- C. **Setbacks.** ↔ All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line planned, zoned or used for residential purposes and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public on-site.
- D. **Maintenance.** All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one-hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
- E. **Supervision.** Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

4.39 Private elementary, middle, or secondary school

- A. **Location requirements.**
 - 1. Ingress and egress to the site shall be only from a major thoroughfare.
 - 2. A preferential location is one that would offer natural or manmade barriers or buffer zone that would lessen the effect of intrusion of the institution on adjoining uses.
- B. **Site requirements.**
 - 1. The minimum lot or parcel size for schools shall be five (5) acres.
 - 2. No more than twenty-five (25) percent of the site area shall be covered by buildings.
 - 3. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
 - 4. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
 - 5. Parking areas shall not be located within fifty (50) feet of a residential district or use.
 - 6. Student drop off and vehicular turn around facilities shall be provided on the site so that vehicles will not interfere with traffic.
 - 7. No parking shall be allowed within the minimum front yard setback. ↔
 - 8. The principal building shall be no closer than seventy five (75) feet from any lot line or right of way.

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4.40 Limited mineral extraction

- A. Compliance with the following requirements under [Section 5.16 Creation of ponds](#), with the following exceptions:
 - 1. Mining and reclamation must be completed within a one (1) year period. Extensions shall only be permitted by renewing the special land use.
- B. Compliance with the requirements under [Section 3.11 Permit to mine in the MR Mineral Resource Extraction district](#), Permit to mine in the MR Mineral Resource District, with the following exceptions:
 - 1. The excavation, material storage, and equipment parking area shall not exceed five (5) acres in size.
 - 2. Hours of operation as put forth under [subsection H of Section 3.11](#) for all processes and hauling shall be from 8:00 A.M. to 5:00 P.M. Monday through Friday, and 8:00 A. M. until 3:00 P. M. on Saturday. All other restrictions apply.

4.41 Public service training facility

It is the intent of this section to make available locations for public service agencies, such as public and investor owned utilities, to train personnel on small to heavy equipment. Such training activities are anticipated to include trenching, excavating, installing and stabilizing pipe, poles, wire and other material that are common place in the providing, maintaining and securing of an essential service, such as electricity, gas, etc. However, such training facility must meet the following general standards of approval herein as well as meet the following specific requirements:

- A. The parcel on which a public service training facility is proposed cannot be less than forty (40) acres or the equivalent (either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres) for the duration of the use.
- B. Such training facility shall be limited to the following hours of operation: Monday through Friday, 8:00 A.M. to 6:00 P.M. with no hours of operation on Saturday, Sunday or holidays.
- C. Equipment is to be stored within a fully enclosed structure outside of hours of operation. The Planning Commission, however, as its sole discretion, may approve an outside storage area if screened appropriately from a public road and adjacent residences.
- D. No training activity shall occur within fifty (50) feet of the property line which is used or zoned for single-family residential purposes.
- E. The Planning Commission may require additional and substantial landscaping in areas where it is deemed appropriate to screen the training activities from existing or future residential areas.
- F. All sites to be in compliance with local ordinance concerning emergency access.

4.42 Limited recreational retreat center

- A. It is the intent of this section to provide locations within the County for potential small group meetings, educational gatherings and other “low impact” social events within both existing residential and commercial areas. Development of this nature is intended to help promote the reuse of both residential and commercial structures within existing medium density population regions.
- B. The business operations must be harmonious within the existing local community’s physical characteristics including site landscaping, exterior façade design, ingress/egress and parking. Additionally, any activities occurring upon the site shall not cause a nuisance due to noise, odor, lighting, vibration or traffic generation.
- C. The operations involved within the structure are not to involve the retail sale of goods or commodities.
- D. Maximum permitted number of rooms utilized for sleeping purposes within an establishment shall be not more than six (6) bedrooms for those parcels residentially zoned. Commercially zoned parcels shall have no more than twelve (12) possible bedrooms utilized for sleeping purposes. Each bedroom shall have a maximum of four (4) occupants pending appropriate square footage requirements.
- E. Any single guest/occupant of the limited recreational retreat shall be permitted to stay no longer than four (4) consecutive days or three (3) nights per week. Additionally, within one (1) calendar year a single guest may utilize the business’ services a maximum not to exceed thirty (30) days.
- F. There shall be no cooking facilities separate from the principal kitchen within the structure to be utilized for or by guests/occupants of the retreat.
- G. Sleeping quarters within the retreat shall be a minimum one hundred-twenty (120) square feet of space for the first two (2) occupants and fifty (50) square feet per additional occupant.
- H. The principle structure’s means of ingress/egress shall be illuminated at all non-daylight times during the permitted hours of operation. All lighting implemented upon the site must meet the minimum requirements within [Section 5.6 Artificial lighting, exterior lighting, and glare](#) of the ordinance.
- I. All parking areas of greater than five (5) spaces shall be set back from residentially planned, zoned or occupied parcels by no less than fifteen (15’) feet of the rear and side yard ↔ property lines.

Section 4.43.A

4.43 Utility-scale wind energy systems and facilities

Utility-scale wind energy systems and facilities shall include wind energy generation facilities (“WEGF”), utility-scale WES and MET towers proposed to measure wind potential for the preceding. Such uses are permitted within the A-1 and A-2 zoning districts as special land uses subject to the following requirements, standards and provisions:

- A. **Application requirements.** Prior to commencing construction or implementation of use, an application for a special land use must be filed, reviewed and approved for the establishment and implementation of a utility-scale WES, MET tower or WEGF. Where applicable, information required for review shall include the following in addition to the information requirements and standards for special land use and site plan review contained in [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#) of the Ordinance:
 1. **Electromagnetic/Structural interference.** A report shall be produced by a third party, qualified professional to review any impacts to existing television, telephone (including cellular and land line), microwave, navigational, or radio reception within one (1) mile of the utility-scale WES or WEGF Participating Parcel boundaries. Additional consideration of electromagnetic and structural interference may be required beyond one (1) mile in response to existing or planned local, state or federal emergency communication systems.
 2. **Soil conditions.** The applicant shall produce a geotechnical engineering evaluation demonstrating that the load bearing characteristics of the site soils are suitable for petitioned improvements. Such a report must be prepared by a qualified professional.
 3. **Shadow flicker.** The applicant shall provide a detailed report including a visual site plan illustrating potential shadow areas produced by the Utility-scale WES or WEGF including a summation of the impacts the proposed utility-scale WES or WEGF may have upon neighboring/adjacent properties and homes. The summation shall include, but not be limited to, the number of hours per day per year and mechanisms or mitigation efforts that could be implemented to minimize any negative effects.
 4. **Audible sound.** The applicant shall provide a report of the potential audible conditions created by a utility-scale WES or WEGF. The report must be produced and certified by a registered professional engineer licensed within the State of Michigan and meet ANSI standards and methodology for the measurement of sound to the extent that those standards and methods are applicable to providing accurate and substantive information for review by the County. Said report shall, at a minimum, include:
 - a. A description and map of the project’s sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis of the expectation.
 - b. A description and map of the existing land uses and structures including any residences, hospitals, libraries, schools, places of worship, and parks within a half (1/2) mile of the proposed utility-scale WES or WEGF Participating Parcel boundaries. Said description shall include the location of the structure/land use, distances from the source of the sound or utility-scale WES or WEGF and ambient decibel readings (including the date and time when measurements are taken) for each identified land use and structure described and mapped. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient sound (including seasonal variation) and the affected sensitive receptors located within one (1) mile of the proposed participating parcel(s). Potential sensitive receptors at relatively less windy or quieter locations shall be emphasized and any problem areas identified.



- c. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to structures and land uses identified in the preceding item.
5. **Wind resource availability.** Prior to any application being accepted for a utility-scale WES or WEGF a thorough wind assessment study applied within a potential project area must be completed for a period of time no less than one (1) year. The height of a meteorological tower/anemometer device(s) measuring said resource must be placed within the potential vertical swept blade area of the utility-scale WES or WEGF.
6. **Technical documentation.** The following information is to be assembled and submitted for review of a utility-scale WES, MET tower or WEGF special land use petition:
 - a. Wind energy facility technical specifications including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions. ↔
 - b. Structure cross-section drawings and details signed by a Professional Engineer licensed to practice in the State of Michigan.
 - c. Structure cross-section drawings and details signed by a Professional Engineer licensed to practice in the State of Michigan.
 - d. Electrical schematic illustrating the proposed support infrastructure wires location, depth and directional flow of power from the utility-scale WES or WEGF to the utility's connection lines.
7. **Fire prevention and emergency response plan and requirements.** The following information is required to be provided to allow for adequate response to emergency situations.
 - a. Describe the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders.
 - b. Designate the specific agencies that would respond to potential fire or other emergencies.
 - c. Describe all emergency response training and equipment needed to respond to a fire or other emergency including an assessment of the training and equipment available to the designated agencies.
8. **Environmental impact issues.** In consideration of the application for a utility-scale WES or WEGF, documentation shall be provided demonstrating that the improvements will comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, MCL 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - b. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.),
 - c. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - d. Part 303 Wetlands (M.C.L. 324.3030 1 et seq.),

The site plan and other documents shall illustrate and describe mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands, avian and wildlife (migratory bird patterns and bat population effects), other fragile ecosystems, historical/cultural sites and antiquities as identified per the latest available Michigan Natural Features Inventory.

Section 4.43.A

9. **Site plan requirements and additional data.** Any site plan for a utility-scale WES, WEGF or MET tower must include the information required by [subsection I](#) and [subsection O](#) of [Section 6.1 Site plan review](#) of the Ordinance in addition to the following information:
 - a. The minimum required setbacks for a utility-scale WES, WEGF or MET tower shall be displayed on the site plan. ↔
 - b. Identification and location of the Participating Parcels on which the proposed utility-scale WES, WEGF or MET tower will be located including distances from principal residential structures on Participating Parcels and distances from both property lines and principal residential structures on Non-Participating Parcels. The applicant shall provide documentation that has been recorded at the Clinton County Register of Deeds from all property owners of Participating Parcel's that provides evidence the owner agreed to be a Participating Parcel as defined herein.
 - c. An illustration of the proposed type of utility-scale WES, WEGF or MET tower.
 - d. Proof of the applicant's liability insurance for the subject property(s) and petitioned improvements.
 - e. A written description of the decommissioning and reclamation plan including contact information for those performing maintenance upon the structures, operators of the development and participating parcel owners.
 - f. A site grading, erosion control and storm water drainage plan must be submitted and approved by the Clinton County Drain Commission ("CCDC") prior to approval of the special land use and site plan being issued for the implementation of a utility-scale WES or WEGF.
 - g. A description, or travel plan, of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries for utility-scale WES or WEGF. The travel plan must include the load capacity of the affected road, an assessment of the roadway prior to and after the construction efforts have been completed and an intersection display or diagram indicating where and what type of improvements are necessary for transportation, delivery or maintenance purposes for any utility-scale WES or WEGF. Any road repairs necessary post construction to impacted roadways will be the responsibility of the owner/operator of the utility-scale WES or WEGF and such necessary repairs must be performed in compliance with all applicable requirements of the Clinton County Road Commission ("CCRC").
 - h. A statement indicating what if any hazardous materials will be used and/or stored on the site.
 - i. A statement certifying that every utility-scale WES, MET tower or WEGF shall be inspected on an annual basis to ensure that all equipment related to the development is in proper working condition. The applicant must submit the name and contact information for the person or organization responsible for general maintenance of the structures.
 - j. Any additional information deemed necessary by the Zoning Official to demonstrate compliance with the requirements found in this section or any other section of the Ordinance.



B. General requirements.

1. The proposed installation of the WEGF, utility-scale WES or MET tower shall be consistent with the goals and objectives related to agricultural preservation including the general public's health, safety and welfare within Clinton County. This includes review of potential growth and development areas of the County surrounding incorporated municipalities and in other areas in the Comprehensive Plan identified for residential growth.
2. **Visual appearance.**
 - a. Utility Scale WES, WEGF or MET towers shall be required to be of a neutral, non-reflective, non-obtrusive color which must be maintained throughout the life of the product to mitigate visible oxidation or corrosion.
 - b. Lighted safety beacons may be installed upon the top of the structure's nacelle to adhere to Federal, State, or local requirements, including FAA requirements, or to the extent necessary for the reasonable safety and security thereof. All lighting shall be shielded to prevent off-site glare and light splash on adjacent properties or structures.
 - c. No advertising shall be permitted upon a utility-scale WES, WEGF or MET tower. Additional items such as banners, streamers, flags and related items are similarly prohibited
 - d. Utility-scale WES and WEGF shall not utilize guy wires. MET towers shall be exempt from this requirement.
 - e. A proposal for a WEGF, utility-scale WES or MET tower shall incorporate screening and buffering into the site design to minimize negative visual impacts upon neighborhoods, community landmarks, historic sites and buildings, natural environmentally sensitive areas and public right-of-ways.
3. **Audible sound.**
 - a. Sound emanating from the operation of a utility-scale WES, WEGF or MET tower shall not exceed forty-five (45) dB(A) as measured at the exterior of a principal residential structure on a Non-Participating Parcel that is in existence at the time the special land use and final site plan for a utility-scale WES, WEGF or MET tower is approved. This sound pressure level may be exceeded during short-term events such as severe windstorms. If the ambient sound pressure level exceeds forty-five (45) dB(A) during a short-term event, the standard shall be ambient dB(A) plus five (5) dB(A) as measured at the exterior of a principal residential structure on a Non-Participating Parcel.
 - b. Sound emanating from the operation of a utility-scale WES, WEGF or MET tower shall not exceed fifty-five (55) dB(A) as measured at the property line of a Non-Participating Parcel that is in existence at the time the Special Land Use and Final Site Plan for a utility-scale WES, WEGF or MET tower is approved. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dB(A) during a short-term event, the standard shall be ambient dB(A) plus five (5) dB(A) as measured at the property line of a Non-Participating Parcel.
4. **Height.** ↔ No utility-scale WES, WEGF or MET tower shall exceed a total height of four hundred and fifty (450) feet.

Section 4.43.B

5. **Setbacks.** ↔ All required setbacks shall be measured from the edge of the base of a Utility-Scale WES, WEGF or MET tower to the applicable property line, structure or other feature where setbacks are noted as required. Utility-scale WES or WEGF must meet the provisions set forth in [Table 4.44.B.5 Utility-scale setbacks](#) below. A MET tower shall maintain a minimum required setback of fifty (50) percent of the height of the facility from a property line.

Where applicable, certain setbacks may be reduced below the minimum requirement at the request of the owner of property where the setback of the utility-scale WES or WEGF is being measured against. This request must be provided for in a form recordable by the County Register of Deeds and include all documentation that the property owner has full ownership rights to request such reduction. The request and subsequent reduction if approved shall be considered part of the approved special land use and be recorded as a deed restriction against the property.

TABLE 4.43.B.5			
UTILITY-SCALE SETBACKS			
	Required setback/separation	Availability of waiver for required setbacks/separations	Special provisions not applicable for waiver
Principal residential structure existing upon approval of the special land use *	4 times the total height of the WES structure, but no less than 1,600'	Available	No less than 1,000'
Participating parcel property line	0	Not applicable	None
Non-Participating Parcel property line	1.5 times the total height of the WES structure	Available	No less than the minimum required setbacks for a principal structure set forth in the underlying zoning district
Public road right-of-way or existing electrical/gas transmission lines	1.5 times the total height of the WES structure	Available	50 ft.
Between utility-scale WES structures	No less than 3 times the rotor diameter	Not applicable	
*The above minimum setback requirement regarding distance from a principal residential structure is the minimum distance that an approved Utility-Scale WES or WEGF shall be established from an existing principal residential structure. Principal residential structures developed on property following the approval of a utility-scale WES or WEGF on Participating or Non-Participating Parcel shall not be required to meet the minimum required setback.			

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



6. **Low-impact design layout.** The placement of WEGF, utility-scale WES and MET towers shall attempt to minimize the impacts on agricultural production and farming activities including, but not limited to, tiling systems, harvest and planting patterns or pasture areas.
 - a. Appropriate locations within existing agricultural lands shall be encouraged along fence rows, tree lines, forest areas and other portions of land which are not typically utilized for agricultural production.
 - b. Land clearing, soil erosion and clearing of natural vegetation shall be limited only to that which is necessary for the construction, operation and maintenance of the WEGF, utility-scale WES or MET tower and as otherwise prescribed by applicable laws, regulations, and ordinances.
 - c. Any cooling system ventilation, generators or other potential sources of sound must be referenced by location and type per utility-scale WES or MET tower on the final site plan. Any sound generating device must be located and/or oriented in a manner which will minimize any negative impacts to neighboring parcels.
7. **Safety.**
 - a. Utility scale WES, MET tower or WEGF shall not be climbable on the exterior of the structure.
 - b. All access doors and interior access points shall be lockable and accessible only to those either constructing or maintaining the utility-scale WES, MET tower or WEGF.
 - c. Appropriate warning signs shall be placed at the base of the utility-scale WES towers, MET tower or WEGF or on any associated electrical equipment.
 - d. All drives for purposes of providing access to a utility-scale WES or WEGF shall be required to have an entrance gate no closer than fifty (50) feet from the public road right-of-way where the access drive intersects.
 - e. The blade's tip or other rotating mechanism on any utility-scale WES, MET tower or WEGF shall not be less than seventy-five (75) feet from the ground when measured from the blade's rotational lowest position to ground level.
 - f. Each utility-scale WES or WEGF shall be equipped with both a manual and automatic braking device capable of stopping the operation of rotating blades in high winds and adverse weather conditions.
 - g. The applicant must submit the name and contact information for the person or organization responsible for the general maintenance of the structures.
 - h. All utility-scale WES, MET tower or WEGF must have lightning protection.
 - i. The County or any emergency service provider who services the County has the authority to order any utility-scale WES, MET tower or WEGF to cease its operations if they determine in good faith that there is an emergency situation involving the utility-scale WES, MET tower or WEGF that may result in danger to life or property. The Owner and/or operator shall provide the County and emergency services providers access to the braking device identified in [subsection f](#) above at all times. The owner/operator is to be notified, but not required to be present, in such an emergency situation.
8. **Shadow flicker.** A utility-scale WES or WEGF shall not be allowed to cast a shadow upon an adjacent or nearby Non-Participating Parcel's principal residential structure for a period of time in excess of thirty (30) hours per year unless said affected property owner provides written permission in a form recordable by the Clinton County Register of Deeds.

Section 4.43.B

9. **State/Federal requirements.** All utility-scale WES, WEGF or MET tower shall meet or exceed any applicable standards and regulations of the FAA, Michigan Bureau of Aeronautics, Michigan Public Service Commission, National Electric Safety Code, U.S. Fish and Wildlife Service and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures.
10. An ongoing log of maintenance activities performed on a utility-scale WES or WEGF shall be submitted to the County on an annual basis to discourage physical evidence of technical obsolescence.
11. **Environmental impact.** A utility-scale WES, MET tower and/or WEGF shall comply with the applicable parts of the Michigan Natural Resources and Environmental Protection Act (1994 PA 451, M.C.L. 324.101 et seq.), including but not limited to:
 - a. Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.),
 - b. Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.),
 - c. Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
 - d. Part 303 Wetlands (M.C.L. 324.3030 1 et seq.),
12. **Performance guarantee requirements.**
 - a. Prior to a decision on a special land use, the County shall have the option to retain the services of an independent and certified professional engineer to estimate the total cost of both the decommissioning of utility-scale WES, MET tower or WEGF and reclamation efforts needed to return affected grounds back to their original physical condition. The Applicant shall be responsible for the costs of obtaining such estimate.
 - b. The owner/owners and or operator of the utility-scale WES, MET tower or WEGF shall post a performance guarantee pursuant to [Section F.3 of Section 6.2 Special land uses](#) of the Ordinance equal to one hundred twenty-five (125) percent of the total estimated decommissioning and reclamation costs.
 - c. Over the life of the performance guarantee, the County shall have the opportunity to review the total amount every five (5) years and adjust the overall amount accordingly. The County shall have the authority to require an increase in the amount of the guarantee each year by at least the rate of inflation as established by the Consumer Price Index.
 - d. Said performance guarantee shall be posted and maintained with a bonding company or Federal or State chartered lending institution chosen by the owner/owners or operators posting the financial security and acceptable to the County.
 - e. Any lending institution shall be required to notify the County ninety (90) days prior to expiration of the applicable performance guarantee.
 - f. Upon a decommissioning of a utility-scale WES or WEGF, when the County has determined that decommissioning and site reclamation has been completed, written correspondence from said parties to the Board is required for the County to authorize a release of the performance guarantee associated with a utility-scale WES, MET tower or WEGF.

13. Decommissioning and removal procedures.

- a. The applicant shall submit a decommissioning plan to describe the anticipated life of the project, estimated decommissioning costs, net of salvage value in current dollars, methods of ensuring that funds will be available for decommissioning and any restoration efforts including a method of reclamation for each of the sites.
- b. Any utility-scale WES, MET tower or WEGF that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner/owners of such structure shall be required to either provide to the County a written explanation regarding why the tower is inoperable and a timeline of no longer than sixty (60) days to bring the facility back into compliance or apply for the necessary demolition permits for removal within ninety (90) days of receipt of written notice from the County.
- c. When a utility-scale WES, MET tower or WEGF is decommissioned, all items must be removed from the subject property, including buildings, electrical components, any roads, structure foundation, or other associated components to a depth no less than five (5) feet below grade. Reclamation of the site includes the planting of grasses or cover crops.
- d. Any material left under the five (5) foot requirement must be documented and recorded upon a certified survey and recorded within the Clinton County Register of Deeds.
- e. The owner/operator(s) may be exempt from removing certain items including but not limited to the entrance or roadway on the property, if the County grants written permission.
- f. Failure to provide explanation within sixty (60) days as described more fully in [subsection b](#) above or apply for the necessary demolition permits within ninety (90) days to the County for removal of an abandoned utility-scale WES, WEGF, or MET tower will hold the owner/operator(s) subject to the following:

Within a period of thirty (30) days after the applicable grace period expires, the County may begin the process of removing the utility-scale WES, WEGF or MET tower structure(s) and all associated equipment or appurtenances at the owner/operator(s)' expense. The County may then sell any salvageable material and deduct any monies generated from said sales from the balance of the required security bond.

14. **Post-construction activities.** To ensure compliance with the Ordinance's requirements the following actions must be taken pending completion of any utility-scale WES, MET tower or WEGF.
 - a. A final inspection by the CCDDC shall take place to ensure that soil erosion matters have been finalized.
 - b. Any roadway utilized for moving or construction purposes shall be inspected by both the Zoning Official and those representatives from the CCRC to ensure compliance with the travel plan within ninety (90) days of the project's completion date.
 - c. Following the completion of construction, certification that all construction was completed pursuant to the special land use and site plan approval.
15. **Collocation.** No collocation of any Wireless Communications Facilities shall be permitted on any utility-scale WES, MET tower or WEGF.

Section 4.43.B - 4.44

16. **Non-Compliance.** Non-compliance with the standards, requirements and limitations of this Ordinance shall constitute a violation and subject to enforcement pursuant to [Section 7.7 Enforcement, violations, and penalties](#).
- a. The County shall require the owner(s)/operators of the utility-scale WES, MET tower or WEGF to deposit funds in an amount sufficient to pay for a sound decibel level test conducted by a certified acoustic technician or professional engineer to determine compliance with the requirements of this Ordinance. Such compliance tests shall be at the request of the County.
 - b. The owner(s)/operators shall provide to the County a yearly compliance report that at a minimum addresses compliance with the shadow flicker and noise regulations of this Ordinance. The compliance report shall be well-documented, including measurements and location where measurements are taken. Such compliance report shall meet, where applicable, ANSI standards and methodology for the measurement of sound, light or shadow.
 - c. Complaints generated concerning noise and shadow flicker must be submitted to the County in writing from the affected property owner including their name, address and contact information. Inspection of complaints shall follow typical process and procedure under [Section 7.7 Enforcement, violations, and penalties](#) of the Ordinance and shall also include review of the compliance report. If it is found that upon inspection of the complaint by the Zoning Official that there may be a violation of the audible maximums outlined herein, the County may draw upon the deposited funds referenced under Item (a), above to retain professional assistance to determine compliance with the provisions herein.
 - d. If a utility-scale WES or WEGF is in violation of the Ordinance noise and/or shadow flicker requirements, the owner(s) shall take immediate action to bring the violation into compliance which may include ceasing operation of the structure until the violations are corrected.

4.44 Farm markets

At least fifty (50) percent of the products marketed and offered for sale at a farm market must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations.



4.45 Farm market enhanced

- A. **Intent and purpose.** The purpose of the following applicability objectives, performance standards, and requirements are to permit in rural portions of Clinton County the development of an enhanced farm market that is consistent with the County's rural character and historical practices, while also promoting agricultural business and agricultural tourism. The intent of the section is to provide for suitable options for rural economic development and agricultural tourism where non-agriculturally related products and uses are provided in addition to the farm related products and uses associated with a farm market.
- B. **Performance standards.**
1. In application for an enhanced farm market, the applicant shall demonstrate that the use is a benefit to the rural and agricultural components of the community and that the enhanced farm market is fundamentally based on a core farm market use.
 2. For enhanced farm markets intending to exceed the fifty (50) percent of products marketed, the applicant shall describe anticipated ratios of products processed and/or sold that are from non-affiliated farms and the anticipated ratios of products from regional agricultural production markets and non-regional agricultural production markets. The Planning Commission shall take into consideration the intent of this section to promote regional agriculture, the location and situation of the particular property being petitioned for use under this section, other activities and uses proposed on the site, the primary types of non-affiliated farm products to be sold and/or processed, and the overall intensity of the use in approving the anticipated ratios provided by the petitioner.
 3. All loading activities and parking areas shall be provided on the same premises and be off-street for an enhanced farm market.
 4. No public address systems shall be audible from any adjacent parcel containing a residential dwelling. Moreover, there shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
 5. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way. All regulations contained within [Section 5.6 Artificial lighting, exterior lighting, and glare](#), shall be met.
 6. All areas subject to patron vehicular use shall be paved or significantly graveled for adequate parking and travel lanes. For those areas utilized for display, depending on the product being displayed, the Planning Commission and Board of Commissioners may determine the surface treatment (e.g., paved, graveled, etc.).
 7. Parking areas shall be screened and buffered to limit view from adjacent or nearby properties occupied by single-family residential structures. The extent of screening and buffering shall be determined based on the intensity of use on the site and visibility of the site from single-family residential development.
 8. The Planning Commission shall have authority to regulate hours of operation of the on an enhanced farm market to mitigate negative impacts on the personal use and enjoyment of adjacent property.
 9. The Planning Commission may impose such additional reasonable conditions and safeguards deemed necessary for the public health, safety or general welfare, for the protection of individual property rights, and for insuring the intent and purpose of this Ordinance so long as they do not interfere with the RTFA and applicable GAAMP's. The breach of any condition, safeguard or requirement shall automatically invalidate the approval granted.

Section 4.46 - 4.47

4.46 Livestock and farm animals outside of a farming operation

- A. **Intent.** It is the intent of this section to provide definitions and standards for the keeping and maintenance of animals in the various zoning districts within the County. Raising or keeping of animals that are normally part of the livestock maintained on a farm, for personal enjoyment is prohibited except in the A-1, A-2 and A-3 zoning districts, subject to the following requirements. Such animals raised and kept as part of a farming operation are to maintain compliance with the rules, regulations and accepted practices established by the Michigan Department of Agriculture.
- B. **Class I animals.** Class I animals are permitted subject to the following:
1. Dogs shall be licensed in accordance with the provisions of Act No. 339 of the Public Acts of Michigan of 1919 (MCL 287.261, et seq., MSA 12.511 et seq.), as amended, and
 2. Dogs shall not create a public nuisance as defined in this Ordinance.
- C. **Class II animals.** Class II animals are permitted subject to the following:
1. Maintained on property with a minimum of three (3) acres of area.
 - a. One (1) acre of activity space shall be provided per each Class II animal up to a maximum of ten (10) Class II animals provided that they do not create a public nuisance as herein defined.
 - b. Activity spaces shall be counted as the sum total of ground floor stable/housing area, pasture and manure storage area. Activity spaces shall be contiguous and shall not include leased portions of property adjacent to principal property. ↔
 2. Areas where animals are housed, pastured and exercised shall be adequately fenced. Inability to prevent escape of animals from activity space shall be considered a public nuisance as herein defined
- D. **Class III animals.** Class III animals are permitted subject to the following:
1. Maintained on property with a minimum of two (2) acres of land area.
 2. Animals do not create a public nuisance as defined herein.
- E. **Class IV animals.** Class IV animals are permitted subject to the following:
1. Maintained in compliance with all Federal, State, or County laws.
 2. Animals do not create a public nuisance.
- F. **Class V animals.** Class V animals shall not be maintained anywhere within the County
- G. **Setbacks** ↔. Anyone wishing to raise or keep live stock and farm animals for personal enjoyment shall be required to meet the following setbacks:
1. No portion of any building, barn, stable or similar structure used for the housing of animals shall be permitted within one hundred (100) feet of any adjoining property line planned, zoned or used for residential purposes.
 2. The storage of manure, odor or dust producing materials is also prohibited within 100 feet of any property line.

4.47 Administrative offices of nonprofit organizations

Facilities such as administrative offices of non-profit organizations and agencies such as labor unions, civic and social and fraternal associations, and political and religious organizations shall not include assembly halls.

4.48 Solar farms

- A. **Intent and purpose.** To allow and promote the use of solar energy within the County as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar farm facilities subject to reasonable conditions that will protect the public health, safety and welfare. These regulations establish minimum requirements for solar farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.
- B. **Minimum lot size.** There is no minimum lot size. Each solar farm is permitted as a special land use which review will consider its compatibility with the surrounding area.
- C. **Height restrictions.** All photovoltaic panels and support structures located in a solar farm shall be restricted to a maximum height of sixteen (16) feet when oriented at a maximum tilt.
- D. **Setbacks.** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of twenty (20) feet from a side or rear property line and a minimum of fifty (50) feet from any road right-of-way. All facilities shall also be setback at least to the limit of any established County drain right-of-way or easement unless special provisions are formally agreed to with the Drain Commissioner so as not to impede/obstruct access along the County drain.
- E. **Maximum lot coverage.** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
- F. **Safety/Access.** A security fence (height and material to be proposed and reviewed/approved through the special land use permit process) shall be placed around the perimeter of the solar farm and electrical equipment. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- G. **Noise.** No solar farm facilities shall exceed sixty (60) dBA as measured at the property line.
- H. **Glare.** Solar farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.
- I. **Landscaping.** The special land use application for a solar farm shall include a proposed landscaping and screening/buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the special land use approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road right-of-ways. The use of berms and evergreen plantings along property lines adjacent to residential land uses is strongly encouraged. Trees shall be a minimum of four (4) feet tall at time of planting and shall remain in good condition for the life of the solar farm.
- J. **Local, State and Federal permits.** Solar farm facilities shall be required to obtain all necessary permits and licensing from the underlying Township, Clinton County, State of Michigan and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
- K. **Electrical interconnections.** All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines are prohibited within the site.

Section 4.48.L

- L. **Additional special land use criteria.** In addition to the special land use (and site plan) requirements contained in [Section 6.2 Special land uses](#), the applicant shall address the following topics in the application for solar farm facilities.
1. **Project description and rationale.** Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
 2. **Analysis of on-site traffic.** Estimated construction jobs and estimated permanent jobs associated with the development.
 3. **Visual impacts.** Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
 4. **Environmental analysis.** Identify impacts on surface water quality and any impacts to County drains and/or established natural or private drainage features in the area.
 5. **Waste.** Identify any solid or hazardous waste generated by the project.
 6. **Lighting.** Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting shall conform to the requirements of [Section 5.6 Artificial lighting, exterior lighting, and glare](#) and must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
 7. **Transportation plan.** Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drives.
 8. **Public safety.** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
 9. **Sound limitations.** Identify noise levels at the property lines of the project when completed and operational.
 10. **Telecommunications interference.** Identify any electromagnetic fields and communications interference that may be generated by the project.

11. **Life of the project and final reclamation.** Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project.
 - a. To ensure proper removal of the project upon abandonment/termination of the project, applicants shall include a description of the financial security guaranteeing removal of the system which must be posted with the County within fifteen (15) days after approval or before a building or construction permit is issued for the project. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the County. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the County.
 - b. If the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project, the County, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.
 12. **County review.** Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the County Planning Commission and Board of Commissioners shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this section as part of the special land use review process.
- M. In the MR Mineral Resource Extraction district, solar farms may be permitted after special land use approval, provided that such facility will not impede or prohibit either the development of the minerals or the post-mining development.

Section 4.49

4.49 Private aircraft hangars

- A. **Intent and purpose.** To allow the construction and use of private aircraft hangars on properties that are adjacent to, and have approved access to, a General Aviation or Private Airport that has already received special land use approval by the County, or is otherwise already legally established and licensed for aeronautical purposes.
- B. **Use.** Private aircraft hangars may be established on a property by themselves or in conjunction with another authorized use permitted in the underlying zoning district (such as a single family dwelling).
- C. **Authorized access.**
 - 1. Prior to building permit issuance, the applicant shall provide the County with a copy of the written approval of the adjacent licensed airport authorizing access and use of the airport runways. The applicant shall also include a copy of an executed and recorded easement to a taxiway.
 - 2. The Capital Regional Airport Authority located in DeWitt and Bath Charter Townships is not subject to these provisions as it is out of the County's zoning jurisdiction as well as being a commercial air carrier that does not allow "through the fence" operations (hangers).
- D. **Lot size.** All lots proposed for private hangar use/construction, must comply with underlying zoning or have been otherwise already legally established or recognized.
- E. **Height/Setback/Lot coverage.** All private hangars shall meet the minimum height and setback requirements of the underlying zoning district. The size of private hangars, and other structures on the subject property, are limited by the lot coverage requirements of the underlying zoning district.
- F. **Door orientation/type.** All doors larger than a customary garage overhead door used to access the hangar for storage or maintenance of aircraft shall be directed towards an active taxiway used to access the airport runways (and in no case shall directly face an active runway or face an abutting road right-of-way). All doors larger than standard garage doors shall be of a foldable nature designed specifically for aircraft hangar use.
- G. **External storage.** There shall be no exterior storage of aircraft, aircraft parts or other associated items outside of the hangar unless prior approval is granted by the Clinton County Community Development Department. Temporary approval may be considered for the outside storage of aircraft related items (not to exceed 6 months) during the repair or rebuilding of an aircraft.
- H. **Building permits.** All private hangars require a building permit and construction in accordance with the current issue of the Michigan Building Code.
- I. In the A-1 district, private aircraft hangars are permitted on properties adjacent to approved private airports in the A-1 district.
- J. In the A-2, A-3, RR, R-1, R-2, C-1, C-2, C-3, MR, RO, I-1, and I-2 districts, private aircraft hangars are permitted on properties adjacent to approved general aviation and private airports.

4.50 Recreational marihuana establishments prohibition

Marihuana establishments, as defined in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act, are a prohibited use in all zoning districts within the boundaries of the following townships, each of which has adopted an ordinance prohibiting such marihuana establishments:

- A. Bingham Township
- B. Duplain Township
- C. Eagle Township
- D. Essex Township
- E. Greenbush Township
- F. Lebanon Township
- G. Olive Township
- H. Ovid Township
- I. Riley Township
- J. Victor Township
- K. Westphalia Township

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Chapter 76 | Article 5

Site Standards

Article 5 - Site Standards

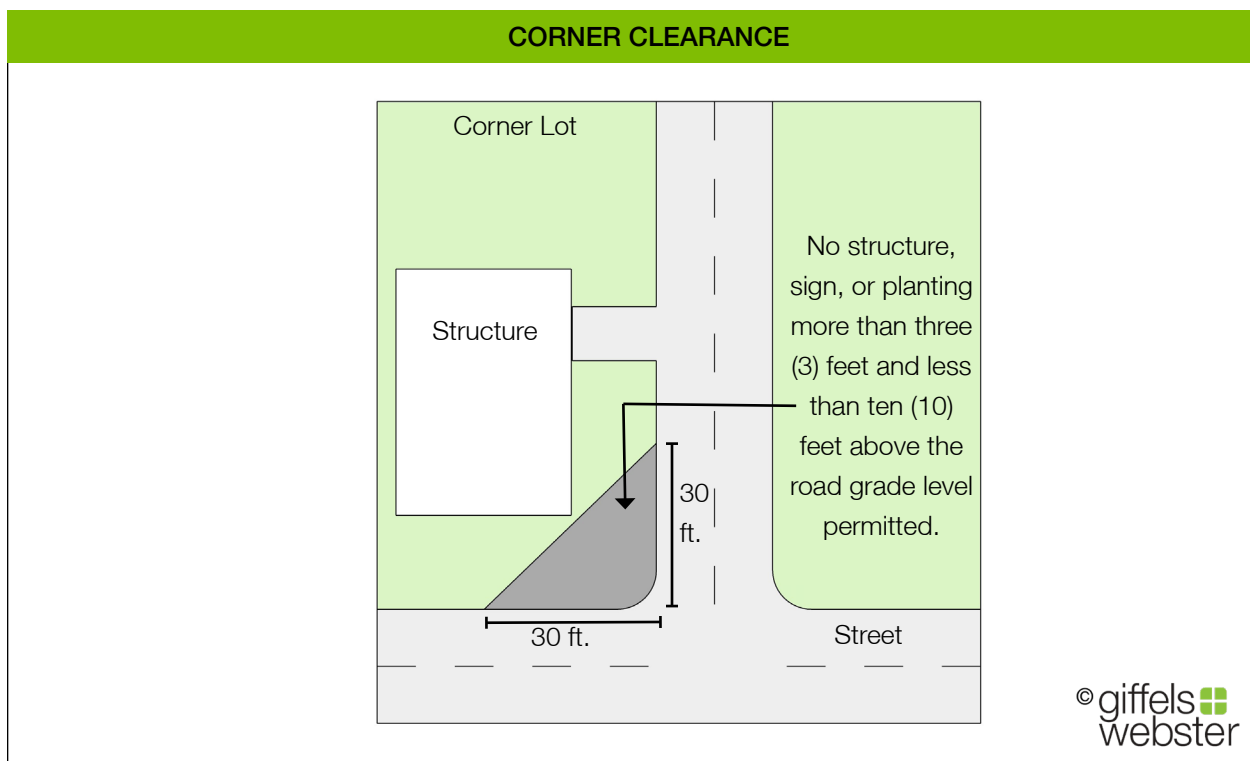
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5.1 Intersection visibility

On any corner lot in any district having front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility of street vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines. Such areas may also be subject to review and requirement of the Clinton County Road Commission and Michigan Department of Transportation.



Section 5.2 - 5.3

5.2 Required access/street frontage

Any parcel of land that is to be occupied by a use or a structure shall have the minimum lot width ↔ as prescribed in the district where it is located and frontage on and direct access to a public or private street that meets one of the following conditions:

- A. A public road which has been, or shall be accepted for maintenance by the Clinton County Road Commission; or
- B. A permanent and unobstructed multiple residence drive of record, reviewed, approved and built in accordance with [Section 5.15 Multiple Residence Drive \(MRD\)](#).

5.3 Building grades

- A. Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Zoning Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.
- C. Final grades shall be approved by the Zoning Official who may require a grading plan that has been duly completed and certified by a registered engineer or land surveyor.

5.4 Off-street stacking space for drive-through facilities

All businesses, which provide drive-through facilities for serving customers within their automobile, shall provide adequate off-street stacking space and lanes, which meets the following requirements:

- A. Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.
- B. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety.
- C. For all drive-through facilities, which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- D. The number of stacking spaces per service lane shall be provided for the following uses. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use, as determined by the Zoning Official, shall apply.

Table 5.4.D	
MINIMUM STACKING SPACES PER USE	
Use	Stacking spaces per service lane minimums*
Banks	4
Photo service	4
Dry cleaning	4
Quick lube	4
Fast-food restaurants	6
Car washes (self-service)	
Entry	3
Exit	1
Car washes (automatic)	
Entry	6
Exit	2
*Additional stacking spaces may be required at the discretion of the Planning Commission.	

Section 5.5.A-E

5.5 Off-street parking and loading

- A. **Intent of parking provisions.** It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. All vehicles shall be stored on the premises occupied by the principal building but may be stored outside the premises within specifically limited walking distances as specified herein.
- B. **Definitions.** The words, terms and phrases, when used in this section, shall have the meanings ascribed to them under the definition of [Lighting \(Artificial, Exterior, Site\)*](#) in [Article 2 - Definitions](#).
- C. **Requirements for a use not mentioned.** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned, and which is most similar to the use not listed shall apply. Such determination shall be made by the Zoning Official using a standard of “similar” and “comparable.” The Zoning Official may, at their discretion, submit for consideration to the Board of Appeals.
- D. **Use of parking areas.**
1. No commercial repair work, servicing or selling of any kind shall be conducted in any designated parking area.
 2. Parking spaces shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
 3. Building additions or other changes in floor area. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the use change increased floor area or capacity.
- E. **Joint use of parking areas.** The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
- a. **Computing capacities.** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 - b. **Record of agreement.** A copy of an agreement between joint users shall be provided with the application for approval. If approved, said agreement shall be recorded as a deed restriction with the Register of Deeds of Clinton County. The agreement and deed restriction shall guarantee for continued use of the parking facility by each party.



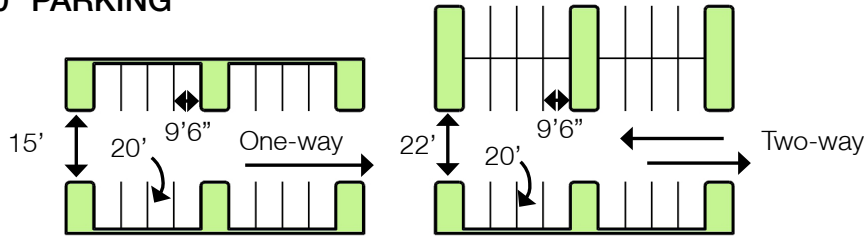
- F. **Location of parking areas.** All off-street parking areas shall be located on the same lot, or premise, with the exception of the following:
 - 1. Uses in the Commercial (C-1, C-2, C-3), and Research-Office (RO) districts. Parking on the premises or within five hundred (500) feet in an approved off-street parking facility or on other premise where a joint parking agreement is approved under [subsection E of Section 5.5 Off-street parking and loading](#).
 - 2. Uses in the Industrial (I-1, I-2) districts. Parking on the premises or within eight hundred (800) feet in an approved off-street parking facility or on other premise where a joint parking agreement is approved under [subsection E of Section 5.5 Off-street parking and loading](#).
 - 3. Other uses. Public and Quasi-Public Buildings, Places of Assembly, Private Clubs, Associations and Institutions: Parking on the premises or within five hundred (500) feet in an approved off-street parking facility or on another premise where a joint parking agreement is approved under [subsection E of Section 5.5 Off-street parking and loading](#).
- G. **Parking lot plan review.**
 - 1. Whenever four (4) or more vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Official before a building permit can be issued. Such plans and specifications shall indicate the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed feature essential to the complete design and construction of the parking area.
- H. **Site development requirements.**
 - 1. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations.

Table 5.5.H.1				
MINIMUM REQUIREMENTS FOR OFF-STREET PARKING LOTS				
Parking pattern	One-way	Two-way	Parking space width	Parking space length
0° (Parallel parking)	12 ft.	20 ft.	9 ft.	25 ft.
30-53°	12 ft.	20 ft.	9 ft.	20 ft.
54-74°	15 ft.	22 ft.	9 ft.	20 ft.
75-90°	15 ft.	22 ft.	9 ft. 6 in.	20 ft.

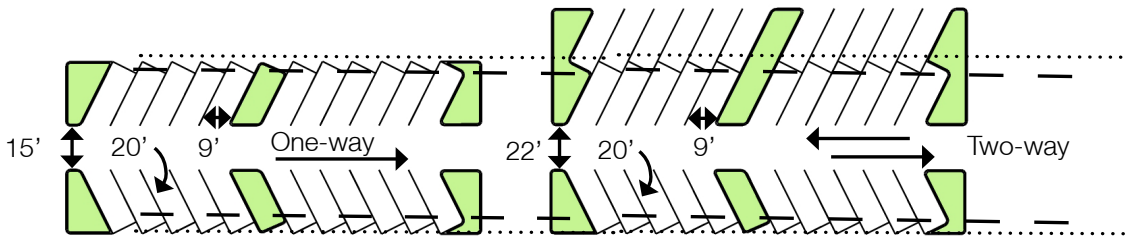
Section 5.5.H

PARKING LAYOUTS AND MINIMUM DISTANCES

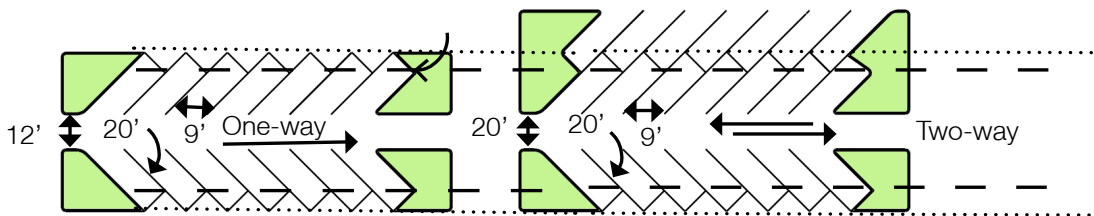
90° PARKING



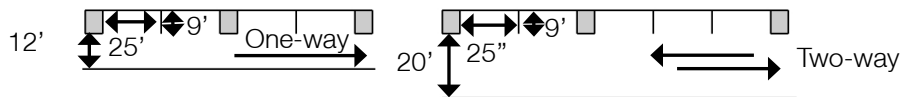
60° PARKING



45° PARKING



PARALLEL



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2. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
 3. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
 - a. Except for parking spaces provided for single-family and two-family residential lots, drives for ingress and egress to the parking areas of four (4) spaces or more shall be not less than twenty (20) feet wide and so located as to secure the most appropriate development of the individual property.
 - b. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
 4. Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
 5. Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage. The parking area shall be paved or graveled at the discretion of the Planning Commission in cases requiring review under [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#), and at the discretion of the Zoning Official in all other cases.
 6. Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. All lighting shall be so arranged as to reflect light away from any residential property adjacent to the parking area and any adjacent road or street.
 7. Where a parking area or drive with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer strip at least ten (10) feet wide shall be provided between the parking area and the adjoining property, or a fence or wall not less than four (4) feet in height shall be erected. Said requirement shall not be considered in addition to any other buffer, screening, greenbelt as required elsewhere herein.
- I. **Reduction, modification, and waiver.**
1. The Planning Commission may authorize a reduction, modification, or waiver of any of the off-street parking or loading regulations provided in this section based upon findings, standards and conditions as provided below.
 - a. **Reduction.** The Planning Commission is authorized to reduce the minimum number of parking spaces required upon finding the minimum requirements under [subsection K of Section 5.5 Off-street parking and loading](#) would create an undue hardship given the characteristics of the proposed use of property and the site upon which the use is proposed. In no case shall the off-street parking or loading standards be reduced by more than twenty-five (25) percent.
 - b. **Modification.** The Planning Commission is authorized to permit, or require that parking spaces be deferred upon finding that the number of parking spaces proposed is in excess given the characteristics of the proposed use of property and the site upon which the use is proposed. Deferral shall require that the site plan reflect the ability to accommodate parking spaces in an identified deferral area, but that the identified area not be developed as parking until such time it is deemed necessary by the Planning Commission. During the deferral period, such identified area shall be incorporated into the overall site development as open space.

Section 5.5.J

J. Loading and unloading requirements.

1. On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area twelve (12) feet by fifty (50) feet, with fourteen foot height clearance, and shall be provided according to the following schedule:

Table 5.5.J.1	
LOADING AND UNLOADING REQUIREMENTS	
Gross floor area (sq. ft.)	Loading & unloading spaces required in terms of sq. ft. gross floor area
0 - 1,999	None
2,000 - 20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,00 sq. ft.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

2. **Double count.** Off-Street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.
3. **Access.** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.
4. **Site requirements.** Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where any off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall, solid fence, or other appropriate screening not less than four (4) feet in height between the off-street loading space and said residential, educational, recreational, or religious premises or residential zone. Said requirement shall not be considered in addition to any other buffer, screening, greenbelt as required elsewhere herein.



K. **Off-street parking requirements.** In the following table, the minimum requirements for the number of parking spaces required for any given use is provided. For uses not listed, see [subsection C of Section 5.5 Off-street parking and loading](#), above. Under no circumstance shall the number of parking spaces provided exceed by fifteen (15) percent the minimum requirements as listed in this table.

1. Off-street parking for Manufactured Home Community district. A minimum of two (2) hard surfaced parking spaces shall be provided for each manufactured home site. Additional parking equal to one (1) space for three (3) manufactured homes shall be provided for overflow visitor parking. -

Table 5.5.K.1		
NUMBER OF PARKING SPACES PER USE		
Uses	Number of spaces	Parking calculation
A. Residential uses		
1. Single- or two-family dwelling	2	Per each dwelling unit
2. Manufactured housing community	2	Per each dwelling unit, plus
	1	per each two (2) employees
	1	per three (3) manufactured homes for overflow visitor parking
3. Multiple-family dwelling	2	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units
4. Senior citizen housing	1	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units, plus
	1	Per each employee
B. Institutional Uses		
1. Places of worship	1	Per each four (4) seats based on maximum seating capacity in the main location of assembly therein
2. Private clubs and lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes
3. General or specialty hospitals	1	Per each four (4) beds, plus
	1	Per staff doctor, plus
	1	Per each employee
4. Convalescent homes, homes for the aged, nursing homes, children's homes, sanitariums	1	Per four (4) beds, plus
	1	Per each staff doctor, plus
	1	Per each employee

Section 5.5.K

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Table 5.5.K.1		
NUMBER OF PARKING SPACES PER USE		
Uses	Number of spaces	Parking calculation
5. High schools, trade schools, colleges & universities	1	Per each teacher, plus
	1	Per each ten (10) students, plus
	1	Per each employee
6. Elementary & junior high schools	1	Per each teacher, plus
	1	Per each twenty-five (25) students, plus
	1	Per each employee
7. Child care center, day nurseries, or nursery schools	1	Per each five (5) students, plus
	1	Per each employee
8. Stadiums, sports arenas, and auditoriums	1	Per each four (4) seats based on maximum seating capacity
9. Libraries & museums	1	Per each five hundred (500) sq. ft. of floor area
C. Commercial Uses		
1. General retail stores, not elsewhere classified	1	Per each two hundred (200) sq. ft. of floor area specified herein
2. Supermarkets, drugstores, and other	1	Per one hundred fifty (150) sq. ft. of self-serve retail establishments floor area.
3. Convenience stores and video stores	1	Per one hundred fifty (150) sq. ft. of floor area
4. Planned shopping center	1	Per two hundred (200) sq. ft. of floor area for the first 15,000 sq. ft., plus
	1	Per one hundred fifty (150) sq. ft. of floor area in excess of 15,000 sq. ft.
5. Furniture, appliances, hardware, household equipment sales, repair shops	1	Per each four hundred (400) sq. ft. of floor area, plus
	1	Per each employee
6. Motels and hotels, limited recreational retreat center	1	Per each guest bedroom, plus
	1	Per employee, plus
	1	Sixty-five (65) percent of the amount required for accessory uses, such as a restaurant or cocktail lounge, calculated on own merits
7. Fast food restaurants (drive-in)	1	Per each two hundred (200) sq. ft. of floor area, plus
	1	Per each employee



Table 5.5.K.1		
NUMBER OF PARKING SPACES PER USE		
Uses	Number of spaces	Parking calculation
8. Sit-down restaurants	1	Per each three (3) seats, based on maximum seating capacity, plus
	1	Per each employee
9. Taverns and cocktail lounges	1	Per each three (3) persons allowed within the maximum occupancy load as established by fire and/or building codes, plus
	1	Per each employee
10. Garden stores, building material sales	1	Per each eight hundred (800) sq. ft. of lot area used for said business provided for herein
11. Movie theaters	1	Per each four (4) seats based on the maximum seating capacity, plus
	1	Per each employee
12. Self-serve laundry, dry cleaning store	1	Per each two (2) washing, drying or dry cleaning machines
13. Wholesale stores, machinery sales, and similar uses	2	Per each one thousand (1,000) sq. ft. of floor area, plus
	1	Per each employee
14. Self-storage facilities	1	Per every one hundred (100) storage spaces or fraction thereof shall be located adjacent to the office. A minimum of three (3) spaces shall be provided.
D. Automotive Uses		
1. Auto sales	1	Per each two hundred (200) sq. ft. of showroom floor area, plus
	1	Per each 2,000-sf. of outside display/sales area
	1	Per each employee, plus
2. Automotive repair facilities	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each service vehicle
3. Gasoline stations without convenience store	1.5	Per each pump unit, plus
	1	Per each employment

Section 5.5.K

Table 5.5.K.1		
NUMBER OF PARKING SPACES PER USE		
Uses	Number of spaces	Parking calculation
4. Gasoline stations with convenience store	1	Per each pump unit, plus
	1	Per each employee, plus
	1	Per each one hundred (100) sq. ft. of floor area devoted to retail sales and customer service
5. Vehicle washes (self-serve)	1	Per each wash stall exclusive of stall itself, plus
	1	Per each vacuum station, plus
	1	Per each employee
6. Vehicle washes (automatic)	1	Per two hundred (200) sq. ft. of floor area of customer waiting and service areas, plus
	1	Per each vacuum station, plus
	1	Per each employee
7. Automobile collision / Body shops, and other similar uses	2	Per each stall or service area, plus
	1	Per each employee
E. Office Service Uses		
1. Medical & dental office	1	Per each one hundred fifty (150) sq. ft. of floor area
2. Business & professional offices	1	Per each two hundred (200) sq. ft. of floor area
3. Banks	1	Per each two hundred (200) sq. ft. of floor area
4. Barber & beauty shops	2	Per each chair
5. Funeral homes	4	Per each parlor, or
	1	Space for each fifty (5) sq. ft. of floor area in parlor, whichever is greater, plus
	1	Per each fleet vehicle

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
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- 7. Administration & Enforcement



Table 5.5.K.1		
NUMBER OF PARKING SPACES PER USE		
Uses	Number of spaces	Parking calculation
F. Recreational Uses		
1. Bowling alleys	5	Per bowling lane, plus
	1	Per employee, plus
	1	Sixty-five (65) percent amount required for accessory uses such as a restaurant or cocktail lounge if considered in and of themselves
2. Private tennis, swim or golf clubs or other similar uses	1	Per each two (2) memberships
3. Golf courses, open to the general public	4	Per each hole, plus
	1	Per each employee, plus sixty-five (65%) amount required for accessory uses, such as a restaurant or cocktail lounge if considered in and of themselves
G. Industrial Uses		
1. Manufacturing, fabricating, processing, research and testing establishments	1	Per each employee, or
	1	Per each eight hundred (800) sq. ft. of floor area (whichever is greater).
2. Warehouses and storage buildings	1	Per each employee, or
	1	Per each two-thousand (2,000) sq. ft. of floor area (whichever is greater)
3. Contractors office/establishment	1	Per each employee, plus
	1	For each vehicle stored
4. Utility substations	1	Per each employee
5. Auto wrecking and junk yards	1	Per each employee, plus
	1	Space for each operating vehicle stored on the premises, plus
	2	Spaces for each acre in the yard

1. Purpose & Intent

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4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

Section 5.5.L

L. Requirements for barrier-free/accessible parking spaces.

1. Where parking is provided the following number of barrier-free/accessible parking spaces will be provided.

Table 5.5.L.1	
REQUIRED MINIMUM NUMBER OF ACCESSIBLE PARKING SPACES	
Total parking spaces provided	Required minimum number of accessible spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2% of total
More than 1,000	20 plus 1 for each 100 over 1,000
VAN SPACES: For every fraction of eight (8) barrier-free accessible parking spaces, at least one (1) shall be a van-accessible parking space.	
Source: 2003 Michigan Building Code, Section 1106, Parking and Passenger Loading Facilities.	

2. **Width/Length.** Accessible parking spaces are required to be a minimum width of ninety-six (96) inches with an adjacent access aisle of a minimum of sixty (60) inches in width. Total length to be twenty (20) feet at passenger loading zones and be parallel to the vehicle pull up space. Van-accessible parking spaces require a minimum clear height of ninety-eight (98) inches, as well as an access aisle with a minimum width of ninety-six (96) inches for clearance of operation of van-mounted wheelchair lifting devices and vans with raised roofs. For other requirements on barrier-free design refer to the most recent Michigan Building Code.



5.6 Artificial lighting, exterior lighting, and glare

- A. Definitions. The words, terms and phrases, when used in this section, shall have the meanings ascribed to them under the definition of [Lighting \(Artificial, Exterior, Site\)*](#) in [Article 2 - Definitions](#),
- B. Glare from any process (such as or similar to arc welding or acetylene torch cutting) that emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
- C. The design and/or screening of any development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
- D. Exterior lighting shall be of the type designed with a shielded/downwardly directed light source, and located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting.
- E. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- F. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
- G. On-site lighting, (e.g. parking, building lights, etc.) shall conform to the following regulations:
 1. It is the goal of the County to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Clinton County.
 2. When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site and off-site effects.
 3. Only non-glare, color-corrected (white) lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so as to direct the light onto the site and away from adjoining properties. The light source shall be recessed into the fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Unscreened Wall-Pack type lighting shall be prohibited.
 4. Lighting for uses adjacent to residentially zoned or property used for residential purposes, shall be designed and maintained such that illumination levels do not exceed 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines. Such information shall be provided on the site plan at the request of the Zoning Official or the Planning Commission.

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5. Where lighting is required, maximum light levels shall not exceed twenty-five (25) foot-candles directly beneath a light fixture. Lighting levels shall not exceed three (3) foot-candles as measured directly between two (2) fixtures. The Planning Commission may allow for an increased level of lighting above maximum permissible levels when determined that the applicant has demonstrated that such lighting is necessary for safety and security purposes. Such information shall be provided on the site plan at the request of the Zoning Official or the Planning Commission.
 6. For the purposes of this Ordinance, all lighting measurements shall be taken at ground level.
 7. For parking lots of less than one hundred (100) parking spaces lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than one hundred (100) spaces lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.
 8. Signs shall be illuminated only in accordance with the regulations set forth in [Section 5.7 Signs](#) of this Ordinance. In addition, signs within residential districts shall not be illuminated between the hours of 10:00 P.M. and 6:00 A.M.
 9. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
 10. Establishments that are not 24-hour operations shall limit building and parking lot lighting to hours of operation. Limited lighting, as approved by the Planning Commission, can be operational for security measures.
- H. Shielded fixtures shall be specified and installed properly to restrict light spillage past the property line.



5.7 Signs

A. Purpose and intent.

1. The purpose and intent of this section is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize any harmful effects on the public health, safety and welfare. While it is recognized that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification, deterioration and blight, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.
2. To achieve its intended purpose, this section has the following objectives:
 - a. To prevent the placement of signs in a manner that will conceal or obscure signs or adjacent businesses or the signage of adjacent businesses;
 - b. To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
 - c. To keep signs within a reasonable scale with respect to the structures and uses they identify;
 - d. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
 - e. To promote a quality manner of display that enhances the character of the County;

B. General sign regulations.

1. General. All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of the area or neighborhood where located. All signs require a permit unless specifically listed in [subsection G](#).
2. Location. Unless other specified herein, all signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory to, unless otherwise specified herein.
3. Non-Conforming. Every permanent sign which was erected legally and which lawfully exists at the time of the enactment of this ordinance, but which does not conform to the height, size, area or location requirements of this section as of the date of the adoption of these regulations, is hereby deemed to be non-conforming. This status shall not be granted to any temporary sign, banner, placard or other non-permanent sign.

C. Illuminated signs.

1. **Residential districts.** Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property. Indirectly illuminated signs shall be shielded and designed to prevent light rays from shining or reflecting into or onto any residential structure. Non-residential institutional and governmental uses may utilize internally illuminated signs in residential districts. Such internally illuminated signage shall not change the inherent residential character of the surrounding residential neighborhood.
2. **Commercial, Research/Office, and Industrial districts.** Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.

Section 5.7.C-F

3. **All Districts.** No sign shall have blinking, flashing, or fluttering lights or other illuminating devices. No signage shall include motion picture, moving graphics or video depicting human actors or animation attempting to replicate or emulate characters. Electronic signage is permitted to only display text in and graphics in progressive (scrolling, fading of text in and out, flip board) and uniform matter.
- D. **Construction and safety.**
1. All signs shall be erected and maintained in compliance with all applicable building and trades codes, and any other applicable codes, ordinances, rules and regulations governing construction within the County. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.
 2. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
 3. No sign shall be erected, relocated or maintained so as to obstruct emergency and public safety services or prevent free access to any door, window or fire escape.
- E. **Setback requirement for signs.** The following setback requirements shall apply to all freestanding signs:
- a. As measured at the outer edge of the sign, a minimum setback of fifteen (15) feet from all property lines, and/or the right-of-way shall be maintained.
 - b. As measured at the outer edge of the sign, a five (5) foot setback from the curb line, or in the absence of curbs, the nearest edge of pavement for internal drives, driveways, parking areas, loading areas and alleys.
- F. **Signs prohibited in all districts.**
1. Signs not expressly permitted are prohibited.
 2. Roof signs.
 3. Signs containing flashing, blinking, intermittent or moving lights, moving or revolving parts, or reflecting parts that may distract drivers including the display of motion pictures, videos, of display where actors, characters, items or other features move, zoo pan or otherwise have motion that could be deemed as distracting to pedestrians or vehicle operators.
 4. Signs affixed to trees, rocks, shrubs, utility poles or similar natural features, except, signs denoting a site of historic significance.
 5. Signs that imitate or obscure traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as “Stop”, “Look”, “Danger”, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 6. Temporary signs mounted upon trucks, vans, or other wheeled devices and parked in a location for advertising purposes, except for political signs. Signs permanently painted on, or otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner’s occupation or livelihood, and appropriate for that type of business, shall be permitted, provided that said vehicle is operational and utilized on a daily basis.
 7. All signs, other than those erected by a public agency that are located within or overhang the public right-of-way or on public property are explicitly not permitted.

8. Portable signs unless otherwise provided for in this Ordinance.
 9. Festoon signage, banners, pennants, ribbons, streamers, spinners, incandescent light bulbs, or other such temporary features which are hung or strung overhead and which are not integral, physical parts of the building or structure they are intended to serve, unless otherwise permitted herein.
 10. Abandoned signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe, constitute a hazard to safety and health, or those not kept in good repair or maintenance.
 11. Any sign installed prior to the effective date of this Ordinance without a permit, when in fact the prior Ordinance required a permit; any sign unlawfully installed, erected or maintained.
 12. Billboards except where off-premise signs are allowed.
 13. Searchlights shall not be permitted as a sign for advertising purposes.
 14. Nothing contained in this ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities.
 15. Signs, unless otherwise held exempt under [subsection G](#), shall not occupy the public right-of-way. Such signs shall include all signage subject to this Ordinance, including permanent, temporary, or portable (including those carried by a person for the sole purpose of advertising a sale, event or product related to an on-site or off-site commercial establishment, use or business).
- G. **Exemptions.** The following types of signs are exempt from the provisions of this section except for [subsection D](#), Construction and Safety:
1. Nameplates containing only name, and address not exceeding two (2) square feet in size.
 2. Political campaign signs announcing candidates seeking public office and other signs pertinent thereto.
 3. Traffic control or other governmental signs such as, but not limited to directional signs placed in right-of-ways, legal notices, railroad crossing signs, danger and other temporary emergency signs.
 4. Street numbers.
 5. “No Hunting,” “No Fishing,” “No Trespassing” signs if less than two (2) square feet.
 6. Agricultural test plot signs.
 7. Historical markers.
 8. Signs in the interior of a building, unless such sign substantially meets the definition of “sign” as provided herein.
 9. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as directional signs, regulatory signs, and information signs.
 10. Names of buildings, dates of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.
 11. Newspaper delivery box.
 12. Any “For Sale” sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
 13. Flags or banners bearing the official design of a nation, state, municipality, educational institution and organization.

Section 5.7.H-J

- H. **Signs for home occupations.** Signs associated with an approved home occupation or home based business shall be limited to one (1) non-illuminated name plate not more than six (6) square feet in area either attached to a principal structure and/or accessory structure, or a freestanding sign permanently anchored and not more than five (5) feet in height. The sign shall contain only the name of the owner or business, service provided, and address of the premises. Such freestanding sign shall be located no less than fifteen (15) feet away from the road right-of-way and shall not impede visibility to and from the property.
- I. **Signs permitted in Agricultural districts (A-1, A-2, A-3) and Mineral Resource (MR) district.**
1. Agricultural Farm Market sign. One (1) sign is allowed on the premises not to exceed a total of sixteen (16) square feet per side, with a set back from the road right- of-way of not less than fifteen (15) feet.
 2. One (1) identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, place of worship, park, municipal buildings, civic organizations, quasi public uses, or other authorized use or lawful non-conforming use. Each sign shall not exceed thirty-two (32) square feet in area. Signs are not to exceed five (5) feet in height from the top of the sign to the base of the sign at ground level.
 3. Identification signs for residential developments of four (4) or more lots with internal restricted access are permitted one (1) identification sign not exceeding a total of eighteen (18) square feet in area. Signs are not to exceed five (5) feet in height from the top of the sign to the base of the sign at ground level.
 4. Identification signs for active mining/extraction operations within an MR Mineral Resource district shall be permitted to have one (1) identification sign not exceeding a total of eighteen (18) square feet in area. Signs are not to exceed five (5) feet in height from the top of the sign to the base of the sign at ground level.
- J. **Signs permitted in residential districts (RR, R-1, R-2, MF, and MH).**
1. One (1) identification sign shall be permitted for each public street frontage of a subdivision, site condominium, multiple-family development, or a manufactured housing community. Entry signage shall not exceed twenty-four (24) square feet in area and be incorporated into a landscaped area. Such entry signage shall be developed in accordance with the site plan approved for the development in which it is intended to serve. Signs are not to exceed five (5) feet in height from the top of the sign to the base of the sign at ground level.
 2. One identification sign shall be permitted for each public street frontage having a curb cut for vehicle entrance for a school, place of worship, park, municipal buildings, civic organizations, quasi-public uses, or other authorized use or lawful non-conforming use. Each sign shall not exceed thirty-two (32) square feet in area. Signs shall not exceed five (5) feet in height from the top of the sign to the base of the sign at ground level.
 3. One freestanding sign shall be permitted in the MH Manufactured Housing Community district:
 - a. Such freestanding sign shall be placed near one entrance of each street upon which the Manufactured Housing Community fronts.
 - b. Such sign may be illuminated (but not flashing or moving) according to the following:
 - I. One sign not to exceed two square feet with copy on both sides or two signs not to exceed sixteen square feet.
 - II. Signs shall not exceed eight (8) feet in height.



K. Signs permitted in Commercial (C-1, C-2, C-3), Research/Office (RO), and Industrial (I-1, I-2) districts. On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial, office, research office, and industrial districts subject to the following standards:

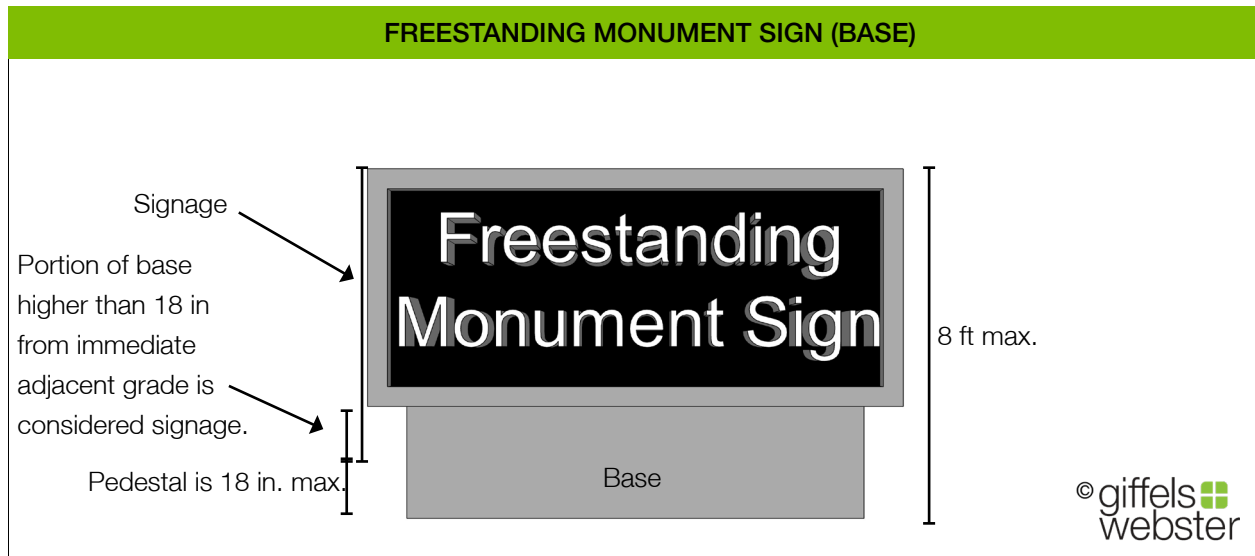
1. Single business requirements.

a. Wall signs.

- I. Area. The area of an exterior attached wall sign permitted shall be determined as one (1) square foot of sign area ↔ for each one (1) linear foot of building length at the ground floor ↔. Any businesses without ground floor ↔ frontage shall be permitted one (1) combined exterior wall sign not more than ten (10) square feet in area.
- II. Number. Each structure shall be permitted wall signage where the structure has frontage on a public or an approved private road and that side of the structure facing the public road has windows and/or entryways.

b. Freestanding monument signs.

- I. Height and area. Developed lots and sites shall be permitted one (1) freestanding monument sign. The height of a freestanding monument sign shall not exceed eight (8) feet in height including the sign pedestal. Sign height shall be measured to the top edge of the sign to the immediate adjacent grade. That portion of a pedestal higher than eighteen (18) inches shall be considered signage. Sign area ↔ shall not exceed sixty (60) square feet. ↵

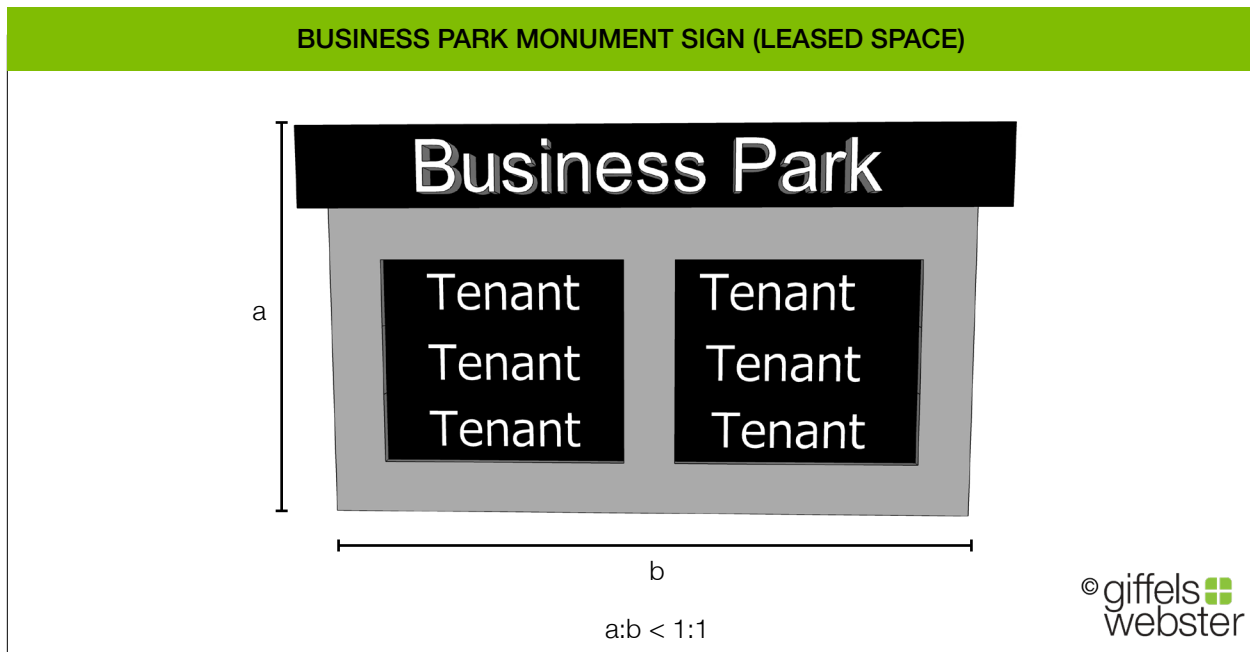


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Section 5.7.K

2. Business, office, industrial park signs.

- a. For the purposes of this section, a business, office, or industrial park is defined as a clustering of three (3) or more commercial, industrial, or research/office planned, zoned or used parcels, lots or unit that utilize a common ingress/egress (public, private or service road) to access upon a county primary road or state highway.
- b. A freestanding park sign shall be permitted to promote and identify the primary tenants in a business center, office park or an industrial park at each of the entrance(s) to the park at a county primary road, or state highway. Each sign shall be limited in size to two-hundred (200) square feet and state the name of the business center, office park, or industrial park and the major tenants located therein. The design of the proposed signage must not exceed a one-to-one (1:1) height to width ratio. Such signage, where the base is wider than the overall height, shall be permissible. ✍



- c. Each parcel, lot, or unit in a park will be allowed one (1) available space on the freestanding park sign that is a minimum of six (6) square feet and be no larger than thirty-two (32) square feet per tenant space.
- d. Existing pole signs retain the status existing as a legal non-conforming sign. Existing pole signs will maintain the ability to alter existing signage within the designated structure, however, no physical expansion or addition to square footage of signage will be permissible. Upon approval of a new conforming business park sign the applicant will have a maximum of thirty (30) days to completely remove the existing legal non-conforming pole sign and its surrounding base materials.

3. Commercial, lease-space centers.

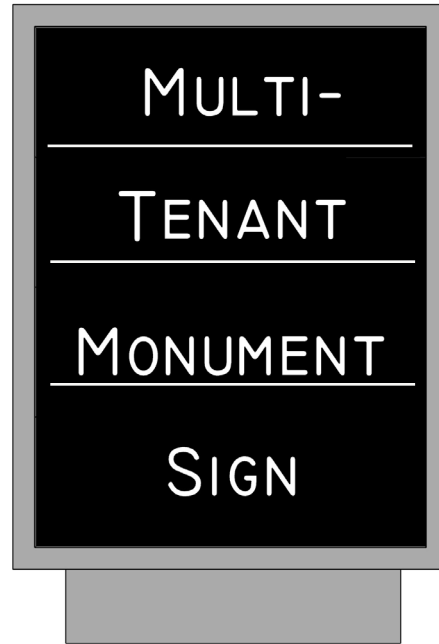
- a. For the purpose of this section, a commercial, lease-space center shall be defined as a group of commercial uses with identities separated by common walls, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and sharing such accommodations as parking, travel lanes and access to primary roads. The concept of a commercial, lease-space center is further divided into three (3) classes:
 - I. Regional shopping center: Shopping centers with ground floor coverage ⇔ of greater than one hundred thousand (100,000) square feet.
 - II. Community shopping center: Shopping centers with ground floor coverage ⇔ of at least fifty thousand (50,000) square feet, but not greater than one hundred thousand (100,000) square feet.
 - III. Neighborhood shopping center: Shopping centers with ground floor coverage ⇔ of less than fifty thousand (50,000) square feet.
- b. One (1) freestanding sign shall be permitted to promote and identify tenants in the development. Such sign shall not be pole mounted. Each tenant will be allowed a maximum of one (1) available space on a sign. Each space shall be a minimum of six (6) square feet and no larger than thirty-two (32) square feet with the overall maximum size of the sign not to exceed the following:

TABLE 5.7.K.3.B	
PERMITTED FREESTANDING SIGN AREA FOR COMMERCIAL LEASE-SPACE CENTERS	
Type	Total sign area ⇔ permitted
Regional shopping center	140 sq. ft.
Community shopping center	100 sq. ft.
Neighborhood shopping center	80 sq. ft.

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- c. The design of the proposed signage must not exceed a one-to-one (1:1) height to width ratio. Such signage where the base is wider than the overall height shall be permissible. ✍

FREESTANDING MONUMENT SIGN (BASE)



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4. **Window signs** shall be permitted and shall not be included in total sign area ⇔ computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed.
5. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area ⇔ and further provided that the total area of the sign does not exceed thirty (30) square feet. This additional signage will be counted as part of the overall total sign area for the proposed sign and must only display the time, date, and temperature once constructed.
6. In addition to the provisions of [subsection 1](#) and [subsection 2](#), preceding, an automobile service station may have one additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a freestanding structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.
7. Notwithstanding any of the provisions of this section, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying “self-service” and “full-service” pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.

8. **On-site directional/information signs.** Each premise shall be permitted directional or information signs located immediately adjacent to each exit, entrance, or change of direction of vehicular or pedestrian travel. Directional signs that indicate directions or instructions by logo and/or arrow shall not exceed five (5) feet in height and shall not exceed four (4) square feet in surface display area. Information signs that would be used for park or campus-like settings to direct traffic to multiple entrances, use areas and addresses shall exceed six (6) feet in height and shall not exceed twenty-four (24) square feet in surface display area.
- L. **Permitted temporary signs.** The following temporary signs shall be permitted in accordance with the regulations herein. All temporary signs that are located within or that overhangs the public right-of-way or on public property is explicitly prohibited.
1. **Residential real estate.** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the A-1, A-2, A-3, RR, R-1, R-2, MF and MH districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six (6) square feet and a height of four (4) feet. If the lot or parcel has a multiple frontage, one (1) additional sign not exceeding six (6) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign (s) shall be removed within seven (7) days after sale.
 2. **Non-residential real estate.** One (1) non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in the A-1, A-2, A-3, C-1, C-2, C-3, MR, RO, I-1 and I-2 districts provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of twenty (20) square feet and a height of twelve (12) feet. If the lot or parcel has multiple frontages, one (1) additional sign not exceeding twenty (20) square feet in area shall be permitted on the property on each frontage. Under no circumstance shall more than two (2) such signs be permitted on a lot or parcel. Such sign(s) shall be removed within seven (7) days after sale.
 3. **Construction work.** One (1) non-illuminated freestanding sign listing persons or firms connected with construction work being performed. Such signs shall not exceed twenty (20) square feet in area and a height of twelve (12) feet.
 4. **Real estate directional.** Temporary real estate directional signs, not exceeding six (6) square feet in area and four (4) in number, showing a directional arrow and placed in back of the property line, shall be permitted on approach routes to an open house. The top of such signs shall not exceed three (3) feet in height.
 5. **Community special event.** Community special event signs approved by the Zoning Official: Signs announcing any community, public, charitable, educational, or religious event or function, located entirely on the premises of that institution, and set back not less than twenty (20) feet from the property line, shall be permitted. Maximum sign area shall be thirty-two (32) square feet. Such signs shall be allowed no more than twenty-one (21) days prior to the event or function and shall be removed within seven (7) days after the event or function. If building mounted, these signs shall be flat wall signs and shall not project above the roofline. If ground mounted, the top shall be no more than six (6) feet above ground level.

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6. **Street banners, etc.** Street banners advertising a public entertainment or an event, if such banners are approved by the Zoning Official and in locations designated by the Zoning Official, may be displayed fourteen (14) days prior to and seven (7) days after the public entertainment or event.
 7. **Contractors sign(s).** One sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet overall, with not more than a total of three (3) such signs permitted on one site. The sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within fourteen (14) days of issuance of a certificate of occupancy.
 8. **Banners, pennants, etc.** Banners, pennants, search lights, balloons, or other gas filled figures shall be permitted at the opening of a new business in a commercial or industrial district, for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- M. **Permitted portable temporary signs.**
1. A portable temporary sign shall be permitted in all districts.
 2. Only one (1) portable temporary sign shall be permitted per premise.
 3. A portable temporary sign shall not exceed four (4) feet in height.
 4. A portable temporary sign shall not exceed thirty-two (32) square feet per side in area.
 5. A portable temporary sign may be permitted by the Zoning Administrator for up to a fourteen (14) day period, not to exceed four (4) times per year.
 6. The placement of a portable temporary sign shall be approved at the discretion of the Zoning Official in order to ensure safe and efficient pedestrian and vehicular traffic movement. The placement of the sign shall be placed at least twenty (20) feet from the road-right-of-way.
- N. **Billboards (off-premise commercial signs).**
The following regulations shall apply to billboards.
1. Where permitted by special land use. Billboards shall be permitted only in the C-3, I-1 and I-2 Districts, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
 2. **Spacing.**
 - a. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
 - b. No billboard shall be located within three hundred (300) feet of a property zoned, planned or utilized for residential purposes. If the billboard is illuminated, the required distance from a residential zoning district and/or an existing residence shall be five hundred (500) feet.
 - c. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
 - d. Tandem, stacked, double faces, or "V" shaped billboards are not permitted.
 3. **Height.** The height of a billboard shall not exceed twenty (20) feet above the ground level.
 4. **Surface area.** The surface display area of any side of a billboard may not exceed three hundred (300) square feet.



5. **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 6. **Construction and maintenance of billboards (off-premise signs).**
 - a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
 - c. A billboard shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area; and
 - d. Not be hazardous or disturbing to existing projected future uses.
- O. **Miscellaneous permitted signs.**
1. **Menu board.** One (1) menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed thirty-two (32) square feet in area or six (6) feet in height from finished grade.
 2. **Changeable copy signs.** Manual changeable copy signs shall be permitted when incorporated into a permitted wall or freestanding sign provided that the area devoted to changeable copy does not exceed fifty (50) percent of the permissible sign area ↔.
 3. **Off-premise directional signs.** Off-premise directional signs directing vehicular traffic to a place of worship, governmental building, or educational institution may be permitted in all districts subject to the review of Zoning Official and the following standards:
 - a. No more than two (2) signs per use shall be permitted.
 - b. The size of an off-premise directional sign shall not exceed six (6) square feet in size.
 - c. The height of an off-premise directional sign shall not exceed six (6) feet.
 - d. Illumination shall not be permitted.
 - e. Proof shall be supplied by the applicant that all appropriate standards of the Clinton County Road Commission are met. Permission of the property owner where the proposed sign is to be located must be provided.
- P. **General sign construction requirements.**
1. **Wind load.** Signs and sign structures shall be designed and constructed to resist wind forces of not less than twenty (20) pounds per square foot.
 2. **Bracing.** All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as to not overstress any of the elements thereof. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or the structural frame of the building.

Section 5.7.P-R

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

3. **Anchorage.** Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support all loads applied.
4. **Electrical.** All signs of electrical construction and installation shall comply with the National Electrical Code and shall be connected by a licensed electrician.
5. Certification by a professional engineer may be required for non-residential signs.

Q. **Sign permits.**

1. Application for a permit. Application for a permit to erect or replace a sign shall be made to the Zoning Official by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information:
 - a. The property owner's name and address in full.
 - b. Applicant's name and address.
 - c. Address of property on which sign is to be situated.
 - d. Business to which sign belongs or relates.
 - e. Total display area in square feet.
 - f. Proposed setback from right-of-way.
 - g. Sign type.
 - h. Sign purpose.
 - i. Sign height.
 - j. Height and width of building to be served.
 - k. Drawing of proposed sign indicating proposed copy.
2. Sign permits issued on the basis of plans and applications approved by the Zoning Official will authorize only the design and construction set forth in such approved plans and applications, and no other design.
3. The Zoning Official shall not approve plans or issue sign permits for any sign, which does not conform to the provisions of this Ordinance.
4. The Zoning Official shall maintain a record of all sign permits issued, and said record shall be open for public inspection.

- R. **Permit fees.** Permit fees are established by resolution of Board of Commissioners.



5.8 Landscaping, greenbelts, buffering and screening

- A. **Purpose.** Environmental standards are established in order to preserve the short and long-term environmental health, safety, and quality of Clinton County. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely impact the surrounding area or use and/or enjoyment of adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.
- B. **Intent.** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the County by requiring landscaping for each development for which site plan, special land use, site condominium and subdivision plat review is required. It is further the intent of this section to achieve the following:
1. Minimize noise, air, and visual pollution.
 2. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
 3. Require buffering of residential areas from more intense land uses and public road rights-of-way.
 4. Prevent soil erosion and soil depletion and promote surface/sub-surface water retention.
 5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce aesthetic and cohesive design.
 6. Encourage the integration of existing woodlands and other natural features in landscape plans.
 7. Protect and preserve the appearance, character, and value of the community and its natural resources.
- C. **Application of requirements.** These requirements shall apply to all uses for which site plan review and approval is required under [Section 6.1 Site plan review](#) and [Section 6.2 Special land uses](#) of this Ordinance, including site condominiums and subdivision plats reviewed and approved as required under the County's Subdivision Control Ordinance.
- D. No site plan, special land use approval, site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein. The Planning Commission, however, may waive or modify landscaping requirements set forth in the preceding provisions, where cause can be shown that no good purpose would be served, or such requirements are found to be injurious or an impediment to the intended use. Moreover, such waiver or modification would neither be injurious to the surrounding neighborhood, now or in the reasonably anticipated future, nor contrary to the spirit and purpose of this Ordinance or section. The Planning Commission may also defer landscaping until such time adjacent property is petitioned for development. Any waiver, modification or deferment shall be accompanied by a finding of fact.

Section 5.8.E-F

- E. **Landscape plan requirements.** The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:
1. Location, spacing, size, root type, scientific name, and common name for each plant type proposed for use within the required landscape area.
 2. The landscape plan shall be presented in an appropriate scale (1:20, 30, 40, 50, 100, 200), which depending on the particular size of the proposed development is deemed adequate to convey important information.
 3. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
 4. Typical cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of walls.
 5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 7. Identification of existing trees and vegetative cover to be preserved.
 8. Identification of grass and other ground cover and method of planting.
 9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance at the next available planting season.
- F. **Landscape standards.**
1. **Installation.** All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscape development plan. This shall include quantity, size, type and location of plantings proposed. In general, major deviations as to quality, quantity, type, size and location of plant materials from the original approved landscape development plan shall require submission and approval in the same manner as provided in this section for the original submission. Minor deviations are permitted by the Zoning Official upon determination that the deviation does not substantially impact the overall concept of the landscape plan and the proposed development. Such findings shall be in written form and accompany a revised landscape plan. The Zoning Official shall determine if any proposed change is a minor or major deviation.
 2. **Material.**
 - a. All plant material shall:
 - I. Be consistent with the size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurseryman, Inc., and approved by the American National Standards Institute, Inc.
 - II. Be typical of their species or variety, have normal habit of growth, well branched and densely foliated when in leaf.
 - III. Be of sound health and vigorous in appearance, free from disease, insect pests, eggs or larvae and shall have healthy, well developed root systems.
 - IV. Be freshly dug and nursery grown.
 - V. Be chosen according to soil, local climate conditions and environmental factors for the proposed development.

- b. Trees shall have straight trunks with leaders intact, undamaged and uncut.
- c. The following trees, because of various problems, shall not be considered as being of a desirable quality, and therefore shall, in most cases, not be permitted. This does not preclude the use of existing trees if it can be shown that the removal of the tree would result in a substantial loss of screening and/or buffering of adjacent lands or public rights-of-way.
 - I. Acer negundo - Box elder
 - II. Ulmus varieties - Elm varieties
 - III. Aesculus varieties - Horse chestnut
 - IV. Populus varieties - Poplar varieties
 - V. Salix varieties - Willow varieties
 - VI. Catalpa varieties - Catalpa varieties
 - VII. Ailanthus altissima - Tree of heaven
 - VIII. Fraxinus - Ash
- d. Lawn areas shall be planted in species of grass normally grown as permanent lawns in mid-Michigan. Grass may be placed as sod or seeded and mulched. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- e. Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
- f. Hedges, where provided, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined by the plant proposed.
- g. Minimum sizes of plant material:
 - I. Deciduous shade trees. Deciduous trees shall have a minimum caliper of two (2) inches diameter at breast height, at the time of planting, unless otherwise provided in the Subdivision Control Ordinance.
 - II. Deciduous small ornamental trees. Small ornamental trees shall be a minimum of five (5) feet in height at time of planting.
 - III. Evergreen trees. Evergreen trees shall be a minimum of five (5) feet in height at time of planting.
 - IV. Shrubs. Shrubs shall be a minimum of two (2) feet in height at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
 - V. Vines. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet buffer requirements.
- h. Artificial plant material shall be prohibited.

Section 5.8.F

3. Maintenance.

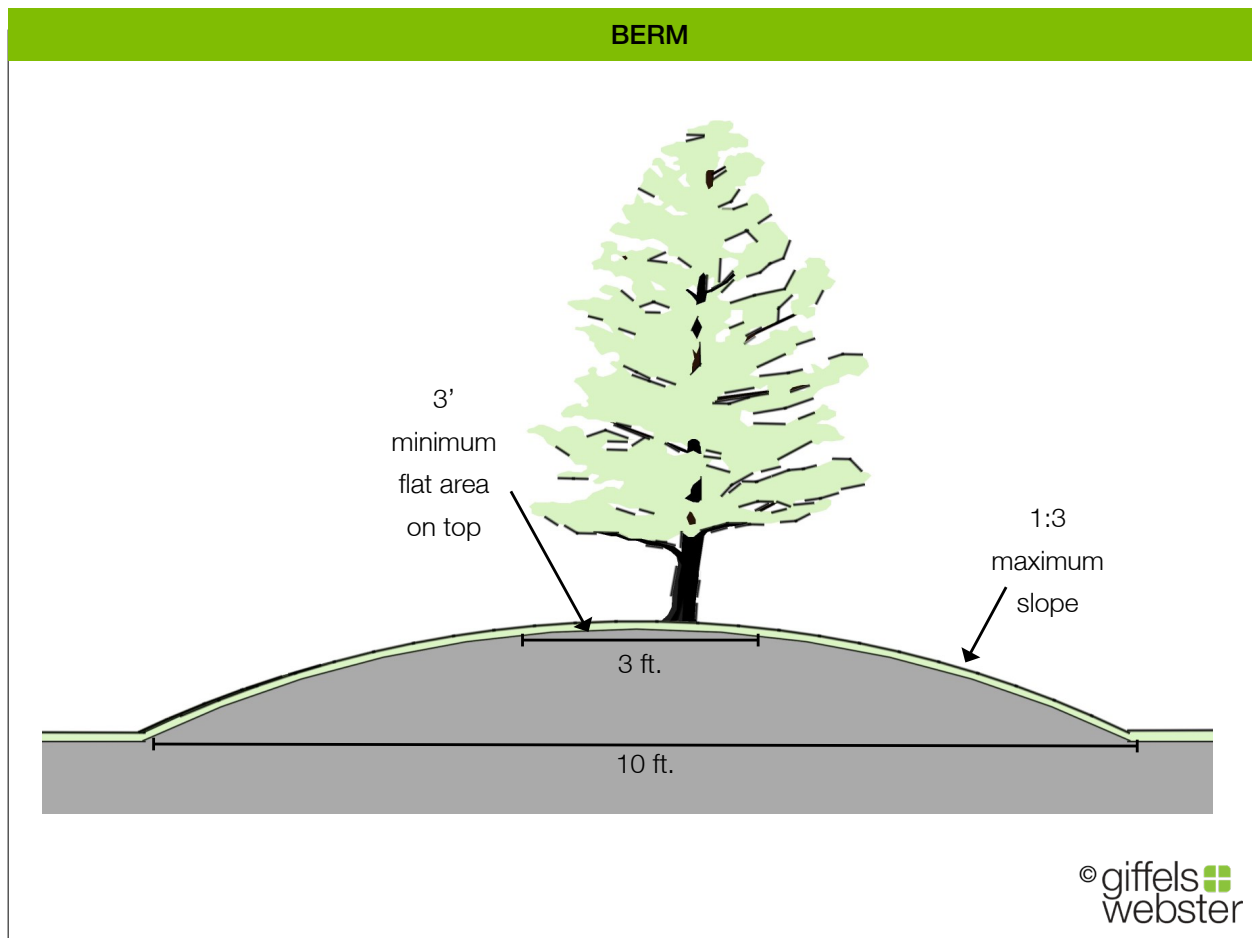
- a. The owner of the property shall be responsible for all maintenance thereon. Landscaping shall be kept in neat and orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced in accordance with the standards of this Ordinance at the next available planting season after it dies.
- b. The approved landscape development plan shall be considered a permanent record and integral part of a site plan, special land use, site condominium or plat. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved landscape development plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the final approval of a site plan, special land use, site condominium or plat.
- c. The developer, at the time of submission for approval of a site plan, special land use, site condominium or plat shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified
- d. The County may require testimony of a contract for the continued maintenance of all landscape areas.

4. Screening between land uses.

- a. Between a conflicting non-residential or conflicting residential land use and a residential district or use there shall be provided and maintained an obscuring wall, screening fence or landscape barrier, at the discretion of the Planning Commission, having a minimum height of six (6) feet unless a greater or lesser height is specified elsewhere in this Ordinance.
- b. Required walls or fences shall be located at the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Landscape screen barriers shall be located ten (10) feet from the lot line, except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
- c. Such walls, fence or landscape barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission. Landscape barriers shall maintain a minimum opacity of at least eighty (80%) percent year round. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above established grade of the area to be concealed and the top or the highest point of the required screen. Opacity shall be achieved within three (3) years of the time of planting. The applicant shall agree, by notation on the final development plan, to install additional plantings after the expiration of three (3) years, in the event that the landscaping has not screened the view of areas as required.



- d. All walls and screen barriers herein required shall be constructed in one (1) of the following manners, however the Planning Commission will determine when, in its opinion, a wall, screening fence, planting strip, and/or landscape berm as distinct from a wall will be required.
 - I. A solid wall shall be constructed of brick or poured concrete panels using a brick pattern form. The solid wall shall be located at the property line with a planting strip ten (10) feet wide abutting the base and on the interior side of the wall. The planting strip shall have a minimum of two (2) inches caliper deciduous shade trees planted thirty (30) feet on center.
 - II. A screening mound or berm shall consist of the minimum specified height with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least three (3) feet in width. The mound or berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately placed as sod, seeded, and mulched, or planted. Included, as part of the mound or berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area. ✍



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
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Section 5.8.F-G

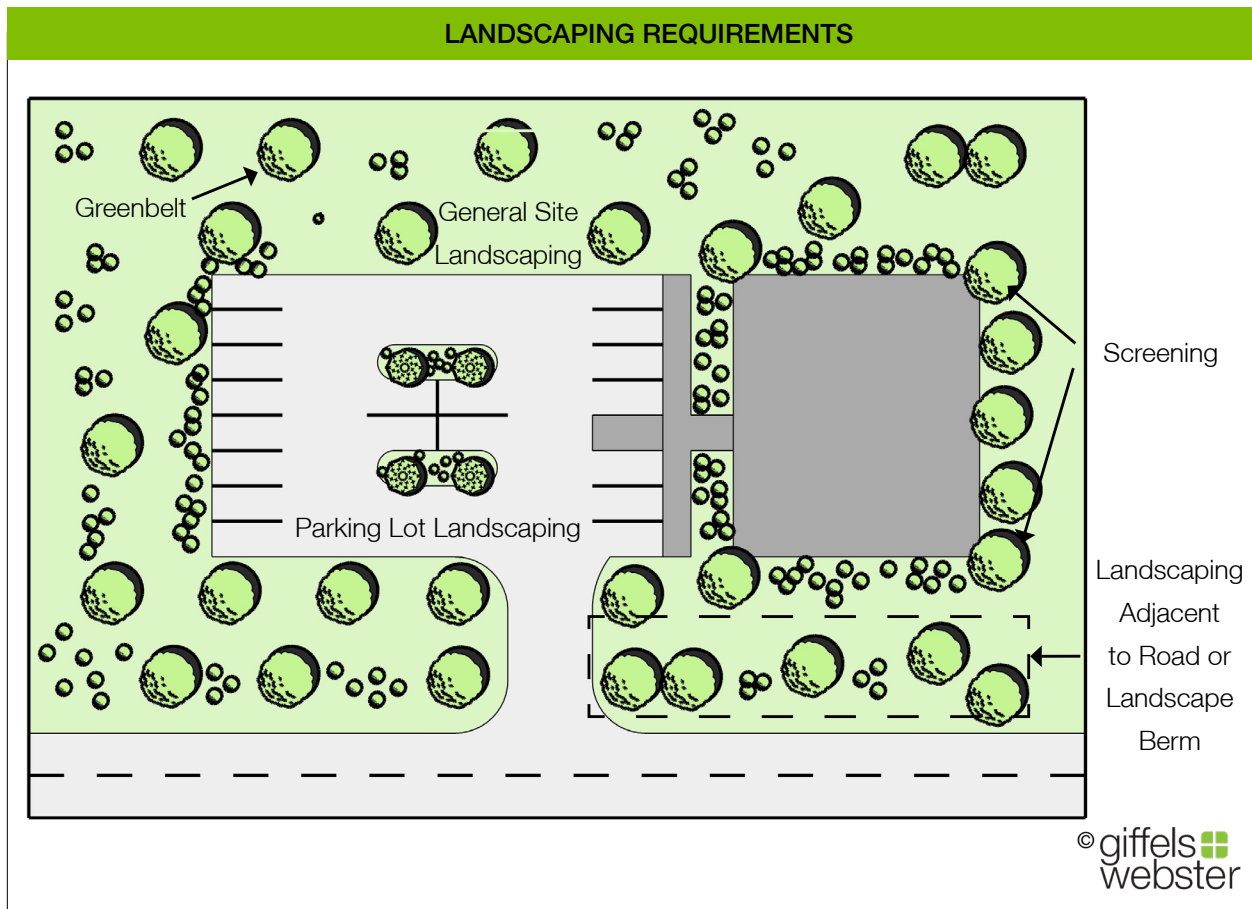
III. Evergreen screens shall consist of five (5) foot spruce, fir or pine trees planted no farther than (15) feet on center in two (2) staggered rows ten (10) feet apart. Arborvitae shall be planted no more than five (5) feet apart in staggered rows.

Other evergreen plant material may be considered providing that it will provide, in the opinion of the Planning Commission, the same screening effect.

e. The Planning Commission may waive or modify the foregoing requirements, where cause can be shown that no good purpose would be served and that the waiver or modification would neither be injurious to the surrounding neighborhood, now or in the reasonably anticipated future, nor contrary to the spirit and purpose of this section. The Planning Commission may also defer landscaping until such time adjacent property is petitioned for development.

G. **Parking lot landscaping requirements.**

1. **Required landscaping within parking lots.** Separate landscape areas shall be provided within parking lots in accordance with the following requirement. There shall be a minimum of one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the back side of curb or edge of pavement or curb blocks.
2. Separate landscape islands shall be required within parking lots of twenty four (24) spaces or greater. Landscape islands shall be curbed, or, at the discretion of the Planning Commission, be implemented in a manner whereas vehicle interference or damage to the landscape area is impeded. No more than sixteen (16) spaces in a row is permitted without a landscape island. Where size or configuration of parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped islands within parking lots, the Planning Commission may approve alternative landscaping along the parking lots perimeter.
3. **Required landscaping at the perimeter of parking lots.** Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
 - a. Parking lots that are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth in [subsection 4](#).
 - b. Parking lots, which are visible from a public road, shall be screened from view with a landscaped berm varied in height from between two (2) and three (3) feet along the perimeter of those sides. The berm shall be planted with one (1) deciduous or evergreen tree and six (6) deciduous or evergreen shrubs for every thirty (30) feet, or major portion thereof. The Planning Commission, at its discretion, may approve alternative landscaping plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm.
 - c. Minimum of five (5) foot wide landscape strips (not including vehicle overhangs assumed to be two (2) feet) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.



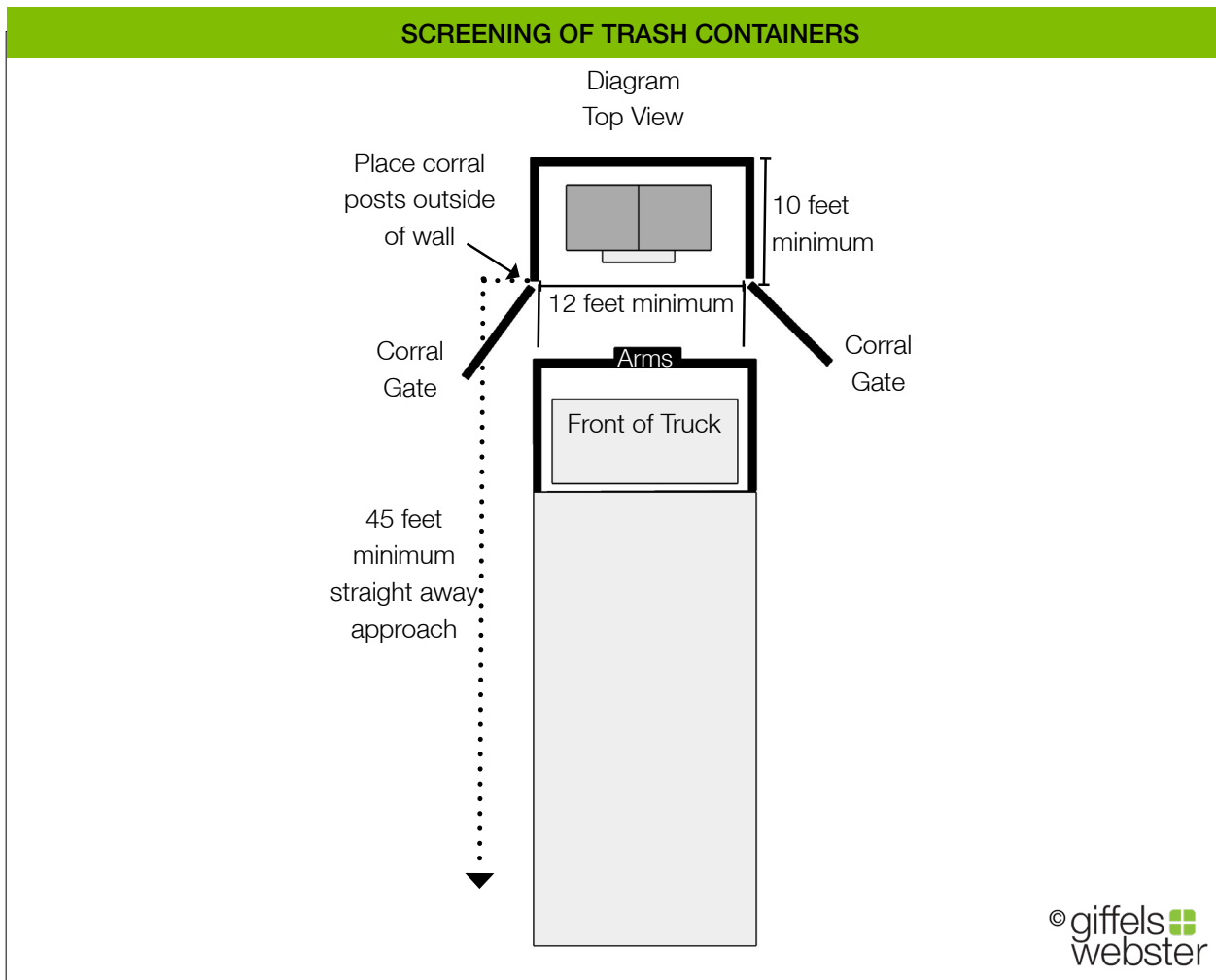
- 1. Purpose & Intent
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Section 5.8.H-K

- H. **Greenbelts.** A greenbelt shall be provided, and is an area established within the required front yard setback of the zoning district in which it is located, and landscaped in accordance with the following requirements: (See Graphic for Landscaping Requirements)✕
1. The greenbelt shall be landscaped with a minimum of one (1) deciduous or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Landscaping material is to meet minimum size requirements as outlined in [subsection E.2.g.](#)
 2. If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way and meet minimum requirements set forth in [subsection E.2.g.](#)
 3. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials outside of approved parking areas.
 4. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- I. **Foundation landscaping.** Foundation plantings shall be provided along the front or sides of any building, which faces a public road and/or is adjacent to a parking lot or other areas, which provides access to the building(s) by the general public. Foundation planting areas shall be integrated into the sidewalk system between the front and sides of the building, and the parking area and/or associated driveways adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and six (6) shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of five (5) feet in width excluding an assumed two (2) feet for vehicle overhang where applicable.
- J. **General site landscaping.** In addition to any landscape greenbelt and/or parking lot landscaping required by this section, six (6) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, grass areas and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.
- K. **Subdivision and site condominium landscaping.** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the adopted Subdivision Control Ordinance. The following requirements shall be adhered to above and beyond the requirements under the Subdivision Control Ordinance.
1. **Subsection E.4 Screening between land uses.** In the event that a subdivision or site condominium is proposed adjacent to non-residential land use, the provisions of [subsection E.4](#) shall apply.
 2. **Other site improvements.** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement, which would be enhanced through the addition of landscaping.

L. Screening of trash containers.

1. Outside trash disposal containers shall be screened on all sides with a masonry wall, and a durable gate at least as high as the container, but no less than six (6) feet in height. The wall and gate shall be constructed of material that is compatible with the architectural materials used in the site development.
2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably accommodate the buildings they serve and situated so as not to cause nuisance or offense to occupants of buildings.
3. Containers and enclosures shall be located away from public view insofar as possible. In no case shall the facility be located between the front building line and a public road.
4. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of one and a half (1-1/2) cubic yards or more.
5. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
6. The design and layout of the facility shall be compatible to the following:



Section 5.9

5.9 Stormwater management

- A. **Stormwater management.** All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Stormwater management shall comply with the following standards:
1. The design of storm sewers, detention/retention facilities, and other stormwater management facilities shall comply with the standards of the Clinton County Drain Commissioner (CCDC).
 2. Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
 3. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent upstream or downstream property owners.
 4. Discharge of runoff from any site, which may contain oil, grease, toxic chemicals, or other polluting materials, is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the CCDC.
 5. Drainage systems shall be designed to protect public health and safety and to be visually attractive.
- B. **On-site stormwater detention/retention.** For the purpose of controlling drainage to off-site properties and drainage ways, all properties with the exception of single-family residences and agricultural operations, which are developed under this Ordinance, whether new or improved, are preferred to provide for on-site detention/retention storage of stormwater or other alternative. Applicable retention, detention and other stormwater issues are to be accordance with the current CCDC standards and reviewed and approved by the CCDC.



5.10 Composting areas on residential properties

The composting of yard waste, grass clippings and other household organics such as fruits, vegetables, grains and thereby products with the exception of meat and dairy products are encouraged under the following conditions and regulations:

- A. Location: On the premises of single-family residences in the following districts: A-1 Agriculture and Open Space; A-2 General Agriculture; A-3 Agriculture/Residential Transition; RR Rural Residential; R-1 Single-Family Residential; R-2 Single-Family Residential; and residential lots within Planned Unit Developments.
- B. Minimum lot size: 10,000 square feet.
- C. Setback: Composting areas or piles must be setback at least twenty-five (25) feet from all property lines and must be at least fifty (50) feet from all neighboring residential dwelling units.
- D. Compost piles must be fenced or otherwise enclosed to screen them from view and to prevent the wind from scattering debris.
- E. Compost piles shall be established and maintained in accordance with recognized guidelines provided by the municipal unit in which it is located, or those guidelines provided by the Clinton County Department of Waste Management if local guidelines have not been adopted.

5.11 Use, storage and handling of hazardous substances, storage and disposal of solid, liquid, and sanitary wastes

- A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the County through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
- B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the appropriate permits or approval from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Fire Marshal Division, Clinton County, or other designated enforcing agencies.
- C. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey to the County in conjunction with the following: HAZARDOUS SUBSTANCE REPORTING FORM or MATERIAL SAFETY DATA SHEET (MSDS).
 1. Upon submission of a site plan.
 2. Upon any changes of use or occupancy of a structure or premise.
 3. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

Section 5.11.D-E

- D. All business and facilities that use, store, or generate hazardous substances in quantities equal to or greater than twenty-five (25) gallons or two hundred twenty (220) pounds shall comply with the following standards:
1. **Above-ground storage and use areas for hazardous substances.**
 - a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism.
 - c. Secondary containment structures such as out-buildings, storage rooms, sheds and pole barns shall not have floor drains.
 - d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff.
 2. **Underground storage tanks.**
 - a. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency, the State Police and State Fire Marshal Division, and/or any other Federal, State or local authority having jurisdiction.
 - b. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police, State Fire Marshal Division and Clinton County. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police and State Fire Marshal Division, the Michigan Department of Environmental Quality, and/or any other Federal, State or local authority having jurisdiction.
 3. **Loading and unloading areas** used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.
- E. All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the local fire authority, consulting engineer and any other appropriate experts determined necessary prior to approval of the site plan and/or special land use.

5.12 Sewage treatment and disposal

In addition to the requirements established by the Mid-Michigan District Health Department (MMDHD) or the Michigan Department of Environment, Great Lake and Energy (EGLE), the following site development and use requirements shall apply to all public and private sewage treatment and disposal plants for uses requiring site plan and special land use review and approval.

- A. All treatment buildings, lagoons or ground application areas shall be completely enclosed by a fence not less than six (6) feet high.
- B. All operations and structures shall be surrounded on all sides by a buffer strip of at least one hundred (100) feet wide within which grass, trees and shrubs, and structural screens shall be placed to minimize the appearance of the installation and to help confine odors therein. The Planning Commission, upon consultation with the appropriate reviewing agencies of the facilities, shall have the authority to review and approve the design and treatment of all buffer strips.
- C. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without approval of the MMDHD and/or EGLE, or when development occurs within a sewer service area, the appropriate municipal utility, or authority.

5.13 Electrical disturbance, electromagnetic, or radio frequency interference

- A. No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- B. Cause, creates, or contributes to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

5.14 Noise and vibration

- A. Noise that is objectionable as determined by the Zoning Official or an individual Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the general definition of public nuisance.
- B. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity or from an approved process (such as a quarry, or gravel mining operation) shall be exempt from this requirement insofar that other provisions set forth herein particular to the use seeks to limit, mitigate and buffer objectionable sounds.
- C. No use shall generate any ground transmitted vibration in excess of the general definition of public nuisance.

Section 5.15.A-B

5.15 Multiple Residence Drive (MRD)

- A. **Intent.** It is hereby found that unobstructed, safe, and continuous access to lots is necessary to promote and protect the health, safety, and welfare of the public through police and fire protection, and ambulance service. Such access is necessary to ensure that such services can safely and quickly enter and exit private property at all times. Drive access should meet minimum standards and specifications to minimize the number of driveway cuts and help maintain rural character and promote the clustering of residential dwellings. The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.
- B. **Use criteria.**
1. Access onto the public road is reviewed and approved by the Clinton County Road Commission (CCRC). If at any time, two (2) or more parcels are to have shared access, it shall be brought into compliance with MRD standards contained in this Ordinance.
 2. An MRD may be used subject to the following conditions:
 - a. An MRD is permitted only in the A-2, A-3 and RR Districts and only applies to providing service and access to single-family residences.
 - b. An MRD shall not serve or provide access to more four than (4) residential parcels. Also, only one (1) MRD shall be requested and applied for per parcel of land.
 - c. An MRD shall typically not extend more than 660' from the public road right-of-way to the top of the approved turn-around, or cul-de-sac, unless the Planning Commission finds that additional drive length is necessary due to the size and shape of the site and is done to meet the following objectives:
 - I. Residential lots are to be clustered and similarly proportioned to each other in size, shape and layout.
 - II. Due to the size and shape of the site, limiting the distance of the MRD to 660' would eliminate the ability to obtain a maximum number of buildable parcels of proportional size, layout and to avoid irregularly shaped lots.
 - III. The total length of the MRD shall not exceed 990'.
 - d. Any parcel having access onto or served by the MRD shall meet all regulations and standards regarding yard and setback requirements according to the zoning district in which it is located, or if being petitioned under [Section 3.8 Preservation performance zoning: A-2 General Agriculture and A-3 Agricultural/Residential Transition districts](#), meet the minimum standards as set forth in said section.
 - e. All parcels receiving access or served from an MRD shall have their individual addresses posted on each property and also posted together at the entrance of the MRD where it intersects with the public road.
 - f. Such MRD shall have a recorded easement of at least sixty-six (66) feet. A complete statement shall be submitted of all the terms and conditions of the proposed rights-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the rights-of-way and drives.

- g. An MRD shall not effectively block, redirect or otherwise significantly disrupt established drainage patterns of the area. Furthermore, an MRD shall not cross, parallel, after the discharge or otherwise impact an existing county drain without the express written approval of the Clinton County Drain Commissioner.
 - h. For purposes of this section, a parcel shall be deemed to be served by or have access to an MRD if the MRD crosses or touches any part of a parcel. Any parcel crossed or touched by an MRD shall only be served by or have access to the MRD and any other driveway access to a public road shall be abandoned; the intended purpose being to eliminate excessive driveway access onto public roads.
- C. **General access and permit requirements.**
- 1. Every lot or parcel in Clinton County that is improved with a structure shall:
 - a. Have frontage on a public road and have access to a public road via a private driveway, or have access to the public road via an MRD, upon which frontage requirements will be met, that meets the requirements of this Ordinance.
 - b. Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public road or MRD.
 - 2. Two (2) or more parcels or lots served formerly by a private driveway or public road shall not be improved with an additional principal structure or lot or parcel subsequent to the date of adoption of this Ordinance, unless an MRD in accordance with this Ordinance has been approved.
 - 3. No person shall construct, alter, or extend an MRD or existing private road without compliance with this Ordinance and obtaining approval as hereinafter provided.
- D. **Specifications for Multiple Residence Drive.** All multiple residential drives shall meet the following minimum requirements and specifications:
- 1. A pre-application meeting with the Zoning Official is required.
 - 2. A complete legal description including related utility and drainage easements of the land on which the drive is to be built and the names and addresses of the owners is required.
 - 3. A site plan in conformance with the information required, and review and approval procedure outlined in [Section 6.1 Site plan review](#) of the Ordinance.
 - 4. The drive surface and turnaround area is required to be centered in the right-of-way.
 - 5. The connection between the right-of-way and the MRD shall conform to the standards and specifications of the Clinton County Road Commission (CCRC). The applicant shall obtain an access permit issued by the CCRC prior to approval by the Planning Commission.
 - 6. The rights-of-way and drive shall be adequately drained so as to prevent flooding or erosion of the drive. Ditches shall be located within the rights-of-way. Drive drainage shall be constructed so that the runoff water shall be conveyed to existing water courses or water bodies. The discharged water shall not be cast upon the land of another property owner unless the water is following an established water course. Connection to county designated drains shall be approved by the Clinton County Drain Commissioner prior to the issuance of a permit. Connection to culverts and ditches within public road rights-of-way shall be approved by the CCRC prior to the issuance of a permit. The Planning Commission shall seek recommendation from CCDC concerning drainage in general.
 - 7. The rights-of-way shall provide adequate space for ingress, egress, drainage, and installation and maintenance of public and private utilities.

Section 5.15.D

8. Appropriate “service area” shall be provided at the drive entrance for trash pick-up, mail delivery, and school bus pick-up/drop-off.
9. MRD’s shall be designated with the word “private” and will be addressed in relation to the public road of which it is situated. The applicant shall be responsible for the erection and maintenance of all street signs and traffic signs required by the Planning Commission and/or Clinton County Road Commission. Under no circumstance shall the MRD be issued a private street name or post such MRD with a private street name.
10. The application shall be signed by the applicant or agent thereof. If signed by an agent it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application on behalf of all persons having an interest in the rights-of-way or the abutting lots and shall be made under penalties of perjury.
11. MRDs shall also meet their respective minimum requirements and specifications as set forth in [Table 5.15.D.11](#), herein.

TABLE 5.15.D.11	
MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR MULTIPLE RESIDENCE DRIVES	
Width of right-of-way	Sixty-six (66) feet
Drive length	Refer to subsection B.2.c
Drive width	Eighteen (18) foot driving surface and three (3) foot shoulders.
Addressing and signage	Addressed from public road from which the MRD gains access. An address post provided at the entrance of MRD onto the public road and individual addresses posted on principal structure within. A stop sign shall also be posted on the MRD at the intersection with the public road.
Service area	A service area, as deemed adequate by the Planning Commission, to accommodate trash pick-up, school bus pick-up/drop off, and mail delivery.
Sub-base	Remove all organic or unstable material and replace with a minimum of six (6) inches of sand meeting MDOT Class II standards.
Driving surface	Six (6) inches of gravel, crushed limestone, stone, or concrete meeting MDOT Class 22A and 23A standards.
For paved surface	Optional - At a minimum, three (3) inches of asphalt using commonly accepted practices.
Turnaround area / Cul-de-sac	Seventy-five (75) foot radius right-of-way with fifty (50) foot radius drive surface.
Ditches	Ditches shall be of width, depth, and grades to provide for adequate and positive drainage as reviewed and recommended by the CCDC.

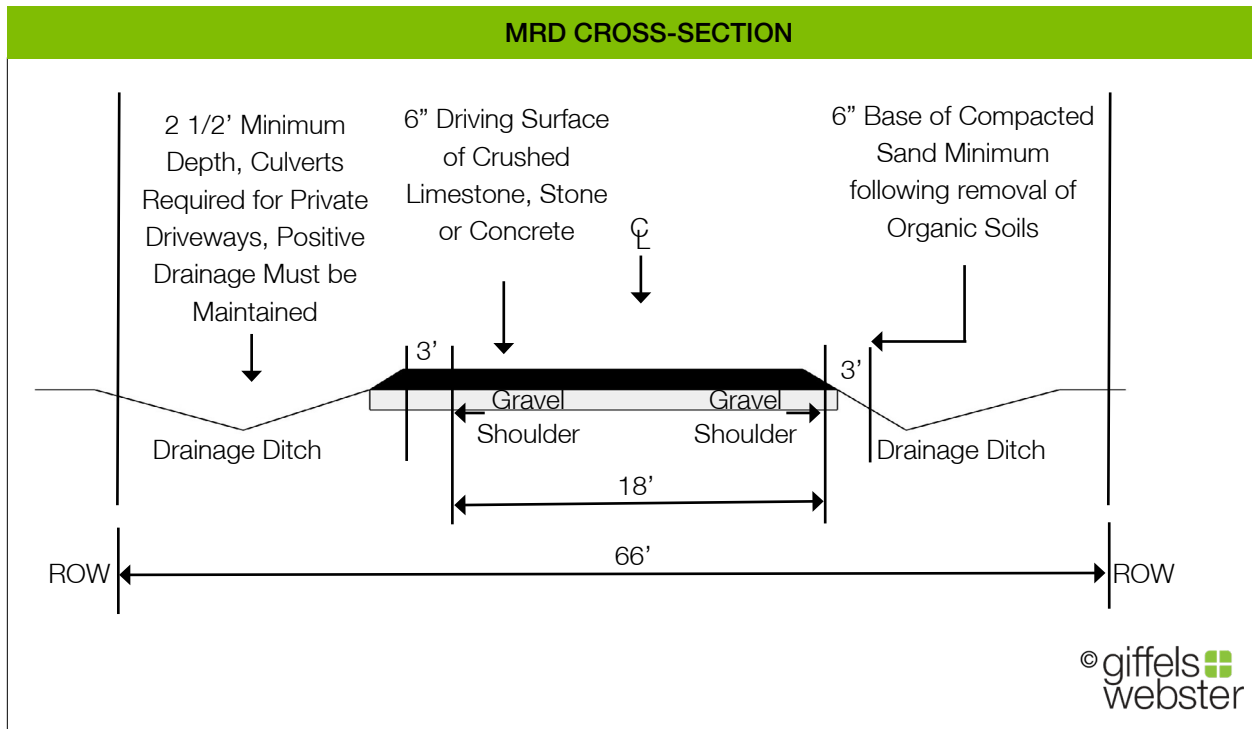
- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



TABLE 5.15.D.11	
MINIMUM REQUIREMENTS AND SPECIFICATIONS FOR MULTIPLE RESIDENCE DRIVES	
Maintenance agreement	Required as provided in standard form from the Zoning Official.
Engineering certification and/or material testing certification	Required.

E. Multiple Residence Drive permit approval procedure.

1. Prior to submitting an application, any potential applicant shall review zoning and other applicable regulations with the Zoning Official to ensure completeness of an application.
2. Upon receipt of an application and payment of applicable fees, the Zoning Official shall invoke the procedures for site plan review set forth in [Section 6.1 Site plan review](#).
3. For MRDs, the Zoning Official shall require a written report and a stamped and dated letter from a State of Michigan Certified Civil Engineer indicating that the proposed MRD conforms to the standards set forth in this Ordinance.



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
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- F. Recording of rights-of-way. The rights-of-way, including all agreements shall be recorded in the office of the Register of Deeds for Clinton County prior to the issuance of any zoning permit. Proof of recording shall be provided to the Zoning Official before final approval is granted.
- G. **Zoning permits.** No zoning permit will be issued for any lot accessed by an MRD until the Planning Commission has issued a final approval of the drive and the Zoning Official has determined compliance.
- H. **Maintenance agreements.** A standard maintenance agreement, any modification of which to be reviewed by the County Attorney and approved by the Board of Commissioners, shall be filed and recorded with the Clinton County Register of Deeds for any maintenance for the MRD. All parcels accessing the MRD shall be part of the agreement. The agreement will specifically address the liability and responsibility of the parties to the agreement to maintain the MRD pursuant to the specifications provided for in this Ordinance and other applicable ordinances, including but not limited to the responsibility of removing snow, maintaining width and surface for ingress and egress of emergency vehicles, insuring adequate drainage, etc.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

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5.16 Creation of ponds

- A. Creation of pond with a surface area of at least one-thousand (1,000) square feet and less than 2-acres is subject to the following regulations:
1. A pond is an accessory use in all zoning districts.
 2. No person shall commence the excavation, dredging, or construction of a dam, which is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a zoning/land use permit approving the specific plans for a pond.
 3. Plans for ponds shall indicate the general size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
 4. No pond shall be closer than twenty (20) feet from any property line or dwelling units. Setbacks for septic tanks, drainage fields and domestic water wells are established by the Mid-Michigan District Health Department (MMDHD), but shall be no less than 20'. In the event that a pond is being constructed for mutual benefit and shared enjoyment of two properties and the pond is situated on both sides of the property line, application must be made by both property owners and the pond area must be established within an easement allowing full use by each property owner. The Zoning Official may consider the joint application and properties thereof as a zoning lot for the purposes of reviewing and issuing the permit.
 5. All excavated soil material must be used on the same parcel, or zoning lot as the pond. No materials may be sold for commercial purposes or hauled off-site. Excavated materials used for grading around the pond shall not be placed closer than twelve (12) feet to the edge of the excavation.
 6. All ponds shall be completed one hundred eighty (180) days following issuance of the zoning permit or such permit shall be declared null and void.
- B. Creation of a pond with a surface of more than two (2) acres are subject to the following regulations in addition to the preceding regulations:
1. Ponds in excess of two (2) acres shall be considered a use requiring site plan review under [Section 6.1 Site plan review](#).
 2. Applications for ponds larger than two (2) acres and/or ponds which are located within 500 feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
- C. **Exceptions to the Approval Process for Ponds.** In the event that a pond is part of the approval of a site condominium, plat, quarry, commercial, office, industrial site plan or special land use approval for purposes of providing drainage, retention or detention, the above process, procedure and regulations are hereby waived. In addition, any project under the Clinton County Drain Commissioner (CCDC) resulting in a pond is also exempt due to the creation being for the greater public health, safety and welfare.

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5.17 Fire hazard

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

5.18 Safety

Existing hazards or potential hazards and nuisances, such as construction sites, auto wrecking yards, junk yards, landfills, sanitary landfills, demolition sites, unused basements, sand, gravel, and stone pits or stone piles are to be enclosed by suitable fencing or barriers, as determined by the Zoning Official and/or the Planning Commission, so as not to endanger public health, safety and welfare. Abandoned wells and cisterns are to be capped or filled in to the satisfaction of the Mid-Michigan District Health Department and/or Michigan Department of Environmental Quality.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

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Development Procedures

Article 6 - Development Procedures

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1. Purpose & Intent

2. Definitions

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6.1 Site plan review

- A. **Intent and purpose.** It is the purpose of this section to require Site Plan Review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns and the character of future development in Clinton County.

The requirements contained in this section are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements and to promote the harmonious relationship of uses through proper design.

- B. **Authority for site plan review.** The Planning Commission shall have the authority to review and approve or reject preliminary and final site plans as required in this section.
- C. **Site plan review required.** Prior to the issuance of the zoning/land use permit, building permits or commencement of any construction, site plan review and approval is required in the situations and under the procedures contained in this section. The intent of this section is to provide for consultation and cooperation between the developer and the County in the application of these provisions to develop the County in an orderly fashion consistent with the intent of this Ordinance to protect public health, safety and welfare.
- D. **Developments and uses requiring site plan review.** No building shall be erected, moved, externally altered, added to, or have any change in use which would affect its approved off street parking, landscaping, or other requirement, and no building or land shall be used nor any building, grading or occupancy permit shall be issued except in accordance with a site plan approved under this section. Special land uses and Planned Unit Developments (PUDs) obtain site plan review through their respective processes.

The construction, alteration, addition, expansion, change or conversion of the following buildings, structures and uses require site plan review and approval:

1. A Manufactured Housing Community, pursuant to [Section 3.1.8 MH Manufactured Housing Community](#) and [Section 3.10 MH Manufactured Housing Community district review procedures and regulations](#).
2. Any principal non-residential structure permitted in residential districts; and any principal structure (except single-family residences and agricultural/farm structures) permitted in A-1 Agriculture and Open Space Preservation and A-2 and A-3 Agricultural districts.
3. Any building or additions thereto greater than four hundred (400) square feet, in any commercial (C-1, C-2, C-3), research/office (RO), industrial (I-1, I-2) and mineral (MR) district.
4. More than one (1) building or structure, on a lot or parcel, or combination of lots under single ownership in any of the districts named in [Section D.3](#) above.
5. Any principal use of a lot in any commercial (C-1, C-2, C-3), research/office, (RO) industrial (I-1, I-2) and mineral (MR) district, which does not involve a building, such as, but not limited to outdoor sales, outdoor displays and storage of vehicles, etc.
6. Public utility buildings and structures.

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7. Any parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development, or use, for which site plan review and approval is required elsewhere in this section.
 8. Planned unit developments (PUDs).
 9. Special land uses.
 10. Multiple family developments under the provisions of the MF district, [Section 3.1.7 MF Multiple-Family Residential](#).
- E. **Site plan review coordination.** Prior to approving a site plan submitted under this section, the Zoning Official and the Planning Commission shall obtain, where applicable, the review and recommendations of the Clinton County Drain Commissioner (CCDC), the Clinton County Road Commission (CCRC), Mid-Michigan District Health Department (MMDHD), Michigan Department of Transportation (MDOT), Michigan Department of Environment, Great Lake and Energy (EGLE), and any other appropriate technical reviews deemed appropriate by the Zoning Official.
- F. **Issuance of zoning permit.** The Zoning Official shall not issue a zoning/land use permit for construction of or addition to, any one (1) of the above listed buildings structures or uses until a final site plan has been approved and is in effect. A use not involving a building or structure, as above listed, shall not be commenced or expanded, nor shall the Zoning Official issue a zoning/land use permit, for such use until a final site plan has been approved and is in effect.
- G. **Commencement of activity.** No grading, removal of trees, or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in this section.
- H. **Preliminary site plan application.**
1. Any person with a legal interest in a lot may apply for preliminary site plan approval. All site plans shall be submitted to the Zoning Official and must contain the following to be accepted:
 - a. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is not the applicant, the applicant must provide a statement from the owner that the applicant has permission to proceed. Such statement shall include a detailed description of the proposal.
 - b. Payment of review fees.
 - c. Eighteen (18) copies of the preliminary site plan drawing(s). Additional copies may be requested by the Zoning Official as necessary to submit to other agencies as set forth in [subsection E of Section 6.1 Site plan review](#).
 - d. All items as required by [subsection I of Section 6.1 Site plan review](#).
 - e. Consent to access. By submittal of an application for preliminary site plan, the applicant grants permission to the Zoning Official and/or assigns and members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.



2. Upon receipt of a completed application and site plan by the Zoning Official:
 - a. The Zoning Official and/or their assigns reviews the application for completeness.
 - b. After it is determined that the application is complete, the Zoning Official shall place the application on the next available County Planning Commission meeting agenda. The application must be submitted no less than 30-days before the next available Planning Commission Meeting to be considered for placement on the agenda.
 - c. The Zoning Official shall forward the application to any other reviewing agencies, bodies, committees or organizations that are deemed appropriate.
 - d. Applications proposed within any agriculturally zoned districts shall be submitted for review and comment to the Agricultural Preservation Board.
- I. **Information required for a preliminary site plan.** A preliminary site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review. Site plans shall consist of an overall plan for the entire development. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet, nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the plan. The size of paper on which the site plan is presented shall be no smaller than 11" by 17", or no larger than 36" by 48". Standard paper size is 24" by 36". Information included on the preliminary site plan shall include the following information. Information that is not deemed applicable by the applicant shall be so stated in note form on the site plan.
 1. Location (vicinity map) and description of site; dimensions and area.
 2. General topography; soil information.
 3. Name, address, and phone number of the property owner; applicant's name, address, and phone number, and interest in property, owner's signed consent for preliminary site plan approval, if the applicant is not the owner.
 4. Name and address of designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Planning Commission.
 5. Scale, north arrow, dates of plan, dates of revisions.
 6. Proposed buildings/structures: location, outline, general dimensions, distances between, floor area, number of floors, height, general floor plans and elevations, number and type of dwelling units (where applicable).
 7. Location and size of agricultural areas, open areas, conservation or recreation areas.
 8. Proposed streets/drives: general alignment, right-of-way, (where applicable), surface type, construction cross-section and width.
 9. Proposed parking: dimensions of spaces and aisles, angle of spaces, surface type, barrier free spaces, number of spaces and a table showing preliminary parking calculations.
 10. Table showing existing zoning classification of property; required yards; density of development, and lot area per dwelling unit for residential projects; and lot coverage (percent) and floor area ratio;
 - ↔
 11. Location and size of required future transition and landscape strips, if applicable.

Section 6.1.I-K

12. Proposed general grading and drainage patterns; outline of existing building/structures and drives; existing natural and manmade features to be retained or removed.
13. Adjacent land uses and zoning; location of adjacent buildings; drives/streets.
14. Location, area of development phases; building program for each phase; projected schedule of development, by phase.
15. Location and width of existing and future easements on site. Indicate the future width of right-of-ways.
16. General description of proposed water, sanitary sewer, and storm water catchments and drainage systems.

J. **Standards for preliminary review.** In reviewing a preliminary site plan, the Planning Commission shall consider the following standards:

1. That all required information has been provided.
2. That the proposed development, as shown in the preliminary site plan, conforms to all regulations of the Ordinance for the district(s) in which it is located.
3. That the applicant may legally apply for the site plan review.
4. That the movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
5. That the proposed development described by the site plan will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
6. That natural resources will be preserved to a maximum feasible extent, and that the development as proposed will not cause soil erosion or sedimentation.
7. That the proposed development is adequately coordinated with improvements serving the subject property and other neighboring or adjacent developments.
8. That the proposed development respects natural topography to the maximum feasible extent, and minimizes the amount of cutting and filling required.
9. That organic, wet, or other soils that are not suitable for development, will be undisturbed, or will be modified in an acceptable manner.
10. That the proposed development properly respects floodways and floodplains on or in the vicinity of the subject property.
11. That phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
12. That the proposed development respects and considers the protection of adjacent open space and agricultural land.

K. **Planning Commission action.** The Planning Commission shall study the plan and shall, within a reasonable amount of time approve or reject the preliminary site plan. The Planning Commission may require changes in the plan, and may attach conditions to its approval. The Planning Commission shall advise the applicant in writing of its actions on a preliminary site plan. The approved preliminary site plan is that site plan revised by the applicant in accordance with the Planning Commission's approval, as signed by the Zoning Official upon review and assessment of compliance.

- L. **Effect of approval.** Approval of a preliminary site plan by the Planning Commission shall indicate its acceptance of the general character of the proposed development, and of the proposed layout of buildings, streets, drives, parking areas, and other facilities and areas. The Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of permits by the Zoning Official for grading and foundation work on the basis of an approved preliminary site plan. The conditions to be attached to such permit issued for grading and foundation work shall include, but are not limited to, provisions for control of possible erosion, for exempting the County from any liability if a final site plan is not approved, and for furnishing a bond for restoration of the site if work does not proceed to completion.
- M. **Expiration of approval of the preliminary site plan.** Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Zoning Official within that time period. If a final site plan is submitted for only a part of the area included in the approved preliminary site plan, successive final site plans shall be filed at intervals no longer than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Zoning Official may declare the approved preliminary site plan as not in compliance with the Ordinance with respect to the remaining parts of the site and shall notify the Planning Commission by placing the item on the next available meeting of the Planning Commission. In such case the Planning Commission may require a new preliminary site plan be submitted, or extend the expiration period if good cause can be shown for the delay.
- N. **Final site plan application.**
1. Following approval of a preliminary site plan, the applicant shall submit to the Zoning Official the following:
 - a. A completed application signed by the owner; if the owner is a corporation, a corporate officer must sign the application; if the owner is a partnership, a general partner must sign the application; if the owner is an individual, each individual owner must sign the application. If the owner(s) is/are not the applicant(s), the applicant(s) must provide a statement from the owner(s) that the applicant(s) has/have permission to proceed.
 - b. Payment of review fees.
 - c. Twenty (20) copies of the final site plan drawing(s) certified by an engineer - twelve (12) copies at 24" x 36" and eight (8) at 11" by 17". Additional copies may be requested by the Zoning Official as necessary to submit to other agencies as set forth in [subsection E of Section 6.1 Site plan review](#).
 - d. Consent to access. By submittal of an application for final site plan, the applicant grants permission to the Zoning Official and/or assigns and members of the Planning Commission the right to enter and access property under petition to review condition and situation of the property in order to make informed decisions.

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2. Upon receipt of a completed application and site plan, by the Zoning Official:
 - a. The Zoning Official and/or their assigns reviews the application for completeness.
 - b. After it is determined that the application is complete, the Zoning Official shall place the application on the next available Planning Commission meeting agenda. The application must be submitted no less than 30 days before the next available Planning Commission meeting to be considered for placement on the agenda.
 - c. The Zoning Official shall forward the application to any other reviewing agencies, bodies, committees or organizations that are deemed appropriate.
- O. **Information required for a final site plan.** Each final site plan submitted for review shall provide the following information and shall meet the following specifications, where applicable:
1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such detail that the Planning Commission can readily interpret the plan. More than one (1) drawing shall be included as part of a final site plan where required by the Planning Commission for clarity.
 2. Scale, north arrow, name and date of plan; date of any revisions thereto.
 3. Name, address, and phone number of the property owner and applicant; interest of applicant in property, name, address, and phone number of the developer.
 4. Name, address, and phone number of the designer. A detailed site plan shall be prepared and sealed by an architect, landscape architect, engineer, or land surveyor, unless waived by the Planning Commission.
 5. A vicinity map; legal description of site; dimensions and lot area. Where a metes and bound description is used, lot line angles or bearings shall be indicated on the plan and the lot line dimensions and angles or bearings shall be based upon a boundary survey prepared by a registered surveyor, and shall correlate with the legal description.
 6. Existing topography (contour interval of two (2) feet); all existing natural features, including but not limited to trees, wooded areas, streams, marshes, ponds and other wetlands; clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy, individual deciduous trees of twelve (12) inches in diameter or larger and individual evergreen trees ten (10) feet in height or higher are to be accurately located on the plan.
 7. Existing buildings, structures, and other improvements, including drives, utility poles and towers, light fixtures/lighting plan, easements, pipelines, excavations, ditches (elevations and drainage directions), bridges, culverts; clear indication of all improvements to remain and to be removed; deed restrictions, if any.
 8. Owner, use, and zoning classification of adjacent properties; location and outline of buildings, drives, parking lots, other improvements on adjacent properties within fifty (50) feet of development site boundary.
 9. Name of existing streets, on or adjacent to the property, and associated rights-of-way.
 10. Table showing zoning classification of the subject property; location of required yards; total site area and floor area; total ground floor area and lot coverage (percent); floor area ratio. ↔

11. Grading plan, showing finished contours at two (2) foot intervals and correlated with existing contours so as to clearly indicate cut and fill required. All finished contour lines are to be connected to existing contour lines at or before the property lines.
12. Location and exterior dimensions of all proposed buildings and structures, location to be referenced to property lines or to a common base point; distances between buildings; height in feet, and number of stories; finished floor elevations and contact grade elevations.
13. Location and alignment of all proposed streets and drives; rights-of-way where applicable; surface type and width, and typical cross section of same showing surface, base, and sub-base materials, dimensions, and slopes; location and typical details of curbing; turning lanes (where applicable) with details; location, width, surface elevations and grades of all entries and exits; curve-radii.
14. Location and dimensions of proposed parking lots; number of spaces in each lot; barrier free spaces; dimensions of spaces and aisles; drainage pattern of lots; typical cross-section showing surface, base, and sub-base materials; angle of spaces.
15. Location, width, and surface of proposed sidewalks and pedestrian ways.
16. Location, use, size and proposed improvements of open spaces, conservation areas and recreation areas; maintenance provisions for such areas.
17. Location and type of proposed screens and fences; height, typical elevation and vertical section of screens, showing materials and dimensions.
18. Location of proposed outdoor trash container enclosures; size, typical elevation, and vertical section of enclosure, showing materials and dimensions. Screening and layout standards shall meet those provisions put forth in [subsection L of Section 5.8 Landscaping, greenbelts, buffering and screening](#) herein.
19. Location, type, size, area, height, and sketch of proposed signs.
20. At the discretion of the Planning Commission, a letter of approval for on-site water and sewer facilities by the Mid-Michigan District Health Department and/or Michigan Department of Environment, Great lakes, and Energy shall be submitted prior to Planning Commission approval of the final site plan.
21. Landscape plan in compliance with [Section 5.8 Landscaping, greenbelts, buffering and screening](#).
22. General description of measures to control soil erosion and sedimentation during grading and construction operations, until a permanent ground cover is established. Prior to commencement, a soil erosion and sedimentation control permit must be obtained.
23. Location of proposed retaining walls, and dimensions and materials of same; fill materials; typical vertical sections; restoration of adjacent properties, where applicable.
24. Location, type, direction, and intensity of outside lighting in compliance with [Section 5.6 Artificial lighting, exterior lighting, and glare](#) herein.
25. Right-of-way expansion(s) where applicable; reservation or dedication of right-of-way to be clearly noted, dedication of right-of-way where applicable shall be executed, or provisions made for same, prior to approval of the final site plan by the Planning Commission.
26. Construction schedule.

Section 6.1.O-P

27. Additional requirements for residential developments.
 - a. Density calculations by type of unit by bedroom counts.
 - b. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units.
 - c. Carport and/or garage locations and details where proposed.
 - d. Amount and location of recreation spaces.
 - e. Type of recreation facilities to be provided in recreation space.
 - f. Community building details and other accessory uses, such as swimming pools, clubhouses, etc.
 - g. Building facades and elevations.
 28. Additional requirements for commercial and industrial developments.
 - a. Loading/unloading areas.
 - b. Total and usable floor area.
 - c. Number of employees at peak usage.
 - d. Building facades and elevations.
- P. **Standards for review.** In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards.
1. That the final site plan conforms to the preliminary site plan, as approved.
 2. That all required information is provided.
 3. That the plan complies with all applicable Ordinance regulations.
 4. That the plan, including all engineering drawings, meets specifications of the County and individual Township for fire and police protection, water supply, sewage disposal, storm drainage, and other public facilities and services.
 5. That the plan meets all specifications of this section.
 6. That the proposed development will not cause soil erosion or sedimentation problems.
 7. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of watercourses in the area.
 8. That the proposed development is coordinated with improvements serving the subject property and with the other developments in the general vicinity.
 9. That outside lighting will not adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
 10. That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 11. That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
 12. That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
 13. That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

14. That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
15. The plan respects and considers the protection of adjacent open space and agricultural land.
- Q. **Planning Commission action.**
1. The Planning Commission shall study the final site plan and shall within a reasonable time of the filing date, if the submitted application is complete, approve, conditionally approve, or reject the final site plan. The Planning Commission may specify reasonable conditions, changes, or modifications to the proposed site plan as needed. The Planning Commission shall include in its study of the site plan, at its discretion, consultation with any of the following: the local Township, the Building Inspector, the Zoning Official, the local Fire Chief, the Engineering Consultant and Planning Consultant, and other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development.
 2. Upon Planning Commission approval of a final site plan, the applicant and owner(s) of record, or a legal representative thereof, and the Zoning Official shall each sign three (3) copies of the approved site plan. The Planning Commission Secretary shall transmit two (2) such signed copies of the approved final site plan, and any conditions attached to such approval, to the Zoning Official, and one (1) to the applicant. If the final site plan is rejected, the Planning Commission, or their assign, shall notify the applicant in writing of such action and reasons therefore, within ten (10) working days following such action.
- R. **Effect of approval.** Approval of a final site plan authorizes issuance of a zoning/land use permit and issuance of a building permit, provided all other requirements for a building permit have been met. In the case of uses without buildings or structures, approval of a final site plan authorizes issuance of a certificate of zoning compliance and issuance of a zoning/land use permit, provided all other requirements for such approval have been met.
- S. **Expiration of approval of the final site plan.** The approval of the final site plan shall expire and be of no effect unless a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the final site plan. Approval of a final site plan shall expire and be of no effect five hundred forty-five (545) days following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan and construction schedule.
- T. **Combining preliminary and final site plans.** An applicant may, at the applicant's discretion and risk with approval of the Planning Commission, combine a preliminary and final site plan in the application for approval. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or size of the proposed development so warrants. A preliminary and final site plan shall not be combined for any development consisting of two (2) or more phases.

Section 6.1.U

U. Minor or major amendment of approved site plan.

1. Minor amendment. Minor amendments to an approved preliminary or final site plan may occur only under the following circumstances:
 - a. An applicant or property owner who has been granted approval shall notify the Zoning Official of any proposed amendment to such approved site plan.
 - b. Minor changes may be approved by the Zoning Official upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, compliance with the standards of [Section 6.1 Site plan review](#), nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Official shall consider the following to be a minor change:
 - I. For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase, nor does the proposed change effect the cohesiveness and unity of the design of the development.
 - II. Square footage of non-residential buildings may be decreased.
 - III. Change of building height may be altered by up to five percent (5), but in no case exceed height limitations. ↔
 - IV. Movement of a building or buildings by no more than five (5) feet provided required setbacks are met.
 - V. Designated areas not to be disturbed, or those areas identified as being conserved or preserved may be increased.
 - VI. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one (1) to one (1) or greater basis. Such determination to be in compliance with [subsection F of Section 5.8 Landscaping, greenbelts, buffering and screening](#) herein.
 - VII. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - VIII. Changes in floor plans, which do not alter the character of the use.
 - IX. Slight modification of sign placement or reduction of size.
 - X. Relocation of sidewalks and/or refuse storage stations insofar as to not change the intent of the Planning Commission's approval in planning pedestrian walkways and screening incompatible on-site uses.
 - XI. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design, provided that all parking regulations are met.
 - XII. Changes required or requested by the County Sheriff or Fire Department for safety reasons, which do not affect site layout, shall be considered a minor change.
2. Major amendment. Should the Zoning Official determine that the requested modification to an approved plan is not minor, the Planning Commission shall be notified in writing. Major changes to an approved final site plan shall require re-submittal for final site plan review under this section.



- V. **Administrative site plan review.** The Zoning Official may approve minor site plan applications when the change will have no effect on the movement of vehicles and persons to and from the property and will not require additional parking spaces, unless otherwise specifically permitted in this Ordinance. An administrative site plan may be applied for, for any of the following site modifications:
1. The proposed addition constitutes less than one thousand (1,000) square feet or not more than twenty (20) percent of the existing floor area.
 2. The building modification or change of use does not require additional off-street parking.
 3. The building or site modification does not encroach upon an existing parking lot.
 4. The building or site modification is not adjacent to a district that permits a dwelling, is zoned residentially, or is currently in residential use.
 5. A minor building or site modification will not have a significant impact upon adjoining land uses.
 6. Petition for shared driveway access for two parcels under [Section 3.8 Preservation performance zoning: A-2 General Agriculture and A-3 Agricultural/Residential Transition districts](#).
 7. The Zoning Official may, at their discretion, require that a proposal under this section be reviewed as a site plan by the Planning Commission. Such reasoning shall be adequately documented to the applicant.
- W. **Phasing of development.** The applicant may divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.

Section 6.2.A-B

6.2 Special land uses

- A. **Intent and purpose.** It is the intent of this section to provide a set of procedures and standards for specific uses of land or structures that will maintain sound provisions for the protection of the health, safety and general welfare of the inhabitants of Clinton County in review of certain specified types of land use activities that, because of their particular and unique characteristics, require special land use consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zoning districts by the issuance of a special land use approval. By such a procedure, the Planning Commission and Board of Commissioners shall have the opportunity to impose conditions and safeguards upon each use that are deemed necessary for the protection of the public welfare.
- B. **Procedures.** A preliminary or final application for a special land use for any land or structure permitted under this section shall be submitted and processed under the following procedures:
 1. **Submission of application.** An application for special land use shall be submitted to the Zoning Official for consideration by the Planning Commission. The application shall be accompanied by payment of the fee as established by resolution of the Board of Commissioners. No part of any fee shall be refundable.
 2. **Required site plans.** One (1) application for a special land use shall be presented to the Zoning Official, accompanied by thirty-five (35) copies of a site plan and supporting documentation containing information as required herein.
 3. **Incomplete applications.**
 - a. An application that does not contain the information required by this Ordinance shall be returned to the applicant.
 - b. An application that does not contain the information required by this Ordinance shall not constitute submission so as to commence the running of time for processing the application.
 - c. An application that contains the information required by this Ordinance shall be scheduled for a public hearing before the Planning Commission.
 4. **Description of proposed special land use.** It shall be incumbent upon the applicant to furnish adequate evidence in support of the proposed special land use complying with the provisions of this Ordinance. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of the Ordinance.
 5. **Consent to access.** By submittal of an application for special land use, the applicant grants permission to the Zoning Official and/or assigns, the Planning Commission, and the Board of Commissioners the right to enter and access property under application to review condition and situation of the property(s) in order to make informed decisions.
 6. Until a special land use approval has been granted for any use requiring the same in this Ordinance, and until a proper building permit has been granted pursuant to the special land use approval, there shall be no construction or excavation on said land, nor shall there be made any use of land related to the request for the special land use.



C. Procedure for review.

1. Application for preliminary special land use approval.

a. Information required.

- I. A preliminary site plan meeting all requirements of [subsection H](#) to [subsection I](#) of [Section 6.1 Site plan review](#).
- II. A narrative report shall accompany the preliminary site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria and standards set forth in [subsection J](#) of [Section 6.1 Site plan review](#) and [subsection F](#) of [Section 6.2 Special land uses](#) have been met in the application.

- b. **Planning Commission action.** The application for preliminary special land use approval and preliminary site plan shall be noticed for public hearing before the Planning Commission subject to [subsection B](#) and [subsection D](#) of [Section 6.2 Special land uses](#). Following the public hearing, the Planning Commission shall review the application and the preliminary site plan and shall take one of the following actions:

I. **Approval.**

- i. Upon finding that the application and preliminary site plan meets the criteria and standards set forth in [subsection H](#) to [subsection J](#) of [Section 6.1 Site plan review](#) and [subsection F](#) of [Section 6.2 Special land uses](#) the Planning Commission shall grant preliminary approval of the special land use and preliminary site plan. Approval shall constitute approval of the uses and design concept as presented in the applicant and on the preliminary site plan and shall confer upon the applicant the right to proceed in preparation of the application for final approval of the special land use and final site plan.
- ii. Preliminary approval of the application for special land use and site plan by the Planning Commission shall not constitute final approval of the special land use and final site plan nor bind the Planning Commission or Board of Commissioners to approval of the special land use and final site plan.

II. **Tabling.**

- i. Upon finding that the application and preliminary site plan does not meet the criteria and standards set forth in [subsection H](#) to [subsection J](#) of [Section 6.1 Site plan review](#) and [subsection F](#) of [Section 6.2 Special land uses](#) but could meet such criteria if revised, the Planning Commission may table action until requested revisions are submitted.
- ii. If revisions are not submitted within six (6) months of the action to table by the Planning Commission, the application for preliminary approval of a special land use and site plan shall automatically be null and void.

- III. **Denial.** Upon finding that an application for preliminary approval of a special land use and preliminary site plan does not and cannot meet the criteria and standards set forth in [subsection H](#) to [subsection J](#) of [Section 6.1 Site plan review](#) and [subsection F](#) of [Section 6.2 Special land uses](#) the Planning Commission shall deny preliminary approval of the special land use and preliminary site plan.

Section 6.2.C

2. **Application for final special land use approval.** Within six (6) months following Planning Commission approval of the special land use application for preliminary approval and the preliminary site plan, the applicant shall submit an application for final approval of the special land use and site plan and supporting materials conforming to this section. If an application for final approval is not submitted by the applicant for final approval within six (6) months following the preliminary approval by the Planning Commission, the preliminary approval of the special land use shall automatically be null and void.
 - a. **Information required.**
 - I. A final site plan meeting all requirements of [subsection N](#) to [subsection O](#) of [Section 6.1 Site plan review](#).
 - II. A narrative report shall accompany the final site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria and standards set forth in [subsection P of Section 6.1 Site plan review](#) and [subsection F of Section 6.2 Special land uses](#) have been met in the application.
 - III. A specific schedule of the intended development and construction details, including phasing or timing.
 - IV. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, landscaping, utilities, and visual screening features.
 - V. A specification of the exterior building materials with respect to the structures proposed in the project.
 - b. **Planning Commission action.** The application for final special land use approval and final site plan shall be noticed for public hearing before the Planning Commission subject to [subsection B](#) and [subsection D](#) of [Section 6.2 Special land uses](#). Following the public hearing, the Planning Commission shall review the application and the final site plan and shall take one of the following actions:
 - I. **Approval.** Upon finding that the application and final site plan meets the criteria and standards set forth in [subsection N](#) to [subsection P](#) of [Section 6.1 Site plan review and subsection F of Section 6.2 Special land uses](#), the Planning Commission shall recommend approval to the Board of Commissioners, with or without conditions.
 - II. **Tabling.**
 - i. Upon finding that the application and final site plan does not meet the criteria and standards set forth in [subsection N](#) to [subsection P](#) of [Section 6.1 Site plan review and subsection F of Section 6.2 Special land uses](#), but could meet such criteria or standards if revised, the Planning Commission may table action until requested revisions are submitted.
 - ii. If revisions are not submitted within six (6) months of the action to table by the Planning Commission, the application for final approval of a special land use and site plan shall automatically be null and void.



Section 6.2.E-F

2. **Board of Commissioners approval.** Approval and issuance of a special land use shall be the responsibility of the Board of Commissioners and shall signify approval of the application and site plan, including any modification which shall become part of the approval of the special land use and site plan and shall be enforceable as such. The decision to approve or deny a request for a special land use shall be retained as a part of the record of action on the request and shall incorporate a statement of findings and conclusions relative to the special land use which specifies the basis for the decision, any conditions imposed and any changes to the originally submitted application and site plan necessary to insure compliance with the Ordinance. Once a special land use and site plan are approved, all site development and use of land on the property affected shall be consistent with the approved special land use, unless a change conforming to Ordinance requirements receives the mutual agreement of the landowner, the Planning Commission and the Board of Commissioners and is documented as such.

F. **Basis of determination.** Before approving an application for special land use approval and site plan, the Planning Commission and Board of Commissioners shall insure that the standards specified in [Section 6.2 Special land uses](#) and this subsection, as well as applicable standards established elsewhere in this Ordinance have been satisfied.

1. **General Standards.** The Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards, and shall grant its approval or recommendation of approval only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance. The assessment of compliance with the following standards provide the basis for the “statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed” as required in [subsection E](#), above.

- a. The proposed use, activities, processes, materials, equipment and conditions of operation will not be detrimental to the public welfare, persons or property by reason of excessive noise, fumes, dust, glare, traffic or objectionable odors.
- b. Essential public facilities and services such as roads, fire and police protection, drainage facilities, refuse disposal, schools are adequate for the proposed use or are capable of being adequately provided for.
- c. Requirements for additional public services and facilities that will be created by the proposed use will not be detrimental to the economic welfare of the community.
- d. All standards set forth in this Ordinance will be complied with, including any standards for use set forth in this section.
- e. All administrative requirements pertaining to the issuance of a special land use approval have or will be complied with.
- f. The proposed use, activities, processes, materials and equipment and conditions of operations shall be consistent with the goals, objectives and policies of the Comprehensive Plan.
- g. The proposed land use or activity is compatible with the adjacent uses of land and natural environment.
- h. Where feasible, the proposed activity should not be located such that it will directly or in-directly have a substantial adverse impact on the natural resources (specifically prime agricultural soils) of the County.



2. **Conditions.** The Planning Commission and Board of Commissioners shall have authority to add conditions necessary to ensure compliance with the standards contained in this Ordinance. Such conditions shall be enforced by the Zoning Official and shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Board of Commissioners and the owner of the land affected. Said conditions shall conform to the following standards:
 - a. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, conditions to protect the natural environment and conserve natural resources and energy, conditions to promote and insure compatibility with adjacent uses of land and to protect through screening and buffering, and conditions to promote the use of land in a socially and economically desirable manner.
 - b. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land or activity under consideration, residents and land-owners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - c. Be related to the valid exercise of the police power, and to the proposed use or activity.
 - d. Be necessary to meet the intent and purpose of the zoning requirements; be related to standards established in the Ordinance for the land use or activity under consideration; and be necessary to insure compliance with the standards.
 3. **Performance guarantee.**
 - a. In reviewing an application for special land use, the Planning Commission may recommend and the Board of Commissioners may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with an approved special land use and site plan, including conditions approved and part of the approval. Such guarantee shall be deposited with the County Clerk at the time of the issuance of the special land use.
 - b. In fixing the amount of such performance guarantee, the Planning Commission and Board of Commissioners shall limit it to reasonable improvements required to meet the standards of this Ordinance and to protect the natural resources or the health, safety and welfare of the residents of the County and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening and drainage. The term “improvements” does not include the entire project that is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to Act No. 288 of 1967, as amended.
- G. **Effective date of special land use.** The Special Land Use shall become effective when the application has been approved by the Board of Commissioners.
1. A building permit shall not be issued until the special land use and site plan have been approved by the Board of Commissioners.
 2. Land subject to a special land use approval may not be used or occupied for purposes of such special land use until after a certificate of occupancy for same has been issued pursuant to this Ordinance.

Section 6.2.H-I

H. Transfer and/or expiration of special land use.

1. Transfer of special land use.

- a. In order to insure continued compliance with the terms of this Ordinance and an approval for a special land use issued under it, each special land use shall specify reasonable terms for transfer of a valid special land use from the present landowner or operator to a subsequent owner or operator. The responsibility for said transfer in accord with the terms of the special land use shall be that of the property owner.
- b. Transfer of a special land use shall be made on a form supplied by the Zoning Official for that purpose. Proper completion of the form shall require documentation of assumption by the new owner of an interest in the land/operation in question and a written agreement that the new owner/operator will assume the obligations and responsibilities specified in the special land use approval, including deposit of a bond or other performance guarantee when so required by the special land use approval.
- c. When such transfer has been properly completed and any bond or other performance guarantee deposited properly with the County by the new property owner, any bond or performance guarantee on deposit with the County by the previous property owner shall be returned in accord with the terms of this Ordinance.

2. Expiration of a special land use approval.

- a. A special land use shall be valid for as long as the permitted use continues in accordance with the terms stated therein, unless otherwise stated in the special land use approval.
- b. The permit holder shall begin substantial construction, as opposed to site preparation activities, on the proposed site within twelve (12) months of the effective date of the special land use. If the permit holder fails to commence construction within twelve (12) months of the effective date, this approval shall expire and shall be of no further force and effect. If the special land use is for use of an existing building with no modification necessary, the permit holder must commence the use within twelve (12) months of the effective date of the permit.
- c. Approval of a special land use shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by subsequent owner.
- d. The Zoning Official shall notify the owner of property and/or use, in writing, that an approval is subject to expiration. The Planning Commission shall assess, at the request of the owner of property affected by the special land use, if an extension is warranted due to unusual circumstances that are beyond the control of the applicant and make recommendation to the Board of Commissioners.

- I. **Re-application.** No application for a special land use which has been denied, wholly or in part, by the Board of Commissioners, shall be resubmitted until the expiration of one (1) year from the date of such denial except on the grounds of newly discovered evidence or proof of changed conditions. Such decision as to accept re-application shall be made by the Planning Commission prior to acceptance of the application by the Zoning Official.



- J. **Compliance requirements and penalties for noncompliance.**
 - 1. It shall be the duty and obligation of the owner(s) and/or operator(s) to at all times be in compliance with the use requirements of this Ordinance and the stipulations of the special land use approval under which their particular use is governed. Failure thereof shall be in violation of this Ordinance and subject to the penalties and remedies provided in [Section 7.7 Enforcement, violations, and penalties](#) and the continuance thereof is hereby declared to be a nuisance per se.
 - 2. The development, of which the site plan and use are governed by the special land use approval, will be subject to annual inspection by the Zoning Official or their assigns, to verify compliance with the approval and this Ordinance. Noncompliance issues not corrected within a thirty (30) day period shall constitute grounds for expiration proceedings, or considered as a violation of the Ordinance and submitted to the Office of the County Prosecutor. Repeating of noncompliance actions shall also constitute reasoning for expiration of the special land use approval.
- K. **Specific requirements.** The general standards and regulations of the preceding are basic to all uses authorized by an approval of a special land use. The specific and detailed regulations set forth or referred to hereafter in [Article 4 - Use Standards](#) relate to particular uses and are hereafter requirements which must be met by those uses in addition to the aforementioned general standards and regulations.

Section 6.3.A-B

6.3 Zoning/Land use permits

The following provisions shall apply in the issuance of any zoning/land use permit in addition to any other requirements for a particular use contained in this Ordinance.

- A. **Commencement.** Excavation for building or structure shall not be commenced, the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken, or any land shall not be used, a previous use of land shall not be used, or an existing use of land shall not be expanded or changed, until a zoning/land use permit has been secured. A zoning/land use permit shall not be issued for those uses requiring Planning Commission site plan approval, or administrative site plan approval, until the site plan has been reviewed and approved, as provided in [Section 6.1 Site plan review](#) of this Ordinance. A zoning/land use permit shall not be issued for those uses requiring special land use approval as provided for in this Ordinance, until a special land use has been approved in compliance with the provisions of [Section 6.2 Special land uses](#) of this Ordinance.
- B. **Application for zoning/land use permit.** There shall be submitted to the Zoning Official with each application for a zoning/land use permit the following:
 1. In the case of a zoning/land use permit for a dwelling or other building intended for human occupancy and having waste water plumbing, a written report from Mid-Michigan District Health Department (MMDHD) certifying in writing the approval of a private sanitary sewage disposal system, or when public sanitary sewage service is available or required by local ordinance, a written notice of acceptance of hook-up or a tap-in fee receipt shall be required from that agency enforcing said local ordinance.
 2. An application for a zoning/land use permit gives consent for the Zoning Official, and/or their assign, to enter and/or access property for proper inspection prior to issuing permit.
 3. When a new, expanded or rehabilitated driveway is intended, a receipt of application and approval for a driveway permit from the Clinton County Road Commission (CCRC) or the Michigan Department of Transportation (MDOT) shall be required.
 4. All applications for a zoning/land use permit shall require an accurate scale map showing the following:
 - a. The location, shape, area, dimensions, legal descriptions of the parcel, deed restrictions, location of easements, centerline of street and street right-of-way (or easement).
 - b. The location, setbacks, dimensions, height of the existing and/or proposed structures to be erected, altered or moved on the parcel.
 - c. The existing and intended use of building(s) and lot.
 - d. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
 - e. Any change to the contour of the parcel involved.
 - f. Identify surface water and waterways.

Any application where the above information is not provided or is illegible shall be returned to the applicant for revision.



5. Applicant must comply with the provisions and regulations of this Ordinance, as well as meet the rules and regulations set forth by the Clinton County Drain Commissioner (CCDC), Clinton County Road Commission (CCRC), Mid-Michigan District Health Department (MMDHD) and any State agency whose promulgated rules apply to the proposed building, structure or use. The applicant must also comply with the Clinton County Soil Erosion and Sedimentation Control Ordinance pursuant to P.A. 347 or 1972 and all Township Local Ordinances that are applicable, including the Subdivision Control Ordinance, to the proposed building, structure, land use or plat.
6. Proof of ownership/equitable title shall be required with any application for a zoning/land use permit in order to establish interest in property and right to proceed.

1. Purpose & Intent

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Section 6.4.A-B

6.4 Traffic impact studies

- A. Clinton County recognizes the direct correlation between land use decisions and traffic operations. The intent of this section is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making.
- B. **Applicability.** A traffic impact analysis, statement or assessment may be required for any petition for any zoning amendment, site plan, special land use or subdivision plan filed under the provisions of this Ordinance. The type of study required shall be dependent upon the type and scale of the proposal and existing traffic conditions and initiated at the request of the Planning Commission if one of the following situations exist:
 1. **Zoning Amendment Traffic Impact Study.**
 - a. A proposed zoning amendment consistent with the Comprehensive Plan, but when the timing of the change may not be appropriate due to traffic issues. This threshold applies when a zoning amendment would permit uses that could generate 100 or more directional trips during the peak hour, or at least 1000 more trips per day, than the majority of the uses that could be developed under current zoning.
 - b. A proposed zoning amendment which is inconsistent with the Comprehensive Plan when permitted uses could generate at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets or over seven hundred fifty (750) trips in an average day.
 - c. A site along any corridor identified as a critical, congested, or safety management corridor by the metropolitan planning organization, long range transportation plan, or the Comprehensive Plan.
 - d. Proposed amendments to the Comprehensive Plan which would contemplate or recommend uses, or change future land use categories that would generate higher traffic volumes.
 - e. The requirements of the Zoning Amendment Traffic Impact Study may be waived or modified by the Planning Commission.
 2. **Regional Traffic Impact Analysis.** Regional Traffic Analysis: The type of study which is much more comprehensive, focusing on the impacts over a long period. In most cases, a regional traffic analysis will need to be prepared using a computer model which simulates daily traffic on the transportation network. The model projects traffic based on the expected future development pattern and roadway network. A regional traffic analysis may involve evaluation of a number of optional routes, including future roadways. Such a study may also involve a number of projects being developed separately in the same general area.
 - a. A Regional Traffic Impact Analysis may be required for projects that generate over 500 peak-hour directional trips or significant traffic volumes impacting a wide geographic area.
 - b. A Regional Traffic Impact Analysis may be required for projects that are located along a “critical”, safety management or “congested corridor” as defined by the metropolitan planning organization, or as identified in the Comprehensive Plan, or long range transportation plan.
 - c. The requirements of the Regional Traffic Impact Analysis may be waived or modified by the Planning Commission.



3. **Development Proposal Traffic Impact Statement, or Assessment.** Site plans, plats, mobile home parks and condominium projects. A traffic impact assessment is recommended for smaller scale projects which should not have a significant impact on the overall transportation system, but will have impacts at the site access. The analysis for this type of study focuses on site access points. The traffic impact statement evaluates impacts at site access points and appropriate nearby intersections.
 - a. A Traffic Impact Statement may be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
 - b. A Traffic Impact Assessment may be required for projects that could generate 50-99 directional trips during a peak hour.
 - c. A Traffic Impact Statement may be required for any proposed development along a corridor identified in the Comprehensive Plan, or long range transportation plan, or by the metropolitan planning organization as a critical, congested, or safety management corridor which would be expected to generate over fifty (50) directional trips during the peak hour of the traffic generator or the adjacent streets, or over five hundred (500) trips in an average day.
 - d. Traffic Impact Statement or Assessment, based on the thresholds in the first and second bullets above, may be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually).
 - e. A Traffic Impact Assessment may be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project. A Traffic Impact Statement shall be required if the traffic is expected to increase by over 100 directional trips in the peak-hour.
4. **Other Traffic Impact Assessment/Statement/Analysis.**
 - a. Special (conditional) land uses, planned unit developments, and other uses that are specifically required to provide a traffic impact study in the zoning ordinance. The type of study shall be based on the thresholds listed in [subsection 1](#), [subsection 2](#) and [subsection 3](#) above.
 - b. A change in a Planned Unit Development (PUD) to a more intense use, which is determined by the Planning Commission on a case-by-case basis or using thresholds similar to those above.
 - c. Where required by the applicable road agency to evaluate access issues.

Section 6.4.B

- The following table is utilized for determining informational requirements for assessment, statement and/or analysis.

TABLE 6.3.A.5			
TASKS REQUIRING TRAFFIC IMPACT ASSESSMENTS AND STATEMENTS AND REGIONAL TRAFFIC ANALYSES			
Task	Traffic Impact Assessment	Traffic Impact Statement	Regional Traffic Analysis
Impact Analysis			
Existing conditions analysis at site	X	X	X
Sight distance evaluation	X	X	X
Opposing driveway locations	X	X	X
Existing conditions at nearby intersections		X	X
Study area and future road summary		X	X
Trip generation for a specific use	X	X	X
Trip distribution analysis	X	X	X
Background traffic growth		X	X
Future conditions analysis at nearby intersections		X	X
Mitigation identification and evaluation	X	X	X
Site Issues			
Evaluate number, location and spacing of access points	X	X	X
Evaluate access design, queuing, etc.	X	X	X
<i>i. Evaluate site circulation</i>	•	•	X
Other Analysis			
Accident history		•	•
Gap analysis for un-signalized locations	•	•	•
Transportation System Management/ Transportation Demand Management mitigation measures and transit agency participation		•	X
Evaluate long-range traffic impacts on computer model - MDOT/Tri-County Planning participation		•	X
Key:			
X = Required • = May be appropriate, on a case-by-case basis			

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Chapter 76 | Article 7

Administrative & Enforcement



Article 7 - Administrative & Enforcement

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7.1 Administration

The Clinton County Planning Commission and the Clinton County Board of Commissioners in accordance with Act 183 of the Public Acts of 1943, as amended, shall administer the provisions of this Ordinance.

The Planning Commission shall have the primary responsibility for the administration and enforcement of the Ordinance, and shall adopt and file with the Board of Commissioners, rules and guidelines to assist the Zoning Official(s), Planning Commission and Board of Commissioners in administering and enforcing this Ordinance.

The Board of Commissioners, with the recommendation of the Planning Commission, shall employ a Zoning Official(s) to act as its officer(s) to affect the proper and consistent administration and enforcement of this Ordinance. The Board of Commissioners shall establish the terms and conditions of employment. The Zoning Official shall have the power of a police officer, whose jurisdiction is the enforcement of this Ordinance. Acting in this capacity, the Zoning Official shall, among other responsibilities, be empowered to issue appearance summons, seek the issuance of warrants for the arrest of alleged violators through the office of the County Prosecutor; and bring criminal action in the name of the County against violators of the provisions of this Ordinance.

To advise of public notice requirements for all zoning activities regarding public hearing and public notice, including but not limited to, map and text amendment, special land uses, appeals and variances. Said amendment shall require amendment to [Section 6.2 Special land uses](#), [Section 7.20 Clinton County Board of Appeals](#), and [Section 7.21 Amendments](#), to remove inconsistent language with the aforementioned amendment and therefore make reference to the aforementioned amendment for public notice requirements.

7.2 Relief from personal responsibility

The Zoning Official, officer, Planning Commissioner or employee charged with the enforcement of this Ordinance, while acting for the County, shall not thereby render herself/himself liable personally, and she/he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her official duties. Any suit instituted against any officer or employee because of an act performed by the officer in the lawful discharge of his duties and under the provisions of the Ordinance shall be defended by the legal representative of the County until the final termination of the proceedings. In no case shall the Zoning Official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance; and any officer acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of his/her official duties in connection herewith.

Section 7.3.A-G

7.3 Duties of the Zoning Official

It shall be the responsibility of the Zoning Official to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

- A. **Issue zoning/land use permits.** All applications for zoning/land use permits shall be submitted to the Zoning Official who shall issue zoning/land use permits when all applicable provisions of this Ordinance have been met.
- B. **File applications.** The Zoning Official shall maintain files of all applications for zoning/land use permits and shall keep records of all zoning/land use permits issued. Such files and records shall be open to public inspection.
- C. **Official copies.** Maintain one (1) official copy of an updated Zoning Ordinance and Zoning Map, as amended. Pursuant to Act 183 of 1943, the Zoning Official shall also file the Ordinance, Map, and amendments thereof, to the County Clerk, who shall maintain a copy in the office of the county clerk for public use.
- D. **Inspections.** The Zoning Official and/or assigns shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
- E. **Record of complaints.** The Zoning Official shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint; such records shall be public record.
- F. **Report to Board of Commissioners.** The Zoning Official shall report to the Board of Commissioners periodically at intervals of not greater than one (1) year, summarizing for the period since the last previous report of all amendments or supplements to the Ordinance, complaints of violation, all appeals, variances and exceptions granted by the Board of Appeals and state action taken subsequent thereto.
- G. **Floodplain management administrative duties**
 1. With regard to the regulation of development within the 100-year floodplain and other flood hazard areas, the duties of the Zoning Official shall include, but are not limited to:
 - a. Notification to the Department of Natural Resources (DNR) Michigan Department of Environment, Great Lakes, and Energy (EGLE), and the Clinton County Drain Commissioner (CCDC) of the proposed alteration or relocation of any watercourse;
 - b. Require verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within or near a potential flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
 - c. Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a potential flood hazard area indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.



2. All records and maps pertaining to the National Flood Insurance Program (NFIP) shall be maintained in the office of the Zoning Official and shall be open for public inspection.
3. It shall be the responsibility of the Zoning Official to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from NFIP and/or Federal Emergency Management Agency (FEMA).

7.4 Duties of the Planning Commission

- A. Adopt rules and guidelines for the proper administration and enforcement of the Ordinance.
- B. Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines.
- C. Conduct public hearings.
- D. Open for review the Comprehensive Plan every five (5) years and draft changes, if deemed necessary, for consideration at public hearing.
- E. Make comprehensive review and recommend changes to the Zoning Ordinance every five (5) years.
- F. Review and approve site plans as prescribed in the Ordinance.
- G. Review all proposed requests for special land use approval and/or amendments to the Ordinance for compliance with requirements of the Ordinance and thence recommend appropriate action to the Board of Commissioners for approval, disapproval or modification.
- H. The division of a lot in a recorded plat is prohibited, unless approved following application to the Planning Commission. The application shall be filed with the Zoning Official and shall state the reasons for the proposed division. The division, to be approved by the Planning Commission, shall have the suitability of the land for building purposes approved by the Mid-Michigan District Health Department (MMDHD) if not served by public sewer. No building permit shall be issued, or any building construction commenced, prior to approval. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lots shall be not less than the dimensional requirements permitted by the Ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.
- I. Appeals. The decision of the Planning Commission is final except when it is alleged that the decision is inconsistent with the provisions of this Ordinance or that there was an error of fact involved in the decision. In such cases, the applicant may file an appeal with the Clinton County Board of Appeals. The Board of Appeals shall review the matter and take action to sustain, reverse or remand the decision of the Planning Commission as it pertains to the site plan.

Section 7.5 - 7.6

7.5 Administrative provisions

- A. **Suspension of zoning/land use permit.** Any permit issued shall become invalid if the authorized work is suspended or abandoned for six (6) months after the time of commencing the work.
- B. **Previous approvals.** Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building or structure for which a lawful building, electrical, plumbing and/or mechanical permit has been heretofore issued or otherwise lawfully authorized, and the construction and/or installation of which shall have been actively prosecuted within ninety (90) days after the effective date of this Ordinance; and the entire building or installation shall be completed as authorized within two (2) years after the date of approval of the application.
- C. **Fees.** All fees for inspection and the issuance of zoning/land use permits required under this Ordinance shall be collected by the Zoning Official in advance of issuance. The amount of such fees shall be established by resolution of the Board of Commissioners and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this Ordinance.

7.6 Certificates of use and occupancy

No land shall be occupied or used, and no building shall be used or changed in use until a zoning/land use permit shall have been issued by the Zoning Official stating that the building and its intended use complies with the provisions of this Ordinance.

- A. **Certificates for existing buildings.** A zoning/land use permit may be issued upon request for existing buildings, structures, or parts thereof or existing uses of land if, after inspection such uses of land are in conformity with the provisions of this Ordinance.
- B. **Administration of zoning/land use permits.** In cases where a building permit is required under the State Construction Code, the application and issuance of a zoning/land use permit shall precede the application and issuance of a building permit.

7.7 Enforcement, violations, and penalties

- A. **Reporting violations.** The Zoning Official shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance shall be communicated to the Zoning Official. Variation or deficiencies from an approved site plan shall be considered a violation of this Ordinance. Commencement of an investigation into a violation is based upon a complaint received verbally or in writing. Violations reported to the Zoning Official and/or their assigns shall be subject to the enforcement procedures below.
- B. **Inspection and Enforcement Procedure.** It shall be unlawful for any person to continue construction or commence operations of any kind that are in violation of the terms of this Ordinance, and any violations shall be subject to the penalties herein prescribed.
1. **Inspection of violation.** The Zoning Official and/or their assign shall inspect each alleged violation of this Ordinance within ten (10) working days of receipt of a complaint
 2. **Correction period, requirements of notice (non-use violations, use violations, site plan violation)**
 - a. **Non-use violations.**
 - I. Include, but are not limited to, those violations involving blight, junk and debris, and setback encroachment.
 - II. Whenever a non-use violation has been confirmed by the Zoning Official and/or their assign, notice of the violation in writing, mailed by certified and first class mail addressed to the owner and/or occupant of the property where the violation exists and (if applicable) to person(s) causing said violation. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible, is required to abate the violation within thirty (30) calendar days of the receipt of the notice, or file the necessary appeal forms with the Clinton County Board of Appeals within thirty (30) calendar days of the receipt of the notice.
 - III. Such notice shall require the person thus notified to immediately declare to the Zoning Official his acceptance or rejection of the terms of the order. If the occupant or owner of the premises is unknown or cannot be located, notices shall be given by posting a copy of said notice upon a conspicuous part of the property where the nuisance is identified as being located and by mailing a copy of said notice by certified and first class mail, addressed to the owner or party in interest at the address shown on the current tax records.
 - b. **Use violations.**
 - I. Include, but are not limited to, those violations involving commencement of use of land and/or structure without a zoning/land use permit and/or approvals from the Planning Commission and/or Board of Commissioners as prescribed necessary herein.
 - II. Whenever a use violation has been confirmed by the Zoning Official and/or their assigns, notice of the violation shall be provided in writing, mailed by certified and first class mail addressed to the owner and/or occupant of the property where the violation exists and (if applicable) to person(s) causing said violation.

Section 7.7.B

- III. The notice may also be given by posting a copy of said notice upon a conspicuous part of the property where the nuisance is identified as being located.
 - IV. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible, is required to cease and desist the use violation and abate the violation within five (5) calendar days. The applicant may file an appeal with the Board of Appeals within five (5) calendar days of the receipt of the notice.
- c. **Site plan violations.**
- I. Include, but are not limited to, those violations involving non-compliance with the approved site plan as reviewed and approved by the Planning and/or Board of Commissioners. Whenever a site plan violation has been confirmed by the Zoning Official or officer, notice of the violation shall be provided in writing, mailed by certified and first class mail addressed to the owner and/or occupant of the property where the violation exists and (if applicable) to person(s) causing said violation.
 - II. The notice may also be given by posting a copy of said notice upon a conspicuous part of the property where the nuisance is identified as being located.
 - III. A stop-work order may be issued if the violation requires such, or if the violation has been previously noticed and has not been remedied. The applicant may file an appeal with the Board of Appeals within five (5) calendar days of the receipt of the notice.
3. **Non-compliance with order.** A violation not corrected within the specified time shall be referred and filed immediately to the County Prosecuting Attorney. Any person violating any of the provisions of this Ordinance shall upon conviction thereof, be punishable by imprisonment in the county jail for not more than ninety (90) days, or by a fine of not more than one hundred (\$100.00) dollars per day and the costs of prosecution, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate punishable offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Violation of this Ordinance is hereby declared a nuisance per se and conviction of the penal provisions shall not preclude proceedings to abate such a nuisance.
4. **Cumulative rights and remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
5. The Zoning Official may refuse to issue new zoning permits to a person who has failed to correct violations or to any person representing a firm, which has failed to correct violations of this Ordinance. A zoning permit may also be withheld if violations are identified on site upon application.

7.8 Public notice

- A. **Public Notification.** All applications for development approval requiring a public hearing and notice shall comply with the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.), hereinafter referred to as the “Zoning Act” and the other provisions of this section with regard to public notification.
1. **Responsibility.** When the provisions of this Ordinance or the Zoning Act require that notice be published, the Zoning Official shall be responsible for preparing the content of the notice, having it published in newspaper of general circulation in the County of Clinton and mailed or delivered as provided herein.
 2. **Content.** All mail, personal and newspaper notices for public hearing shall contain the following information:
 - a. A description of the nature of the request shall be provided, including identifying if the request is for a map or text amendment, a special land use or planned unit development, a variance, appeals or interpretation or for some other purpose.
 - b. A description of the location of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the petitioned property. If there are no street addresses, other means of identification, such as tax parcel identification number, nearest cross street and directions, or map showing the location of the property, may be used. Street addresses are not required where eleven (11) or more adjacent properties comprise a petition to rezone or where the request is for an Ordinance interpretation not involving a specific property.
 - c. Indication of when and where the request will be considered by providing the date, time and location of the public hearing(s).
 - d. Inclusion of a statement describing when and where written comments will be received concerning the request. Also, indicate that the public may appear at the public hearing in person, by counsel, or by personal representative.
 - e. Information concerning handicap access accommodates if applicable.
 - f. Said notice as described above shall be given not less than fifteen (15) days before the date the application will be considered for approval.
 3. **Personal and mailed notice.** When the provisions of this Ordinance or the Zoning Act require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owner(s) of property for which approval is being considered, and the applicant, if different that the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be provided to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of property regardless of whether the property or occupant is within the zoning jurisdiction boundaries of the County of Clinton. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - c. All persons, organizations, entities and agencies having requested to receive notice pursuant to [Section 7.8.B](#).

Section 7.8.B - 7.12

B. Registration to receive notice by mail.

1. Any neighborhood organization, public utility company, railroad, or any other person may register with the Zoning Official to receive written notice of all applications for approval pursuant to [Section 7.8.A.3.c](#), or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Official shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Board of Commissioners.
2. The requesting party must provide the Zoning Official information of an official form to ensure proper notification can be made.

7.9 Buildings to be moved or demolished

No building and zoning/land use permit shall be granted for the moving or demolishing of buildings or structures to be placed on property unless the Zoning Official and Building Inspector shall have approved the building to be moved upon finding that it is structurally safe and will fully comply with the Building Code.

- A. Any building moved and placed upon a foundation shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.
- B. All debris from any demolished building or structure shall be properly disposed of. The foundation materials removed and disposed of and backfilled with clean earth materials devoid of all debris, large stones and organic materials. The site shall be graded to a smooth, even surface and seeded to grass or cultivated to cropland.

7.10 Continued conformance with regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

7.11 Unsafe buildings

Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

7.12 Structural damage

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance, except as otherwise permitted under [Section 7.19 Non-conforming uses of land and structures](#) of this Ordinance, or shall be restored to a safe and healthy condition with all debris removed from the site within one-hundred and eighty (180) days from the occurrence of such damage.

7.13 Public nuisance

Public nuisance actions are generally brought by public officials (e.g., township zoning compliance officers, district attorneys or the state attorney general).

7.14 Previously approved site plans & special use permits

Nothing in the Ordinance shall require changes into special use permits or site plans approved under previous version of the Ordinance, except where construction of structures and/or installation of use as approved under previous site plan or special use permit procedure has not been commenced within one-hundred eighty (180) days after the effective date of this Ordinance and the buildings, structures and/or installation of use shall be completed as authorized within two (2) years after the date of adoption of this Ordinance.

If commencement or completion has not been achieved within the time specifications listed above, the site plan and special use permit shall automatically be null and void. A petition for site plan or special land use approval under this Ordinance is required to commence, complete or receive a certificate of occupancy.

7.15 Airport layout and/or approach plan

The guidelines set forth in airport layout plans and airport approach plans on file with the Zoning Official shall be utilized in the review and approval of zoning/land use permits ([Section 6.3 Zoning/Land use permits](#)), site plans ([Section 6.1 Site plan review](#)), special land uses ([Section 6.2 Special land uses](#)), variances, appeals and interpretations ([Section 7.20 Clinton County Board of Appeals](#)) and amendments to the Ordinance text and maps ([Section 7.21 Amendments](#)).

7.16 Junk prohibition

No person shall store, place, abandon or permit to be stored, placed, abandoned or allow to remain, in any district, items herein defined as “junk”. Nor shall any person store, place, abandon or permit to be stored, placed, abandoned or allow said items to remain in a residential district not normally or typically associated with the use of a residential structure and/or property. Such action and/or activity shall be considered a violation of the Ordinance and therefore subject to the enforcement procedures provided herein.

7.17 Floodplains

- A. **Development prohibited.** Any development requiring site plan and special land use review and approval under any section of this Ordinance shall be prohibited within the 100-year floodplain of any existing watercourse and/or wetland, unless permitted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
- B. **Delineation of floodplain.** It shall be the petitioner’s responsibility to delineate the 100-year floodplain boundaries through a floodplain determination by EGLE.

Section 7.18

7.18 Site plan compliance and enforcement**A. Inspection.**

1. The Zoning Official shall be responsible for inspecting site improvements for conformance with the approved final site plan.
2. The Zoning Official shall rely on inspection of site development outside their purview from the local fire authority, the Building Inspector, and other agencies where appropriate.
3. The Building Inspector shall notify the Zoning Official, in writing, when a development for which a final site plan is approved has submitted for a certificate of occupancy. The Zoning Official shall then inspect the site for compliance with the approved site plan and provide the owner/developer a correction list.

B. Performance guarantees.

1. Performance bonds, irrevocable bank letters of credit, certificate of deposit, cash deposits, or other forms of security payable to the County shall be provided by the applicant to the Zoning Official. The guarantee shall be provided after a final site plan is approved but prior to issuance of a certificate of occupancy for any building covered by the site plan. The guarantee shall cover site improvements shown on the approved final site plan, which will not be completed prior to issuance of the certificate of occupancy. Site improvements shall mean streets and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities.
2. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and, if necessary, a consultant engineer shall verify such estimate as to amount. If necessary, the County Attorney shall approve the form of the guarantee.
3. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Zoning Official shall have the authority to have such work completed. The Zoning Official may reimburse department for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.
4. If a cash deposit is used, the applicant and Zoning Official shall decide at the time of deposit on the means of rebating portions of the deposit in proportion to the amount of work completed on the covered improvements. All required inspections for improvements for which the cash deposit is to be rebated shall have been made before any rebate shall be made.
5. The Building Inspector and Zoning Official may refuse to sign a certificate of occupancy in order to achieve compliance with the approved final site plan, and approved engineering plans related thereto. In such cases, a certificate of occupancy shall be signed upon compliance with the approved plans or upon provision of adequate security to guarantee compliance following occupancy.

7.19 Non-conforming uses of land and structures

- A. **Intent and purpose.** Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance, and subsequent amendment thereof, were adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided herein, and shall not be used as grounds for adding other structures and uses of lots and structures which are prohibited. Non-conformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various districts.
- B. **Legal non-conforming lots.**
1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.
 2. In the application of this Ordinance a substandard or non-conforming parcel or lot of record, created by conveyance, division, subdivision, or residual shall be permitted to combine additional property to the non-conforming lot to produce a lot which conforms to the requirements of this Ordinance or brings the non-conforming lot into greater conformance to this Ordinance. Under no circumstance shall land be combined to an existing non-conforming parcel if the parcel or lot from which the additional land is being transferred from, is rendered non-conforming, or further non-conforming under the Ordinance, including setbacks for existing structures. Nor shall land be combined to a parcel or lot where said addition would create additional non-conformities, such as exceeding the minimum 4 to 1, lot depth to width ↔ ratio requirement.
- C. **Non-conforming uses of land.** Where, at the effective date of adoption or amendment of this Ordinance, where lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions unless otherwise required by law:
1. No such non-conforming uses shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 3. A non-conforming use of land that ceases operation for a period of more than six (6) months is considered abandoned and any subsequent use of such land shall conform to the regulations specified by the Ordinance for the district in which such land is located.

Section 7.19.D-E

- D. **Non-conforming structures.** Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way that increases its non-conformity. Additions to such structure shall be permitted only if such addition meets the minimum requirements of the Ordinance or the addition, which shall not constitute more than fifty (50) percent of the first floor area of the structure, shall not exceed the non-conforming feature of the existing, or original structure.
 2. Should such a structure be destroyed by any means to an extent of more than sixty (60) percent of twice its assessed value at the time of destruction, it shall not be reconstructed except in conformance with the provisions of the Ordinance.
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.
- E. **Non-conforming uses of structures and land.** If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject of the following provisions:
1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
 4. If such non-conforming use of land and structures ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be exempted from this provision only so long as seasonal uses shall continue.
 5. Where non-conforming use status applies to a structure and premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

6. With the exception of non-conforming uses in Commercial (C-1, C-2, C-3), Office (RO) and Industrial (I-1, I-2) districts, if no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- F. **Change in non-conforming uses in Commercial (C-1, C-2, C-3), Research/Office (RO) and Industrial (I-1, I-2) Districts.** Irrespective of other requirements of this Ordinance, in any commercial, office or industrial district, if no structural alterations are made, any non-conforming use of a structure and land, may be changed to another non-conforming use of the same or a use that is more conforming to the particular district in which it is situated. The Board of Appeals shall preside in such matters.
- G. **Repairs and maintenance.** On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- H. **Change of tenancy or ownership.** As long as there is no change in the characteristics or increase in the intensity of the non-conforming use, a change of tenancy or ownership is allowed.
- I. **District changes.** Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become non-conforming as a result of the boundary changes.
- J. **Hardship cases.** Non-conforming buildings or structures may be structurally changed, altered, or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its non-conforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Board of Appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship. Such determination shall be made upon application for variance under [Section 7.20 Clinton County Board of Appeals](#), utilizing the standards of approval outlined under [Section 7.20.F](#).
- K. **Illegal uses.** Uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit or those uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal uses and are not entitled to the status and rights accorded legally established.

Section 7.20.A-B

7.20 Clinton County Board of Appeals

- A. **Establishment, membership, and compensation.**
1. **Establishment.** There is hereby established a Board of Appeals in accordance with Michigan Zoning Enabling Act - PA 110 of 2006 as amended.
 2. **Membership and terms of office.** The Board of Appeals shall consist of five (5) members appointed by the Clinton County Board of Commissioners. The term of each member shall be for three (3) years. All members of said Board of Appeals shall be chosen from electors residing in the unincorporated area of the County. No elected officer of the County or any employee of the Board of Commissioners may serve simultaneously as a member of or as an employee of the Board of Appeals. One member shall be a member of the Clinton County Planning Commission. The Board of Commissioners may appoint not more than two (2) alternate members for the same term as regular members. An alternate member may be called as specified to serve in the absence of a regular member unable to attend one (1) or more meetings. An alternate member may also be called to serve for the purpose of reaching a decision on a case in which a member has abstained due to conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.
 3. **Compensation.** The members of the Board of Appeals shall be paid such amount per meeting as shall be determined by the Board of Commissioners and in addition shall be reimbursed for reasonable expenses actually incurred in the performance of their duties.
- B. **Organization and procedure.**
1. **Rules of procedure.** The Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties. The Board shall choose its own chairman, and in his/her absence, a vice-chairman, who may administer oaths and compel the attendance of witnesses.
 2. **Meetings.** Three (3) members of the Board of Appeals shall comprise a quorum for the purpose of conducting a meeting of the Board of Appeals. Meetings shall be held at the call of the Chairman, or the Zoning Official, in writing, mailed by first class mail to the addresses of each member of the Board of Appeals.
 3. **Records.** The board shall maintain a record of its proceedings, which shall be filed in the office of the County Clerk. The record and any other writings prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Michigan Zoning Enabling Act - PA 110 of 2006.
 4. **Counsel.** The Board of Appeals may retain legal counsel, for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Board of Commissioners.
 5. **Hearing and notification.** Notice of public hearing for consideration of a variance, appeal, and/or interpretation of the Ordinance for specific property by the Board of Appeals shall be provided pursuant to [Section 7.8 Public notice](#), herein.

6. **Majority vote.** The concurring vote of a majority of the total membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Official or to decide in favor of the applicant of any matter upon which they are required to pass under this Ordinance or to effect any variation.
 7. **Decisions.** The Board of Appeals shall return a decision on a case within sixty (60) days after a request or appeal has been heard at public hearing unless the appellant and a majority of the members of the Board of Appeals present agree upon an extension of time. Any decision of the Board shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
 8. **Rehearing.** Upon written request of a person aggrieved or by an officer, department, or Board of the County, a final decision of the Board of Appeals may be reheard if evidence of fraud or mistake of fact is alleged by the requesting party and such evidence was not previously presented to the Board. The Board may reverse or affirm, wholly or partly, or modify the decision as in its opinion is appropriate in light of the new evidence. No rights shall be deemed to have vested in a final decision of the Board if the party requesting a rehearing establishes reliable evidence of fraud or mistake of fact.
- C. **Duties and powers.** The Board of Appeals shall hear and decide questions that arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Board of Appeals. It shall hear and decide appeals from and review an order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- D. **Appeals.**
1. **Filing of appeal.** An appeal may be taken by any person aggrieved or by an officer, department, and board of the County, from which the appeal arises, of any order, requirement, decision or determination made by any administrative official, or body, charged with the enforcement of this Ordinance.
 2. **Procedure on appeals.** A notice of appeal shall be filed within 30 days of occurrence of the action being appealed by the appellant with the Zoning Official. Such petition shall state the reasons for the appeal and the order or ruling appealed from. The Zoning Official shall submit with the appeal all related information held in their record concerning the appeal. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before such an appeal shall be processed, the fees for an appeal, as hereinafter set forth, shall be paid to the Zoning Official, who shall deliver same to the County Treasurer to be credited to the appropriate fund of the County.
 3. **Fees on appeal.** Appeal fees shall be established by the Board of Commissioners, sufficient to cover reasonable costs incurred by the County pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Appeal Board member attendance fees.

Section 7.20.D-F

4. **Stay of proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the petition of appeal shall have been filed with the Zoning Official, that by reason of facts stated in the appeal petition, a stay would, in his opinion, cause imminent peril to life and property.
- E. **Interpretation.** The Board of Appeals shall have the power to interpret the following:
 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance; and
 2. Determine the precise location of the boundary lines between zoning districts.
- F. **Variances.** The Board of Appeals may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.
 1. Basic conditions: A variance from this Ordinance:
 - a. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - b. Shall not permit the establishment within a district of any use, which is not permitted by right within that district, or any use variance for which special land use approval is required pursuant to [Section 6.2 Special land uses](#) of this Ordinance.
 - c. Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
 - d. Is not one where the specific conditions relating to the property are as general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - e. Will relate only to property that is owned or occupied, or where the applicant has equitable interest.
 - f. Shall not be the result of a condition created by the applicant.
 - g. Shall be assessed for the possible precedents or affects, which might result from the approval or denial of the appeal.
 2. When all of the foregoing basic conditions can be satisfied, a variance may be granted when one of the following special conditions can be clearly demonstrated:
 - a. Where there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.
 - c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

3. In addition to the foregoing conditions, the following rules shall be applied to the granting of variances:
 - a. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in their judgment secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
 - b. Every variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance, and the occupancy of land, or premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.
 - c. No application for a variance which has been denied wholly or in part by the Board of Appeals 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 found, upon inspection by the Board of Appeals, to be valid.
- G. **Essential services.**
 1. The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established.
 2. The Board of Appeals shall have the power to permit the location in any use district of a public utility building, structure, or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
- H. **Determination of a lot of record.** The Board of Appeals shall have the power to make “lot of record” determinations in accordance with the following:
 1. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him/her to have the parcel treated as a “lot of record” in accordance with definition contained in this Ordinance.
 2. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the County, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
 3. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other conditions set forth in this Ordinance.

Section 7.20.I-L

- I. **Appeal of site plan review action by planning commission.** The Board of Appeals shall review and make final determination on properly filed appeals from action by the Planning Commission on Site Plan Review cases pursuant to [Section 6.1 Site plan review](#) of this Ordinance. The Board of Appeals has the power to sustain, reverse or remand for further consideration the decision of the Planning Commission when it is found that the decision is inconsistent with the provisions of this Ordinance or that there was an error of fact involved in the decision of the Planning Commission. In making this determination, the Board of Appeals shall examine the application and all accompanying data as well as the records of the Planning Commission. Decisions of the Board of Appeals are appealable to Circuit Court.
- J. **Non-conformity appeals.** In accordance with provisions of [Article 7 - Administrative & Enforcement](#), non-conforming buildings or structures may be structurally changed, altered or enlarged upon appeal, in cases of hardship or other extenuating circumstances and when approval of said appeal will not have an adverse effect on surrounding property.
- K. **Bonding for compliance and conditional approval.**
 - 1. The Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications, and conditions imposed with the granting of any variance, appeal, or interpretation.
 - a. The Board of Appeals shall determine the amount and type of the bond. The Board shall, in estimating the amount and type of the bond, take into account the scale of said operation. The bond shall be reasonable, appropriate and commensurate with the scope of the project.
 - b. The amount of the bond may be reduced at a rate equal to the ratio of work completed on the required improvements as work progresses. The term “improvements” should not be construed to mean the project itself, but rather those features associated with the projects which are deemed necessary to protect the health, safety and welfare of Clinton County’s resources and future users or inhabitants of the proposed project.
 - 2. When conditions exist that are unique to a particular situation, a conditional permit may be issued with specific limitations imposed by the Board. The land, structure and/or use may be permitted to be established either by variance or appeal and continue to exist as long as the conditions unique to the land, structure or use exists. The variance/appeal shall be considered null and void when the conditions upon which the Board of Appeals action was issued cease to exist. The action issued shall contain all the specific conditions under which land, structure or use may be allowed.
- L. **Specific duties and authority as directed by the Ordinance.** Lot width to depth ↔ ratio exemption. When in the opinion of the Board of Appeals a parcel of land, which is proposed for division or to be the remainder of a proposed division, which contains approximately 2/3 non-farmable acreage, and which possesses unique characteristics, such as wooded land, wetland, extreme terrain features or other similar conditions, the Board of Appeals may determine the 4:1 depth to width ratio does not apply.

7.21 Amendments

- A. **Initiation of amendments.**
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of Clinton County may be amended pursuant to Michigan Zoning Enabling Act - PA 110 of 2006, as amended.
 2. Amendments may be initiated by the Board of Commissioners, the Planning Commission, a Township Planning Commission or Township Board whose Township is under the jurisdiction of this Ordinance, or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.
- B. **Fees.**
1. The Board of Commissioners shall establish, by resolution, fees for zoning amendment petitions.
 2. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable or refundable to the petitioner.
 3. Fees shall not be required for amendments proposed or requested by any governmental agency or body.
- C. **Amendment procedures.** All petitions for amendment shall be submitted as provided herein:
1. The petitioner shall cause to be delivered to the Zoning Official an amendment petition not less than forty-five (45) days before any regular meeting of the Planning Commission.
 - a. Thirty-five (35) copies of the petition for amendment accompanied by thirty-five (35) copies of such documents as prescribed therein.
 - b. Any parcel, regarding which a petition for change in zoning classification has been filed, shall be posted by the petitioner for a period at least fifteen (15) days prior to the public hearing. The posted notices shall be provided by Zoning Official once the date is established for a public hearing. The posted notices shall include the following content:
 - I. The present zoning classification;
 - II. The proposed zoning classification;
 - III. The time and place of the public hearing; and
 - IV. The location where additional information may be obtained.
 2. The Zoning Official, and/or assigns shall review each petition to insure compliance with the provisions of this Ordinance.
 - a. Any petition procedurally not in compliance with this Ordinance shall be returned to the petitioner.
 - b. Any petition procedurally not in compliance with this Ordinance shall not constitute filing to commence the running of time for processing the petition.
 - c. A petition meeting the requirements of this Ordinance will be scheduled for public hearing unless the petition is withdrawn by the petitioner.
 3. Any person having an interest in any amendment may present testimony or evidence in support of or opposition thereto, and, if in writing, such shall be submitted to the Zoning Official no less than three (3) days before the hearing at which time the petition will be considered.

Section 7.20.D-E

- D. **Township review and recommendation.** The Township Board, of the Township wherein the premises are situated, shall be sent a copy of the petition by the Zoning Official, within ten (10) days after receipt of a complete application determined to be administratively complete, for review by the Planning Commission. If the petition is for a language amendment, all Townships within the zoning jurisdiction of Clinton County shall be provided a copy of the petition.
1. The Township Board may review the petition and make comment or recommendation within thirty (30) days after receipt thereof. If no written correspondence is received by the Zoning Official, the Planning Commission shall assume the Township, or Townships in the case of a language amendment, have no objection.
 2. The Township Board's comments or recommendations shall be submitted in writing to the Planning Commission care of the Zoning Official.
 3. The Planning Commission shall not be obligated to comply with the recommendations of the Township Board.
- E. **Planning Commission public hearing, review, and recommendation.**
1. Notice of public hearing for consideration of an amendment to the Ordinance by the Planning Commission shall be provided pursuant to [Section 7.8 Public notice](#), herein.
 2. The Planning Commission shall take action to recommend approval or denial of the proposed amendment based upon the petition's level of conformity with the Comprehensive Plan and based on assessment of the following findings of fact:
 - a. What, if any, identifiable conditions related to the petition have changed which justify the petitioned amendment?
 - b. What, if any error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned amendment?
 - c. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition to amend the Ordinance?
 - d. What is the impact of the amendment on the ability of the County, Township or Municipality and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
 - e. Does the petitioned amendment adversely affect the environmental conditions or value of the surrounding property?
 - f. Does the petitioned zoning change generally comply with the adopted policies of the Comprehensive Plan of Clinton County?
 - g. Are there any significant negative environmental impacts which would reasonably occur if the petitioned amendment and possible resulting development were implemented, such as:
 - I. Surface water drainage problems.
 - II. Wastewater disposal problems.
 - III. Adverse effect on surface or subsurface water quality.
 - IV. The loss of valuable natural resources (such as forest, wetlands, historic sites, wildlife, mineral deposits or valuable agriculture land.)
 - V. Soils



3. The Planning Commission shall not forward a recommendation to the Board of Commissioners unless all of the aforementioned and other factors identified by the Ordinance are resolved. After the hearing, the Planning Commission shall submit a summary of the comments received at the public hearing, its findings of fact, and the proposed amendment, including any zoning maps, and other related material to the Board of Commissioners. All findings of fact shall be made a part of the public records of the meeting of the Planning Commission. Such recommendations shall be made within sixty (60) days of the public hearing to the Board of Commissioners.
- F. Consideration by the Board of Commissioners. After receiving the recommendation(s) of the Planning Commission, the Board of Commissioners, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. All findings of fact shall be made a part of the public records of the meeting of the Board of Commissioners. The amendment shall be approved by a majority vote of the members of the Board of Commissioners. The Board of Commissioners may refer any proposed amendments to Planning Commission for consideration and comment within a time specified by the Board of Commissioners. The Board of Commissioners may hold additional public hearings if it considers it necessary or as required. The Board of Commissioners shall grant a hearing on a proposed Ordinance provision to a property owner who requests a hearing by certified mail, addressed to the County Clerk. If the Board of Commissioners so chooses or is appropriately requested to hold a public hearing, such notice shall be conducted as provided for in [Section Public notice](#), herein.
- G. **Conditional rezoning.**
1. An owner of land may voluntarily offer in writing, and the Board of Commissioners may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.
 2. In approving the conditions under [Section 7.21.G.1](#), the Board of Commissioners may establish a time period during which the conditions apply to the land. Except for an extension under [Section 7.21.G.4](#), if the conditions are not satisfied within the time specified, the land shall revert to its former zoning classification.
 3. The Board of Commissioners shall not add to or alter the conditions approved under [Section 7.21.G.1](#) during the time period specified under [Section 7.21.G.2](#).
 4. The time period specified under [Section 7.21.G.2](#) may be extended upon the application of the landowner and approval of the Board of Commissioners.
 5. It shall not be required of the landowner to offer conditions as a requirement for rezoning. The lack of an offer under [Section 7.21.G.1](#) shall not otherwise affect a landowner's rights under Michigan Zoning Enabling Act - PA 110 of 2006, the Ordinance, or any other laws of this state.

Section 7.20.H - 7.24

H. Notice of ordinance adoption and effective date.

1. **Notice of adoption.** Following the adoption of an amendment by the Board of Commissioners, the amendment shall be filed with the County Clerk and a notice of amendment adoption shall be published in a newspaper of general circulation in the **County of Clinton** within 15 days after adoption. A copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice. 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 of the amendment.
 - b. The effective date of the amendment.
 - c. The place and time where a copy of the Ordinance and/or may be purchased or inspected.
2. **Effective date.** The amendment shall become effective seven (7) days after publication as required above, regardless of the requirements relative to the effective date of County ordinances as specified in Act No. 156 of the Public Acts of 1851, as amended, being Section 46.1 to 46.32 of the Michigan Compiled Laws. The Ordinance and subsequent amendments shall be filed with the County Clerk, who shall maintain a copy in the Office of the County Clerk for public use.

7.22 Severability

This Ordinance and the various articles, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court, such invalidity shall not affect the remaining portions or applications of this Ordinance, which can be given effect without the invalid portion, or application provided such remaining portions are not determined by the Court to be inoperable.

7.23 Conflicting provisions

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

7.24 Savings

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commanded. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

7.25 Construction debris

A temporary trash and construction debris storage area shall be required to be located on the site of all construction and renovation projects for the duration of the project. Windblown debris, trash, material resulting from construction and renovation projects shall be considered a public nuisance and a violation of this Ordinance. All trash and debris shall be removed from the property and disposed of properly.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



1. Purpose & Intent

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(Intentionally Blank)



Appendix A - Schedule of Amendments



(Intentionally Blank)

