

Zoning Ordinance of Huron County

with amendments thru November 27, 2015

Text Current as of December 1, 2010

Huron County, Michigan

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ARTICLE I-TITLE, PREAMBLE, ENACTING CLAUSE AND SHORT TITLE

SECTION 1.01 TITLE: AN ORDINANCE enacted under Act 183, Public Acts of 1943 as amended, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and quasi-public or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; to regulate areas that have unique land resource problems or need special attention; and for said purposes to divide the County into districts and establishing the boundaries thereof; providing the changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

Legal Basis: [11/9/2010] The (this) Ordinance is enacted pursuant to P.A. 183 of 1943, as amended, being the County Zoning Act, M.C.L. 125.201 et seq. The continue(d) administration of the Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.

SECTION 1.02 PREAMBLE: Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the County of Huron; by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land to meet the needs of the County's citizens for food, fiber energy, and other natural resources; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with The Huron County General Development Plan, now therefore:

SECTION 1.03 ENACTING CLAUSE: The County of Huron Ordains:

SECTION 1.04 SHORT TITLE: This Ordinance shall be known and may be cited as the Zoning Ordinance of Huron County.

ARTICLE II-CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 2.01 CONSTRUCTION OF LANGUAGE: The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implications between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

ARTICLE II-CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.01 continued:

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 the singular, unless the context clearly indicates the contrary.

E. A "building" or "structure" includes any part thereof.

F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for."

G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either... or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

I. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS: A. Definitions used in this Ordinance: (Other definitions are those commonly found in Webster Dictionary)

(1) Accessory Use or Accessory: A use which is clearly incidental to that customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

A. Residential accommodations for servants and/or caretakers.

B. Swimming pools for the use of the occupants of a residence, or their guests.

C. Domestic or agricultural storage in a barn or shed, tool room, or similar accessory building or other structure.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

D. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.

E. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.

H. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

J. Accessory signs, subject to the sign regulations for the district which the zoning lot is located.

K. A television satellite dish shall mean any device capable of receiving signals from a satellite.

(2) Accessory Signs: Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a "Principal Use" or a "Use Authorized After Special Approval" in a zoned district.

(3) Adult Entertainment Business: A business whose principal service activity is one, or a combination of more than one, of the following: adult bookstore, adult motion picture theater, adult mini-motion picture/video theater, or adult personal service establishment.

(4) Adult Foster Care Home (State Licensed): A state licensed residential care facility in a private home which provides supervision or care, or both, to six (6) or fewer persons; this use shall be considered a residential use of property and a principal permitted use in all residential districts.

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

ARTICLE II-CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

- (6) Adult Foster Care Large Group Home (State Licensed): A facility with approval capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (7) Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- (8) Alterations: Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- (9) Animal Feed Lot (Livestock Feedlot): A place of confined keeping of livestock or other animals for food, fur, pleasure, resale, or training purposes in yards, lots, pens, buildings or other areas not normally used for pastures or crops and in which abnormal amounts of manure or related other animal wastes may originate by reasons of keeping of such animals, all of which to include chickens, ducks, geese and other fowl.
- (10) Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.
- (11) Area of Special Flood Hazard: The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- (12) Architectural Features: Features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.
- (13) Automobile Repair: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities.
- (14) Auto Repair Station: A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.
- (15) Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.
- (16) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.
- (17) Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

- (18) Bed and Breakfast: See "Tourist House" definition.
- (19) Block: The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barriers to the continuity of development, or County boundary lines of Huron County.
- (20) Boarding House: A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, rooming, tourist house, a convalescent or nursing home, or a State licensed or State approved residential facility.
- (21) Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (22) Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.
- (23) Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.
- (24) Building Site: A lot, or a two dimensional condominium unit of land (i.e., envelope, footprint) with or without limited common elements designed for construction of a principal structure or a series of principal structures plus accessory building. All buildings sites shall have access to public or private roads or streets.
- (25) Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of any organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.
- (26) Clinic: A building or group of buildings where human patients are admitted, but not lodged overnight, for examinations and treatment, with services available from a professional, such as a physician, dentist, veterinarian or the like. (Other licensed profession of like nature).
- (27) Club: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
- (28) Commercial Use: The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of office or recreation or amusement enterprises or garage and basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS Continued:

(29) Commission: The Huron County Planning Commission. The term "Planning Commission" shall mean the same.

(30) Common Element: Portions of a condominium project other than the condominium units.

(31) Communication Towers/Wireless Communication Facilities: shall mean and include 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 buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulator authority.

[Refer to Article XV. Section 15.02 (2)]

(A) Attached Wireless Communications Facilities shall mean 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 sub-definition.

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

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

(32) Condominium: Individual ownership of a unit in a multi-unit building or development; said development is approved under Public Act 59 of 1978, as amended, and this Zoning Ordinance.

(33) Condominium Subdivision: A condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Control Act (Public Act 288 of 1967, as amended).

(34) Condominium Subdivision Plan: A plan illustrating the site (of development), survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

ARTICLE II-CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(35) Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office business, industrial, recreational, or any other type of use approved by the Michigan Department of Commerce.

(36) Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

(37) County: The County of Huron, Michigan.

(38) Development: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(39) District: A portion of the unincorporated area of the County within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

(40) Drive-In: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure or to provide self-service for patrons and food carry-out.

(41) Dwelling Unit: A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, camping trailer, motor home, truck camper, slide-in camper, chassis-mount camper, a single section mobile home without permanent foundation, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with provisions thereof relative to dwellings.

(42) Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

A. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.

B. It has a minimum width across any front, side or rear elevation as designated for the zoning district of the property and complies in all respects with the County's building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the building code then in that event such federal or state standard or regulation shall apply.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(42) Dwelling, Single-Family continued:

C. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism, under carriage, or chassis.

E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the Huron County Health Department.

F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

G. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 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.

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

J. All construction required herein shall be commenced only after applicable construction permits have been obtained in accordance with the applicable building code provisions and regulations.

(43) Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families living independently of each other. (SEE DEFINITION FOR SINGLE FAMILY DWELLING)

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS Continued:

(44) Dwelling, Multiple-Family: A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. (SEE DEFINITION FOR SINGLE FAMILY DWELLING)

(45) Efficiency Unit: A dwelling unit located within a commercial structure or another multi-unit residential structure consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than three hundred and sixty (360) square feet of floor area.

(46) Environmental Area: An area of the shoreland determined by the Department of Natural Resources on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.

(47) Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

(48) Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public utility or municipal department for the public health, safety, and welfare in connection therewith, but not including buildings other than such buildings which are primarily enclosures or shelters for essential services equipment or service personnel.

(49) Excavation: Any breaking of ground, except common household gardening and ground care for agricultural purposes.

(50) Family:

A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single non-profit housekeeping unit, plus no more than two (2) additional persons such as "roomers" or "boarders".

B. A collective body of persons living together in one house under one head, whose relationship is of a permanent and distinct domestic character based upon birth, marriage, or other domestic bond and cooking as a single housing keeping unit. This definition shall not include federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, rooming house, fraternity, sorority house or group foster care facility.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS Continued:

(51) Farming: The carrying on of any agricultural activity or the raising of animals as a source of income. A farm is defined as an activity meeting the guidelines of P.A. 116 (Farmland Preservation Act).

(52) Feedlot, Livestock: See Animal Feedlot.

(53) Flood or Flooding: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation of runoff of surface waters from any source.

(54) Flood Hazard Boundary Map: (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

(55) Floor Area, Usable (For the purposes of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

(56) Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

(57) Garage, Service: Any premises used for the storage or care of motor driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for compensation, hire or sale.

(58) Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

(59) Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

(60) Greenbelt (buffer strip): A strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission to obscure or buffer an activity from an adjacent residential use.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(61) Groundwater: The subsurface water that completely fills the pore spaces of soils and void spaces of rock formations beneath the water table.

(62) Groundwater Pollution: The degradation of the groundwater quality to an unacceptable level in light of an intended use.

(63) Groundwater Protection: Methods which shall be utilized to protect the groundwater from hazardous substances.

(64) Group Day Care Home: A private home in which seven (7) but not more than twelve (12) 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, excepting children related to an adult member of the family. This definition includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a principal permitted use in all residential districts.

(65) Harmful Increase: Means an unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

(66) Hazardous Substance: A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

(67) High-Risk Area: An area of the shoreland which is determined by the Water Resources Commission on the basis of studies and surveys to be subject to erosion.

(68) Home Occupation: Any use customarily conducted entirely within the dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided, further that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. No home occupation may generate other than normal residential traffic either in amount or type, nor occupy a floor area greater than twenty-five (25) percent of the ground floor area of the principal dwelling. One (1) non-illuminated nameplate, not more than two (2) square feet in area, is permitted which shall be attached to the building and which contains only the name and occupation of the resident of the premises. Group day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics, auto repair, among others, shall not be deemed home occupations.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(69) Hospital: A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operation under licensed by the State of Michigan.

(70) Hotel: A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

(71) Junk: Any motor vehicle, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

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

(73) Kenel: Any lot or premises on which three (3) or more dogs and/or other domesticated animals six (6) or more months old, are kept either permanently or temporarily boarded.

(74) Limited Common Elements: A portion of the common elements (of a condominium project) reserved in the master deed for the exclusive use of less than all of the co-owners.

(75) Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

(76) Lot: A measured portion of a parcel or tract of land which is described and fixed in a recorded plat and having frontage on a public or private street/road either dedicated to the public or designated on a recorded subdivision.

(77) Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

(78) Lot, Interior: Any lot other than a corner lot.

(79) Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(80) Lot, Waterfront: A lot having frontage on a body of water, such as a lake, bay, stream, river or canal, as well as front on a street. In such instances, the lot shall be defined as having two (2) front yards for setback purposes.

(81) Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or build upon as a unit, under single ownership or control.

A Zoning lot shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

(82) Lot Area: The total horizontal area within the lot lines of the lot.

(83) Lot/Building Site Coverage: The part or percent of a lot or building site which can be occupied by buildings including accessory buildings.

(84) Lot or Building Site Depth: The horizontal distance between the front and rear building site property lines, measured along the median between the side lot lines.

(85) Lot or Building Site Lines: The lines bounding a lot or building site as defined herein:

A) Frontline: In the case of an interior lot/building site line separating said lot/building site from the street. In the case of a through lot/building site, that line separating said lot from either street. In the case of a corner lot/building site, that line as designated on the building plans filed for approval with the Zoning Administrator.

B) Rear Line: That line opposite the front line. In the case of a parcel pointed at the rear, the rear line shall be an imaginary line parallel to the front line, not less than ten (10) feet long lying farthest from the front line and wholly within the building site.

C) Side Line: Any line other than the front line or rear line. A side line separating a lot or building site from a street is a side street line. A side line separating a lot from another lot or building site is an interior side line.

(86) Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

(87) Lot Width: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS Continued:

- (88) Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
- (89) Major Thoroughfare or County Primary: An arterial road or street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond. (Designated by the Huron County Road Commission as a State Trunk Line or a County Primary Road).
- (90) Marina: A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing adequate supplies, provisions, service and fueling facilities.
- (91) Master Plan: The General Development Plan for Huron County adopted by the Planning Commission containing graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the County, and includes any unit or part of such plan, any amendment to such plan or parts thereof.
- (92) Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.
- (93) Mobile Home (Trailer Coach): Is a structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational unit. (SEE DEFINITION OF A SINGLE FAMILY DWELLING UNIT).
- (94) Mobile Home Park (Trailer Court): Any parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (A MOBILE HOME PARK MUST BE LICENSED BY THE STATE OF MICHIGAN).
- (95) Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging primarily to the public traveling by motor vehicle for compensation.
- (96) New Construction: Means structures for which the "start of construction" commenced on or after the effective date of this amendatory ordinance.
- (97) Nonaccessory Signs: Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed.
- (98) Nonconforming Building or Structure: A building or structure or portion thereof lawfully existing on the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.

ARTICLE II-CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(99) Nonconforming Use: A use which lawfully occupied a building or land on the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

(100) Nursery, Plant Materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises-including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

(101) Nuisance Factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

(102) Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

(103) Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

(104) Open Storage: Outdoor storage of building materials, sand gravel stone, lumber, equipment, materials to be recycled and other supplies.

(105) Parcel: A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory buildings, condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this ordinance, and having its frontage on a public or private street or road.

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

(107) Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

(108) Public Utility: A person or firm, or corporation, municipal or county department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS Continued:

(109) Recovery Halfway House: A facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services in addition to room and board to recovering alcoholics and drug abusers.

(110) Recreational Unit: Is a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit includes Travel trailer, Camping trailer, Motor home, Truck camper, Slide-in camper and Chassis-mount camper. A recreational unit shall not be considered a dwelling unit. (SEE DEFINITION OF "DWELLING, SINGLE FAMILY")

(111) Rehabilitation Halfway House: A facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services in addition to room and board to criminal offenders.

(112) Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

(113) Shoreline: That area of the shorelands where land and water meet.

(114) Shoreland: The land, water and land beneath the water which is in close proximity to the shoreline of Saginaw Bay or Lake Huron.

(115) Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

(116) Sign, accessory: See accessory sign.

(117) Sign, nonaccessory: See nonaccessory sign.

(118) Site Condominium Project: A development project consisting of not less two (2) single family units established in conformance with the Michigan Condominium Act, P.A. 59 of 1978, as amended; this meaning is the same as a "condominium subdivision".

(119) Story: The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

(120) Story, Half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(121) Street: A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

(122) Structure: Means a walled and roofed building that is principally above ground, including gas or liquid storage facilities, and mobile homes.

(123) Substantial Improvement: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(124) Temporary Use or Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

(125) Tourist Home/Bed and Breakfast: A building in which there are eight (8) or less sleeping rooms occupied for a fee on a more or less temporary basis for individuals who are lodged without meals other than breakfast.

(126) Use: The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

(127) Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception. See Article XIV. of this Ordinance for standards/criteria for the granting of variances.

(128) Wall, obscuring (fence): A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

(129) Yards: The open spaces on the same lot or building site with a building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

Front Yard: An open space extending the full width of the lot, parcel or building site, the depth of which is the minimum horizontal distance between the front lot/building site line and the nearest point of the main building.

ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS Continued

SECTION 2.02 DEFINITIONS continued:

(129) Yards continued:

Rear Yard: An open space extending the full width of the lot parcel or building site, the depth of which is the minimum horizontal distance between the rear lot/building site line and the nearest point of the main building. In the case of a corner lot, parcel or building site, the rear yard may be opposite either street frontage.

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

Waterfront yard: On a waterfront lot or parcel, an open space between the shoreline or waterfront parcel line and the principal structure. In this instance, a waterfront lot has two (2) front yards (roadside and lakeside).

ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 3.01 DISTRICTS ESTABLISHED: For the purpose of this Ordinance, the unincorporated area of the County of Huron, with the exception of those townships having their own zoning pursuant to PA 184 of 1943 (PA 110 of 2006), as amended, are hereby divided into the following districts:

Zoning Districts

AGR Agricultural District

R-1 One-Family Residential District

R-2 One-Family Residential District

RM-1 Multiple-Family Residential District

BUS General Business District

IND General Industrial District

WE Wind Energy Overlay District (eff. 11/4/2005, with amendments eff. 11/27/2015)

SECTION 3.02 DISTRICT BOUNDARIES: The boundaries of these districts are hereby established as shown on the Zoning Districts Map, Huron County, Michigan, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

SECTION 3.03 DISTRICT BOUNDARIES INTERPRETED: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

ARTICLE III - ZONING DISTRICTS AND MAP CONTINUED

SECTION 3.03 DISTRICT BOUNDARIES INTERPRETED CONTINUED:

C. Boundaries indicated as approximately following County boundaries shall be construed as following County boundaries.

D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line streams, rivers, lakes or other bodies of water shall be construed to follow such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map. Measurements thus determined shall prevail or the nearest lot line, whichever is less.

G. Where physical or natural features existing on the ground area variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the district boundaries.

Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 3.04 ZONING OF VACATED AREAS: Whenever any street, alley or other public way, within the unincorporated area of Huron County shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches.

SECTION 3.05 DISTRICT REQUIREMENTS: All buildings, structures, and uses in any District shall be subject to the provisions of ARTICLE IX., SCHEDULE OF REGULATIONS, ARTICLE XIV. - GENERAL PROVISIONS, and ARTICLE XVI. - GENERAL EXCEPTIONS except to the extent herein otherwise provided.

ARTICLE IV. AGRICULTURAL DISTRICT.

SECTION 4.01 INTENT AND PURPOSE. The Agricultural Districts are designated to preserve those areas historically used for farming and animal husbandry, dairying, horticulture and other agricultural activities. At the same time, in order to provide a degree of flexibility, it is the intent of these provisions to allow single family, non-farming dwellings and related residential uses on larger parcels and certain limited uses related to farming. In addition, an “overlay zoning” technique is incorporated into this Ordinance to encourage the development of alternative energy resources in the Agricultural District (wind energy, biomass digesters, etc.) as well as to preserve large tracts of land within the district for future agriculture use. (Effective: 12/1/2006)

Uses within the Agricultural District shall be limited to those (uses) allowed under Local, State and Federal Law. (Effective: 12/1/2010)

SECTION 4.02 PRINCIPAL PERMITTED USES AND STRUCTURES. In all AGR Agricultural Districts, no land or buildings or structures or part thereof shall be erected, used or structurally altered except for one or more of the following permitted uses or structures:

- A) All principal permitted uses as regulated in the R-1 One-Family Residential District with a minimum parcel size of one (1) acre for non-farming uses, providing that new single family dwellings have a minimum width across any front, side or rear elevation of 14 feet. These uses are adjacent agricultural-related uses and therefore residents may be subjected to inconveniences or discomforts arising from agricultural operations which are protected by Public Act 93 of 1981, as amended (Right to Farm Act).
- B) A second detached single-family dwelling on a farmstead when said dwelling is used for the purpose of providing housing for family members or employees of said agricultural enterprise, subject to provisions of Section 14.19 of this ordinance.
- C) General and specialized farming operations including nurseries, greenhouses, beekeeping and similar agricultural enterprises, excluding animal feedlots/livestock feedlots, together with buildings and other installations necessary to such uses. No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants or for the slaughtering of animals except as to serve only those persons residing on the premises, or as specified in Article XV, General Provisions.
- D) Growing and harvesting of forest products.
- E) Publicly owned and operated libraries, parks, parkways and recreational facilities, not including campgrounds as defined by Act 368 of Public Acts of 1987.
- F) Cemeteries.
- G) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit, provided said use has direct access to County Primary road.
- H) Public and private stables, riding academies and kennels.

ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

I) Utility installations such as electric substation, gas regulator stations, water or sewage pumping stations (including storage yards) when operating requirements necessitate the locating of said installations within the district in order to serve the area.

J) Private aircraft landing strips.

K) Facilities offering the retail sale of any product produced on the farm or premises providing such sale shall be from the premises where the product is produced and that no permanent structures are erected in connection with such sales and all temporary structures are removed annually when such products are disposed of.

L) Animal feedlots or livestock feedlots (including chicken and egg hatcheries) in new, existing or expanded structures provided the location of the feedlot shall be a minimum of 3/4 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.

M) Veterinarian clinics, commercial kennels.

N) Anemometer towers used to conduct wind assessment studies for possible installation of wind energy conversion facilities. Anemometer towers & attached equipment are limited to a height of 263 feet (eff. 12/01/2008) ~~199 feet. (Eff. 7/1/2007)~~ 164 feet (80 meters) and shall be located to conform to a height vs. setback requirement of 1 1/2 times the height of the tower. Uses of temporary towers (those without permanent foundations) are limited to a two (2) year period. (Eff. 12/1/2006)

O) On-Site Wind Energy Systems and related wind site assessment devices, subject to the provisions of Section 14.29 of this ordinance.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL. In Agricultural Districts, the following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission pursuant to Article XV. of this Ordinance and (12/9/2010) the Michigan Zoning Enabling Act, as amended. Minimum yard setbacks of the AGR Agricultural District shall apply for all uses unless otherwise stated.

A) All uses authorized after special approval in the R-1 One Family Residential District subject to provision of that district, provided these uses are located on a parcel of not less one (1) acre.

B) Animal feedlots/livestock feedlots/chicken & egg hatcheries in new, existing, or expanded structures when located less than 3/4 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.

C) Permanent saw mill operations providing all mill activities (sawing, planing, storage, loading & unloading) are situated at least 150 feet from public road rights-of-way and 1000 feet from any adjacent residential structures.

ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

D) Facilities or businesses featuring the sale and outdoor display of farm machinery, fertilizers and other farm supplies including repair shops and facilities.

E) Public or private campgrounds subject to the following:

1. The campground is developed as provided in Act 368 of the Public Acts of 1987, Part 125, Section 12501 to 12516 and any associated Administrative Rules, as applicable.
2. The perimeter of such campground which abuts land which is used or zoned for residential purposes is provided with a thirty (30) ft. wide landscape buffer strip consisting of a mixture of deciduous and coniferous (evergreen) vegetation having a density which provides maximum screening; said vegetation when planted shall have an initial height of four (4) feet.
3. All ingress and egress routes shall be directly onto a County Primary Road. Refer to Article II, Section 2.02 A. (89) of this ordinance.
4. Off street parking provisions as determined by the Planning Commission.

F) Golf courses, including miniature golf courses or par-3 courses, which may or may not be operated for profit, subject to the following provisions:

1. The site shall be so planned as to provide all access in accordance with Section 14.20 of this Ordinance.
2. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
3. All principal and accessory buildings shall be no less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit golfing after daylight hours shall be expressly prohibited.

G) Class A, B, C & D AIRPORTS and associated facilities involved with aircraft operations may be permitted in the Agricultural District subject to the provisions of this Ordinance and the following special standards. If any of the requirements of this subsection are less than those in applicable state and federal statutes, the state and federal requirements shall prevail.

ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

G) Class A, B, C & D AIRPORTS continued:

1. Airports, airfields, runway, hangars, beacons, and other facilities involved with aircraft operations shall be subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the County. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use. The area of the clear zone (as defined by FAA) shall be provided for within the land area under airport ownership.

2. Yard and Placement Requirements:

a. The proposed site shall be at least two thousand six hundred forty (2,640) feet by five hundred (500) feet.

b. Any runway shall have a minimum length of one thousand five hundred (1,500) feet with a five hundred (500) foot clearance at each end of the runway.

c. The site in question shall have at least one (1) property line abutting a Major Thoroughfare, as defined.

d. No building or structure or part thereof shall be erected closer than sixty (60) feet from any property line.

e. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned for R-1, R-2, or RM-1 residential uses.

3. Performance Requirements:

Buildings, height limits, lighting, parking, and uses and activities shall be in accordance with applicable FAA and MAC regulations. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.

4. Prohibited Uses: The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.

5. Off-street parking requirements:

a. One (1) parking space shall be required for every three (3) airplanes stored on the site.

b. All off-street parking shall be provided pursuant to Section 15.05 of this ordinance.

ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

H) Sewage disposal facilities, subject to applicable state and federal provisions.

I) Commercial composting and recycling facilities, subject to the following:

1. All traffic ingress and egress shall be from a county primary road or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
2. No residential subdivisions with officially filed plats should exist within one-half (½) mile of the facility.
3. The parcel shall be no less than ten (10) acres and no greater than forty (40) acres in size. No more than seventy-five (75%) percent of the site may be used for active composting at any one time.
4. No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited or stored.
5. Routes for truck movement to and from the site shall be identified by the Huron County Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
6. No open burning shall be permitted and all processes involving the use of equipment for chipping, cutting, compressing, other than movement of compost materials, or packaging shall be conducted within a completely enclosed building.
7. Adequate drainage measures shall be taken to prevent standing water on the site.
8. No loading shall be allowed which is visible from adjacent roads/streets. Road side loading shall be allowed provided the loading dock is set back a minimum of seventy (70) feet from the road right-of-way line, or one hundred ten (110) from the road center line, which is greater.
9. All outdoor storage of refuse of any kind shall be visually screened from access roads and adjacent property by a complete screening fence made of materials compatible with the materials used in the principal structure. No refuse collection areas shall be permitted between a frontage road and building line.
10. No retail sales shall take place on site.
11. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive or leave any composting site before 7:00 a.m. or after 8:00 p.m.
12. Directional signs are allowed as provided in this Ordinance.

Zoning Ordinance of Huron County, Michigan December 1, 2010

ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

I) Commercial composting and recycling facilities, subject to the following (continued):

13. One (1) off-street parking space shall be provided per employee at peak shift and one (1) space shall be provided for every five (5) acres of land in use for composting.

14. All composting/recycling operations shall also be in conformance with all Department of Natural Resources Guidelines for Operations.

J) Accessory buildings and uses customarily incidental to any of the above uses.

K) On-site wind energy conversion systems (WECSs) subject to Section 14.29 of this Ordinance. J)

~~Private hunting clubs, hunting preserves, or private preserves for the purpose of providing land for game bird hunting, including accessory lodging facilities, subject to the following limitations and conditions: (ZA #‘99-2, eff. May 1, 1999)~~

~~1) Such uses shall be in compliance with the Natural Resources and Environmental Protection Act, Act 451, P.A. 1994, Part 417 (Private Shooting Preserves), relative to licensing, required acreage, exterior boundary signs, etc. Such uses shall not include an operation involving animals other than game birds as listed in "The Shooting Preserve Commission Order", adopted by the Natural Resources Commission at its July 8, 1993 meeting and becoming effective on August 1, 1993.~~

~~2) Lodging facilities are limited to those individuals utilizing the private hunting club, hunting preserve, or private shooting preserve. Said lodgings shall be limited to the following:~~

~~a) A single housekeeping unit consisting of no more than eight (8) sleeping rooms with a common kitchen and bath facilities.~~

~~b) Development is subject to setback and unit size per requirements for residential structures located in the Agricultural District, and further subject to Planning Commission approval.~~

~~c) Where campground facilities (rustic cabins) are proposed within the preserve, applicable campground licenses shall be secured, pursuant to P.A. 368 of 1978.~~

~~L) Private hunting clubs, hunting preserves, or private preserves for the purpose of providing land for captive wild animal hunting (breeding and dealing), including accessory lodging facilities, subject to the following limitations and conditions:~~

~~(ZA #‘99-2, eff. May 1, 1999)~~

~~1) Such uses shall be in compliance with the Natural Resources and Environmental Protection Act, Act 451, P.A. 1994, Part 427 (Breeders and Dealers) and Part 401 (Wildlife Conservation) relative to permits, required acreage, exterior boundary signs, perimeter fencing, township approval, etc.~~

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE IV. AGRICULTURAL DISTRICT Continued.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

L) Private hunting clubs continued:

2) Lodging facilities are limited to those individuals utilizing the private hunting club, hunting preserve, or private shooting preserve. Said lodgings shall be limited to the following:

a) A single housekeeping unit consisting of no more than eight (8) sleeping rooms with common kitchen and bath facilities.

b) Development is subject to setback and unit size per requirements for residential structures located in the Agricultural District, and further subject to Planning Commission approval.

c) Where campground facilities (rustic cabins) are proposed within the preserve, applicable campground licenses shall be secured, pursuant to P.A. 368 of 1978.

SECTION 4.04 GENERAL, SETBACK AND LOCATIONAL STANDARDS FOR FEEDLOT OPERATIONS: (Refer to Section 4.02(L) and 4.03(B). [also: refer to Right to Farm legislation] General Standards:

1) The owner of any animal feedlot shall be responsible for the storage, transportation and disposal of all animal manure generated in a manner consistent with the Right To Farm Act, the MSU Cooperative Extension Service Bulletins, the Michigan Department of Health, and the Best Management Practices for Disposal Practices.

2) All manure from confinement storage pits or holding areas, when removed, shall be incorporated, knifed in, or disposed of in a reasonable manner taking into account the season of the year and wind direction. Each feedlot shall have sufficient area to permit proper storage, incorporation or disposal of the manure.

3) No animal manure shall be disposed of within the right-of-way of any public road or street.

4) All vehicles used to transport animal manure on township, county, or state highways, or through municipalities shall be leak proof.

Setback and Locational Standards:

1) No new feedlot shall be located within a Floodplain.

2) No new feedlot shall be located within 3/4 mile of a County park.

3) New feedlot operations in new, existing, or expanded structures located within 3/4 mile of a residential or commercial zoned district are permitted only after authorization of the Planning Commission (Special Approval Use Permit is required).

Zoning Ordinance of Huron County, Michigan December 1, 2010

ARTICLE IV. AGR AGRICULTURAL DISTRICT Continued.

~~SECTION 4.04 GENERAL, SETBACK AND LOCATIONAL STANDARDS FOR FEEDLOT OPERATIONS: (Refer to Section 4.02(L) and 4.03(B). [also: refer to Right to Farm legislation] General Standards continued:~~

~~4) Existing feedlot operations located within 3/4 mile from a village or city limits or a residential or commercial zoned district at the time of adoption of this Ordinance may remain in operation. Proposed expansion of existing feedlots or new feedlots located within 3/4 mile of the above note areas shall require a Special Approval Use Permit.~~

SECTION 4.05 AREA, HEIGHT, BULK AND PLACEMENT STANDARDS

See Article IX., Schedule of Regulations, for regulations on height and bulk of buildings, the minimum size of lots, for land use, the density permitted, and setbacks requirements. In addition, refer to Article II., Section 2.02 (a) (41) for dwelling unit width/size. New residential structures in the AGR district are required to be a minimum of 14 ft. across any front, rear or side length.

SECTION 4.06 ACCESSORY STRUCTURES AND USES in the AGR Agricultural District are regulated by provisions found in Section 14.04 of this ordinance.

SECTION 4.07 OFF-STREET PARKING for uses in the AGR Agricultural District are regulated by provisions of Sections 14.05 and 14.06 of this ordinance.

SECTION 4.08 SITE PLAN REVIEW is required pursuant to Section 14.28 of this Ordinance for all Uses Authorized after Special Approval in the Agricultural District, except single family residential dwellings and accessory buildings.

ARTICLE V. R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS

SECTION 5.01 INTENT AND PURPOSE. The R-1 and R-2 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district. Certain complimentary religious, educational, recreational and cultural facilities as well as two family dwellings may also be permitted as special approval uses. (12/1/2010) Uses in the R-1 and R-2 Single Family Residential Districts shall be limited to uses allowed under Local, State, and Federal Law.

SECTION 5.02 PRINCIPAL PERMITTED USES AND STRUCTURES: In all R-1 & R-2 Single Family Residential Districts, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or part, except for one or more of the following uses or structures.

A) In R-1 Single Family Residential Districts, one family detached dwellings are permitted subject to Article II, Section 2.02 A. (42) and Article IX, Section 9.01 (Schedule of Regulations, Limitations for Height, Area, Bulk and Placement by Zoning District, of this Ordinance and further subject to a minimum width of twenty (20) feet across any front, side, or rear elevation.

ARTICLE V.R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS continued

SECTION 5.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued:

A continued) In R-2 Single Family Residential Districts, one family detached dwellings are permitted subject to Article II, Section 2.02 A. (42) and Article IX, Section 9.01 (Schedule of Regulations, Limitations for Height, Area, Bulk and Placement by Zoning District) and further subject to a minimum width of fourteen (14) feet across any front, side, or rear elevation.

B) Accessory buildings and uses customarily incidental to the permitted uses, subject to provisions of Sections 14.04 of this Ordinance.

C) Temporary buildings incidental to construction of the permitted structures, for a period not to exceed one (1) year.

D) Home occupations, subject to provisions of Article II, Section 2.02 A. (68) of this Ordinance.

E) Planned Unit Developments as provided in Article XI and condominiums within a condominium project as provided in Article XII of this Ordinance.

F) Mobile home parks subject to P. A. 96 of 1987, as amended, and General Rules related thereto as adopted by the State Mobile Home Commission; said act being adopted by reference.

G) Publicly owned and operated parks and playgrounds with customary buildings and structures.

H) State licensed residential (Foster Care homes) facilities providing resident services for up to six (6) persons under twenty-four (24) hour supervision or care, or both. This uses shall not apply to foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to correctional institutions.

I) State licensed or approved family day care facilities where one (1) to six (6) children are cared for in a private home on less than a twenty-four (24) hour basis. All employees of the facility must reside on the premises. At least four hundred (400) square feet of outdoor play area must be provided on the premises. Off-street parking for three (3) vehicles must be provided for on the premises.

J) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education and not operated for profit, provided that no building shall be located less than forty (40) from another lot in any residential district and access to the site is from a County Primary Road.

K) Essential services, as defined Article II, Section 2.02 A. (48) of this Ordinance.

L) Signs as provided in Article XIV, Section 14.10 of this Ordinance.

M) On-site wind energy conversion systems (on-site WESCs), subject to provisions of Section 14.29 of this Ordinance.

ARTICLE V.R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS continued

SECTION 5.03 USES AUTHORIZED AFTER SPECIAL APPROVAL. In the Single Family Residential Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission pursuant to the provisions of Article XV of this Ordinance and the Michigan Zoning Enabling Act, as amended.

A) Boarding, lodging and tourist homes, i.e., bed and breakfast homes, providing service is limited to three (3) non-housing-keeping sleeping rooms for six (6) or less persons. Two (2) off-street parking spaces shall be provided for the principal family and one (1) additional off-street parking space shall be provided for each sleeping (room).

B) Two-family dwellings providing each unit has a minimum of seven hundred twenty (720) square feet of habitable floor space and is completely separated from each other.

C) Personal service shops, such as beauty and barber shops, tanning salons, etc., in a private home which are limited to one (1) chair or booth and provided additional off-street parking space is located on the premises.

D) Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including storage yards, when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.

E) State license group day care facilities where seven (7) to twelve (12) children are cared for in a private home on less than a twenty-four hour basis, subject to the following provisions:

1) At least one member of the staff must reside on the premise.

2) There must be at least six hundred (600) square feet of fenced (min. 4 ft.in height) outdoor play area provided on the premises. A group day care home shall not require exterior modifications to the dwelling nor shall the front yard be the location of play equipment, except on a corner lot.

3) Off-street parking for four (4) vehicles shall be provided on the property.

4) The proposed group day care facility shall not be located closer than 1,500 feet of any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley: another licensed group day care home; an adult foster care large group home; a licensed facility offering substance abuse treatment and rehabilitation services to seven (7) or more people; a community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

5) One (1) non-illuminated sign, two (2) square feet or less in size is permitted on the wall of the principal structure located on the property. (The sign shall be similar to that for a home occupation-name of day care operator and address).

6) Hours of operation shall not exceed sixteen (16) hours in a twenty-four period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.

ARTICLE V. R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS continued

SECTION 5.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

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

- 1) A state licensed adult foster care small group home shall not be located within fifteen (1,500) feet of another similar state licensed facility.
- 2) One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
- 3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

G) Cemeteries, when occupying a site of ten (10) or more acres and having direct access to a major thoroughfare.

H) Governmental uses when found to be necessary for the public health, safety, convenience or welfare.

I) Churches and other facilities normally incidental thereto, provided ingress and egress from such site is onto a County primary road. No buildings shall be located less than fifty (50) feet from any other lot in any residential district.

J) Nonaccessory storage buildings [no dwelling on the parcel], where parcel size is ten [10] acres or larger, subject further to the following: [ZA # '00-01, eff. Apr. 15, 2000]

- 1) One (1) nonaccessory storage building shall be permitted on a single parcel or tract, with said building limited to a single story, a maximum of 3200 square feet of floor area, a maximum wall height of 16 feet, and an overall (ridge) height of 30 feet [both measured from average grade]; and,
- 2) The storage building shall be located in an area on the property which is a minimum of 100 ft. from any front, side, or rear property line; and,
- 3) A buffer area shall be incorporated within all setback areas to minimize any negative impact of such building on adjacent land; natural vegetation, if present, is encourage and additional landscaping shall be added, as determined by the Planning Commission, to adequately buffer the storage building from adjacent property; and,
- 4) The storage building shall be constructed of exterior material(s) which are aesthetically appealing in color and design, which shall be reviewed and approved as part of the Special Approval application; and,

ARTICLE V. R-1 AND R-2 SINGLE FAMILY RESIDENTIAL DISTRICTS continued

SECTION 5.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

J) Nonaccessory storage buildings continued...

5) Storage on the property shall be confined to inside of the building, with said storage limited to items under the direct ownership of the property owner. Provisions of Section 14.26 of this Ordinance shall apply under this subsection; and,

6) All subsequent residential uses on the property shall comply with applicable zoning provisions of this Ordinance as well as with foundation, fire separation, and other construction-related codes for residential uses; and,

7) Land in combination with any approved storage building, shall remain in compliance with standards noted herein; standards of this section shall not be eligible for appeal under Article XIX., Section 19.03, subsection C.

K) On-site wind energy conversion systems (WECSS) subject to provisions of Section 14.29 of this Ordinance.

SECTION 5.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article IX, Schedule of Regulations, of this Ordinance.

SECTION 5.05 ACCESSORY STRUCTURES and uses are subject to provisions of Article XIV, Section 14.04 of this Ordinance.

SECTION 5.06 OFF-STREET PARKING PROVISIONS are provided under Article XIV, Sections 14.05 and 14.06 of this Ordinance.

SECTION 5.07 SITE PLAN REVIEW is required pursuant to Article XIV, Section 14.28 of this Ordinance for all new construction and for all Uses Authorized After Special Approval in the R-1 and R-2 Single Family Residential Districts, except for single family residential dwellings and residential accessory buildings on platted lots or lots of record.

ARTICLE VI. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

SECTION 6.01 INTENT AND PURPOSE. The RM-1 Multiple-Family Residential Districts are primarily designed to provide sites for multiple-family type dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community. (12/1/2010) Uses in the RM-1 Multiple-Family District shall be limited to uses allowed under Local, State, and Federal Law.

ARTICLE VI. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT Continued.

SECTION 6.02 PRINCIPAL PERMITTED USES AND STRUCTURES. In a Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

A) All principal uses permitted as regulated in the R-1 and R-2 One Family Residential Districts subject to provisions of the R-1 District.

B) Multiple-family dwellings, including apartments, townhouses, and dwelling groups used for rentals or condominiums, subject to Article IV, Section 14.28, Site Plan Review; condominium developments are also subject to standards of Article XII of this Ordinance.

C) State licensed adult foster care large group homes, subject to the following provisions:

1. The home is not located within fifteen hundred (1,500) feet of another similar state licensed facility.
2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling or other accessory uses.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
5. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
6. All exterior lighting of entryways, parking spaces or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

Note: if the above standard cannot reasonably be met, variance(s) can be sought from the Huron County Zoning Board of Appeals.

D) State licensed group day care homes, subject to the following provisions:

1. The home shall not be located closer than fifteen hundred (1,500) feet to any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley: 1) another licensed group day care home, 2) an adult foster care large group home licensed by the State of Michigan, 3) a facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan, or a community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

ARTICLE VI. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT Continued.

SECTION 6.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

D) State licensed group day care homes, subject to the following provisions continued:

2. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high. (Forty-eight inches is the minimum height necessary to secure children in a yard. A taller fence may be required by the Planning Commission).

3. The property (landscaping & architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.

4. Signage shall be limited to one (1) non-illuminated nameplate, not to exceed two (2) square feet in size, and attached flush to a wall of the principal structure located on the property, and made of material that is compatible with the structure. The sign text shall be limited to the name of the day care operator and an address.

5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four hour period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m.

E) Recovery halfway or rehabilitation halfway houses, subject to the following provisions:

1. Such facility(s) shall not be located within fifteen (1,500) feet of another similar state licensed facility.

2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling. The driveway may be used for this purpose.

3. The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood.

4. A recovery or rehabilitation halfway house shall be located in an area reasonably accessible to public transportation, employment, and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents, or provisions must be made so that the facility's residents have ready access to these services and agencies.

F) Accessory buildings and uses customarily incidental to the above principle permitted uses.

G) On-site wind energy conversion systems, subject to provisions of Section 14.29 of this Ordinance.

ARTICLE VI. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT Continued.

SECTION 6.03 USES AUTHORIZED AFTER SPECIAL APPROVAL. In the Multiple Family Residential Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission pursuant to the provisions of Article XV of this Ordinance and the Michigan Zoning Enabling Act, as amended.

A) All Uses Authorized After Special Approval in the R-1 One-Family Residential District, subject to standard and provisions of that district.

B) Municipal, State or Federal administrative or service buildings, provided that such buildings shall be located not less than fifty (50) feet from any other lot or parcel in a multiple-family residential district.

C) Private schools and educational institutions.

D) General hospitals, subject to the following provisions:

1. All such facilities shall be developed only on sites consisting of at least ten (10) acres in area.

2. All access to the site shall be in accordance with Section 14.20 of this Ordinance.

3. The minimum distance of any main or accessory building from the bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. The general height restrictions shall not apply; it being provided that for every story above two (2), the minimum yard (setback) distance shall be increased by at least twenty (20) feet.

E) Convalescent and/or nursing homes, not to exceed the height of two and one-half (2 ½) stories, when the following conditions are met:

1) The proposed site shall have at least one property line abutting a primary road. All ingress and egress to the off-street parking area, for guests, employees and staff, as well for any other use of the facility, shall be directly onto such primary road.

2) No building shall be closer than twenty-five (25) feet from any property line.

F) Accessory buildings and uses customarily incidental to the above uses, subject to provisions of Article XIV, Section 14.04 of this Ordinance.

G) Signs, as provided for in Article XIV, Section 14.10 of this Ordinance.

H) On-site wind energy conversion systems (WECSs) subject to provisions of Section 14.29 of this Ordinance.

ARTICLE VI. RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT Continued.

SECTION 6.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article IX, Section 9.01 Schedule of Regulations, of this Ordinance.

SECTION 6.05 ACCESSORY STRUCTURES AND USES subject to provisions of Article XIV, Section 14.04 of this Ordinance.

SECTION 6.06 OFF-STREET PARKING provisions are provided under Article XIV, Sections 14.05 and 14.06 of this Ordinance.

SECTION 6.07 SITE PLAN REVIEW is required pursuant to Article XIV, Section 14.28 of this Ordinance for all new construction and all Uses Authorized After Special Approval in the RM-1 District, except for single family residential dwellings on platted lots and lots of record.

ARTICLE VII. BUS GENERAL BUSINESS DISTRICT.

SECTION 7.01 INTENT AND PURPOSE.

The BUS General Business District is, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas as well as to provide sites for more diversified business types. Further, it is designed to accommodate uses such as residential, offices, banks and personal services which can serve as transitional areas between single-family residential and commercial uses, and to provide a transition between major thoroughfares and residential districts in areas platted in small lots. Certain automobile-related uses, waterfront uses, uses requiring larger parcels and/or featuring regional commercial uses are permitted after review by the Planning Commission. (12/1/2010) Uses in the General Business District shall be limited to uses allowed under Local, State, and Federal Law.

SECTION 7.02 PRINCIPAL PERMITTED USES AND STRUCTURES.

In a BUS General Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance and subject to the limitations contained below:

- A) All principal permitted uses and uses authorized after special approval in the RM-1 Multiple Family Residential District, subject to conditions of the RM-1 District.
- B) Office buildings including medical and dental clinics but not veterinary clinics having outdoor kennels, financial establishments, funeral homes, municipal buildings and uses, but not including outdoor storage yards.
- C) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited, to: groceries, meats, dairy products, baked goods or other foods, pharmacy products, dry goods, clothing, notions and hardware, office supplies, convenience foods, and other similar uses, excluding outdoor storage yards.
- D) Eating and drinking establishments having a seating capacity of 150 or less patrons.

ARTICLE VII. BUSINESS DISTRICT Continued.

SECTION 7.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

E) Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.); tailor shops, self-service laundries and dry-cleaners; beauty parlors, barber shops, tanning salons; physical cultural centers, photographic studios.

F) Business service establishments performing services on the premises such as office machine repair, printing, blue-printing.

G) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.

H) Off-street parking lots, subject to provisions of Sections 14.05 and 14.06 of this Ordinance.

I) Other uses which are similar to the above and subject to the following provisions:

1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.

2) All business, servicing or processing except for off-street parking or loading/unloading space shall be conducted within completely enclosed buildings.

3) Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.

4) Off-street parking and loading/unloading space shall be provided as required in Sections 14.05 and 14.06 of this Ordinance.

J) Signs as provided in Section 14.10 of this Ordinance.

K) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to Section 14.04 of this Ordinance.

L) On-site wind energy conversion systems, subject to provisions of Section 14.29 of this Ordinance.

SECTION 7.03 USES AUTHORIZED AFTER SPECIAL APPROVAL.

In the General Business Districts, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission pursuant to the provisions of Article XV of this Ordinance and the Michigan Zoning Enabling Act, as amended.

ARTICLE VII. BUS GENERAL BUSINESS DISTRICT Continued.

SECTION 7.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

A) Gasoline service stations for the sale of gasoline, oil and minor accessories and including automotive repair activity where repair activity is conducted within a completely enclosed building; storage of disabled motor vehicles and parts therefrom is prohibited.

1) The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets/roads immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection, measured from the road right-of-way, or from adjacent residential districts.

2) The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on lots of ten thousand (10,000) square feet or larger, subject to all other provisions herein required.

3) A six (6) ft. high screening fence shall be constructed along those property lines which abut a Residential zoning district.

B) Restaurants or other establishments serving food or beverage with a seating capacity greater than 150 persons, except those businesses having the characteristics of a drive-in. (where food is served to persons in a vehicle).

C) Private clubs, fraternal organizations and lodge halls.

D) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.

E) Business schools and colleges or private schools operated for profit.

F) Outdoor display lots and showrooms for exclusive sale of new or used automobiles, recreational units, farm implements, or for rental trailers and or automobiles, subject to the following provisions:

1. The lot or area shall be provided with a durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

2. Access to the sales lot shall be at least sixty (60) ft. from the intersection of any two (2) roads/streets.

3. No major repair or major refinishing shall be done on the lot and no disabled motor vehicles or parts therefrom shall be stored on the property unless stored in a completely enclosed building or screened from public view.

4. All lighting shall be shielded from adjacent residential areas.

ARTICLE VII. BUS GENERAL BUSINESS DISTRICT Continued.

SECTION 7.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

G) Motels or other transient guest lodging facilities, other than bed and breakfast establishments, provided that access to the site so as not to conflict with the adjacent business or adversely affect traffic flow on a major thoroughfare, and that each unit shall contain not less than two hundred (200) sq. ft. of floor area.

H) Businesses that have a drive-in or open front character, provided that the following can be met:

1. The setback for buildings or canopies shall be a minimum of forty (40) ft. from the right-of-way line of any State trunk line or County Primary Road.
2. Access drives to the property shall be located at least sixty (60) feet from the intersection of any two (2) roads/streets.
3. All lighting shall be shielded from adjacent residential areas.
4. A four (4) ft. high screening fence shall be provided when abutting or adjacent to residential districts.

I) Veterinary hospitals or clinics, and/or commercial kennels with outdoor animal runs, provided the outdoor areas are fenced and not located within the setback areas.

J) Nurseries which have outdoor storage or display of plants, plant materials, garden supplies, lawn furniture, playground equipment subject to the following:

1. The storage and/or display of any materials and/or products shall meet all setback requirements of the principal building.
2. All loading and parking areas shall be provided on the site.
3. The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any affects on adjacent properties.

K) Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, or similar forms of indoor commercial recreation shall be located at least fifty (50) feet from any front, rear or side property line when said use or building is adjacent to a residential zoned property.

L) Outdoor commercial recreational facilities such as tennis courts, archery courts, shuffle-board, horseshoe courts, miniature golf facilities, golf driving ranges, baseball batting cages, basketball courts, children's amusement parks, water-slides or similar commercial leisure-time activities, providing all areas or equipment sites are not located in the front yard setback area nor closer than 50 feet from any property line that abuts a residential zoning district; and further, that such activity areas are provided with a security fence around its perimeter. Such perimeters that abut a residential zoning district shall be provided with a six (6) ft. high obscuring wall/fence along the common property line.

ARTICLE VII. BUS GENERAL BUSINESS DISTRICT Continued.

SECTION 7.03 USES AUTHORIZED AFTER SPECIAL APPROVAL continued.

M) Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

N) Waterfront uses customarily incidental to recreational boating including sales, service and storage facilities.

O) Adult entertainment businesses, as defined in Section 2.02 A. (3) of this Ordinance, subject to the following provisions:

1) All adult entertainment business locations shall be located a minimum of one thousand (1,000) feet from another adult entertainment business, residence, governmental building, park, library, civic building or church.

P) Arcades and amusement centers where mechanical, electronic or other devices, excluding music devices, which may be operated or played upon by the placing or depositing coins, slugs or rented, or by paying therefore either in advance of or after use, involving in its use either skill, games, chance, amusement or pleasure including, but not limited to, tape machines, card machines, pinball machines, bowling game, shuffleboard, marble game machine, horse racing machines, basketball (baseball, football, hockey, etc.), electronic video games, or any similar devices, where five (5) or more such devices are located at one establishment or center, subject to:

(1) New establishments shall be located five hundred (500) feet or more from properties zoned for residential use and five hundred (500) feet from any existing arcade or amusement center.

(Q) Wholesale stores, storage facilities, warehouse buildings, distribution plants.

(R) Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring/storage uses and facilities.

(S) On-site wind energy conversion systems subject to provisions of Section 14.29 of this Ordinance.

SECTION 7.04 HEIGHT, AREA, BULK AND PLACEMENT REGULATIONS. See Article IX, Schedule of Regulations, of this Ordinance which provide standards which limit the height and bulk of buildings, the minimum size of lots or parcels by permitted land use, and providing minimum setback requirements.

SECTION 7.05 OFF-STREET PARKING AND LOADING/UNLOADING provisions are found in Sections 14.05 and 14.06 of this Ordinance.

SECTION 7.06 ADDITIONAL REGULATIONS. The storage of all materials, objects, equipment and machinery other than for heating/cooling, and inoperable/unlicensed motor vehicles shall be wholly within a completely enclosed building(s) or screened from public view.

ARTICLE VII. BUSINESS DISTRICT Continued.

SECTION 7.07 SITE PLAN REVIEW is required pursuant to Section 14.28 for all new construction and uses in the Business District, except for single family residential dwellings on platted lots or lots of record.

ARTICLE VIII. GENERAL INDUSTRIAL DISTRICT

SECTION 8.01 INTENT AND PURPOSE.

The General Industrial Districts are designed so as to accommodate wholesale activities, warehousing and light industrial facilities as uses by right and the more intense, heavy industrial facilities as uses authorized by special approval.

The general goals of this use district include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the County's expected future economy for all types of manufacturing and related uses.
- B. To protect abutting residential districts by separating them from manufacturing activities.
- C. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
- D. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each are to conserve the value of land and buildings and other structures, and to protect the County's tax revenue.

Uses in the General Industrial District shall be limited to uses allowed under Local, State, and Federal law. (12/1/2010)

SECTION 8.02 PRINCIPAL PERMITTED USES AND STRUCTURES.

In the IND. General Industrial District, no building or land shall be used and no buildings shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

- A) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
- B) Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential or commercial district, and on any front yard abutting a public thoroughfare except as otherwise provided in Section 14.14 of this Ordinance. In the industrial district, the extent of such wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four (4) feet in height and may, depending upon land use, be required to be eight (8) feet in height, and shall be subject further to the requirements of Section 14.14. A chain link fence, with intense evergreen shrub plantings, shall be considered an obscuring wall.

ARTICLE VIII. IND. GENERAL INDUSTRIAL DISTRICT Continued.

SECTION 8.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

B) Continued

1. Warehousing and wholesale establishments and trucking facilities.
2. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limit to: bakery goods, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool and die, gauge and machine shops.
3. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, textiles, tobacco, wax, wire, wood and yarns.
4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
5. Manufacture of musical instruments, toys novelties, and metal or rubber stamps, or other molded rubber products.
6. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
7. Laboratories.
8. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
9. Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer at retail.
10. All public utilities, including buildings, necessary structures, storage yards and other related uses.

C) Warehouse, storage and transfer and electric and gas service buildings, and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Freight terminals.

D) Storage facilities for building materials, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. (See B above).

E) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.

ARTICLE VIII. IND. GENERAL INDUSTRIAL DISTRICT Continued.

SECTION 8.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

F) Motor vehicle engine and body repair shops, bump shops, undercoating shops and similar vehicle repair facilities with the repair activity conducted within a completely enclosed building; no storage of disabled motor vehicles or part therefrom is permitted unless within a completely enclosed building or screened from public view per subsection B above.

G) Agricultural related enterprises.

H) Freestanding non-accessory signs.

I) Other uses of similar character.

J) Accessory buildings and uses customarily incident to any of the above permitted uses.

K) On-site wind energy conversion systems (WECSs), subject to provisions of Section 14.29 of this Ordinance.

SECTION 8.03 USES AUTHORIZED BY SPECIAL APPROVAL.

The following uses shall be permitted, subject to conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, pursuant to the provisions of Article XV of this Ordinance and the Michigan Zoning Enabling Act, as amended.

A) Lumber and planing mills which are completely enclosed and when located at least 1000 feet from any side or rear property line which borders a residential or commercial use.

B) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.

C) Heating and/or electrical power generating plants, and all accessory uses.

D) Any of the following uses provided that they are located not less than 1000 feet distant from a residential or commercial district parcel, or use and not less than 300 feet distant from any other district, parcel or use:

1. Open storage yards of sand, stone, coal, gravel or lumber, asphalt plants and concrete-transit mix plants.
2. Junk yards, provided such are entirely enclosed within a building or within an eight (8) ft. high obscuring wall.
3. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
4. Facilities with blast furnaces, steel furnaces, blooming or rolling mills.
5. Facilities where corrosive acid or alkali, cement, lime, gypsum or plaster of paris is manufactured.

ARTICLE VIII. IND. GENERAL INDUSTRIAL DISTRICT Continued.

SECTION 8.03 USES AUTHORIZED BY SPECIAL APPROVAL continued.

D) Continued

6. Petroleum storage or refining facilities.

7. Facilities where smelting of copper, iron or zinc ore, or similar products occurs.

E) Any other heavy industrial use which shall be determined by the Planning Commission to be of the same general character as the above uses. The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.

F) Accessory buildings and uses customarily incidental to any of the above uses.

G) On-site wind energy conversion systems (WECSs) subject to provisions of Section 14.29 of this Ordinance.

SECTION 8.04 HEIGHT, AREA, BULK AND PLACEMENT REGULATIONS. Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article IX, Schedule of Regulations, of this Ordinance..

SECTION 8.05 OFF-STREET PARKING/LOADING AND UNLOADING PROVISIONS. For off-street parking/loading and unloading regulations, refer to Sections 14.05 and 14.06 of this Ordinance.

SECTION 8.06 SITE PLAN REVIEW is required pursuant to Section 14.28 of this Ordinance for all new construction and new uses in the General Industrial District.

SECTION 8.07 COMPLIANCE WITH OTHER GOVERNMENTAL REGULATIONS

Any use permitted in the General Industrial District must also comply with all applicable federal, state, county and township health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter and glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting airborne matter.

SECTION 8.08 ADDITIONAL REGULATIONS. The storage of all materials, objects, equipments, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. No storage shall be located in the front yard or a side yard abutting a street/road.

SECTION 8.09 GENERAL PERFORMANCE STANDARDS. The following shall be considered to be the minimum performance standards subject to county, state or federal standards and requirements which may be more restrictive:

A. Odors- The emission of obnoxious odors, noise, dust fumes or vibrations of any kind shall not be permitted which are contrary to the public health, safety and general welfare.

Zoning Ordinance of Huron County, Michigan December 1, 2010

ARTICLE VIII. IND. GENERAL INDUSTRIAL DISTRICT Continued.

SECTION 8.09 GENERAL PERFORMANCE STANDARDS continued.

B. Gases- No gas shall be emitted which is detrimental to the public health, safety and general welfare.

C. Glare and Heat- Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to have an adverse effect outside of the property.

D. Fire and Safety Hazards- The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with state rules and regulations as established by Public Act 207 of 1941, as amended.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS.
LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT BY
ZONING DISTRICT

SECTION 9.01 SCHEDULE OF REGULATIONS; LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT.

REFER TO SECTION 14.17 LAND DIVISIONS AND ACCESS REQUIREMENTS

Zoning District	Lot Width (minimum) Feet	Lot Area (minimum) Sq. Ft.	Lot Coverage (Maximum) Percent	Height of Buildings (maximum) Stories/Ft.	Yard Requirements, Unobstructed (minimum)- Feet.				Floor Area per Dwelling (Grd.fl)
					Sides		Rear		
					Least Front	Total One	Two		
AGR Agriculture	100	1 Acre	15 %	2 ½ 35	45 (b)	20 (b,c)	40 (b)	60 (b)	900 - 14 ft. minimum width.
R-1 & R-2 Single Family Residential	70 (a)	12,250 (a)	25 %	2 ½ 35	25 (b,p)	10 (b,c)	20 (b)	35 (b)	900 R-1: 20 ft. minimum width R-2: 14 ft. minimum width.
RM-1 Multiple Family Residential	(f)(d)		(d)	3 40	50 (e,k)	30 (e,k)	60 (e)	30	600
BUS General Business	100	½ acre	25 %	3 40 (l)	30 (g)	20 (h,j,k)	40 (i,j)	25	
IND General Industrial	100	1 acre	25 %	40 (l)	50 (m,n)	20 (k,n)	40 (n,o)	40	

ALL NEW DWELLING UNITS SHALL COMPLY WITH PROVISIONS OF SECTION 2.02 A. (42) FOR THE DISTRICT WHERE THE PROPERTY IS LOCATED.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS Continued.

SECTION 9.02 NOTES TO SCHEDULE OF REGULATIONS:

(a) Single lots created after the effective date of this ordinance shall conform to the "minimum lot size" requirements of the above table. Subdivisions being platted in conformance with Act 288 of P.A. 1967 (now known as the Land Division Act, as amended, and wishing to plat lots of such size as is required in the R-1 or R-2 classification shall be zoned R-1, One-Family Residential or R-2, One-Family Residential, as a prerequisite to meeting the requirements of said act.

(b) For all uses permitted other than single-family residential, the setback shall equal the height of the main building or the setback required in Sec. 4.02, 5.02, 6.02 or the above table, which is greater.

(c) In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.

(d) In the case of multiple dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to the issuance of a building permit, pursuant to Section 14.28 of this Ordinance.

Approval shall be contingent upon a finding that: (1) the site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety, and (2) all the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways and parking areas are to be located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building grouping and circulation routes as to interfere with police or fire equipment access.

The maximum extent of development shall not exceed twelve (12) units per acre and total coverage of all buildings, including dwellings units and related service buildings, shall not exceed twenty-five (25) percent of the total site exclusive and any dedicated public right-of-way.

All access to the site shall be in accordance with Section 14.20.

(e) Where more than one (1) building occupies a single lot or parcel, the following building relationships shall be maintained:

In all RM-1 Multiple-Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than thirty (30) feet. All exterior yards shall be equal to at least thirty (30) feet. The formula regulating the required minimum distance between two buildings in all RM-1 Districts is as follows:

Where S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS Continued.

SECTION 9.02 NOTES TO SCHEDULE OF REGULATIONS continued:

(e) continued

Length

A = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

Length

B = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

Height

A = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Height

B = Height of building B.

The height of building B at any given level is the height above natural grade level of any portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the Planning Commission.

The front and rear of the multiple-family building shall be considered to be the distance along the longest dimension of said building. The builder may designate the front and rear of his structures.

Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line. No multiple dwelling shall exceed one hundred and eighty (180) feet in length. The depth of any court shall not be greater than three (3) times the width.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS Continued.

SECTION 9.02 NOTES TO SCHEDULE OF REGULATIONS continued:

(e) continued

The total number of rooms of eighty (80) square feet or more (not including kitchen, dining and sanitary facilities) in a multiple structure of three (3) stories or less shall not be more than the area of the parcel, in square feet divided by sixteen hundred (1600). All units shall have at least one (1) living room and one (1) bedroom, except that ten (10) percent of the units may be of an efficiency apartment type but may in no instance exceed twelve (12) units per acre. For the purpose of computing the permitted number of dwellings units per acre, the following room assignments shall control:

One bedroom = 2 rooms	(Plans presented showing 1, 2, or 3 bedroom units and including a
Two bedroom = 3 rooms	"den", "library", or other extra room shall count such extra room
Three bedroom = 4 rooms	as a bedroom for the purpose of computing density.)
Four bedroom = 5 rooms	

(f) Reserved.

(g) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line of fronting roads/streets. Parking plan layout and points of access must receive Planning Commission approval prior to development.

(h) If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived, except as otherwise specified in applicable Building Codes, provided that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of not less than twenty (20) feet shall be provided.

On a corner lot, side yards shall be twenty-five (25) feet on the sides bounded by a public street or a residential district.

(i) Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

(j) On a zoning lot of three (3) acres or more in area, side and rear setbacks shall be sixty (60) feet in depth when abutting a R-1 or RM-1 district.

(k) Off-street parking shall be permitted in a side yard setback with Planning Commission approval.

(l) For all uses permitted, structures may be erected in excess of forty (40) feet provided front, side and rear yard setbacks are increased one (1) foot for each foot above forty (40) feet.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS Continued.

SECTION 9.02 NOTES TO SCHEDULE OF REGULATIONS continued:

(m) Off-street parking for visitors, over and above the number of spaces required under Section 14.05 and 14.06 of this Ordinance may be permitted within the required front yard provided that such off-street parking is not located within twenty-five (25) feet of the front lot line.

(n) No building shall be located closer than sixty (60) feet to the outer perimeter (property line) of such district when said property line abuts any R-1, AGR or RM-1 district.

(o) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than five (5) feet high, or with a chain link type fence and protective screening (plantings) (see Section 14.09 of this Ordinance) so as to obscure all view from any adjacent residential or business district or from a public street or road.

(p) In any R district, the required front yard setback may be reduced in established subdivisions (or a group of lots of record) so as to be in balance with existing residential structures within 500 feet.

*ADOPTED BY HURON COUNTY BOARD OF COMMISSIONERS, TUESDAY, November 10, 2015
RESOLUTION IN ORDINANCE FORM NO. 15-154, ZA 2015 -04 WITH EFF. DATE November 27, 2015*

**ARTICLE X. HURONCOUNTY WINDENERGY CONVERSION FACILITY OVERLAY ZONING
ORDINANCE**

SECTION 1. PURPOSE AND INTENT

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Huron County, to meet the needs of the County's citizens for energy and other natural resources, places of safe residence, recreation, industry, trade, service, tourism, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to facilitate adequate and efficient provision for water, energy, recreation, including habitat for wildlife, and other public service and facility requirements; and to promote and protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy Facility Overlay District shall be considered a map amendment, wherein lands so classified shall become pre-qualified for a Wind Energy Facility with construction of such facility approved pursuant to Section 5 Wind Energy Facility Site Plan Review, of this Article. It is further recognized that a Wind Energy Facility Overlay District is intended as an agricultural preservation measure.

SECTION 2.DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

Airport Zoning Ordinance shall mean the Huron County Memorial Airport Zoning Ordinance.

Ambient Sound shall mean the all-encompassing sound associated with a given environment, being usually a composite of sound from many sources near and far, as defined by ANSI S12.9 Part 3.

A-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, a method for weighting the frequency spectrum to mimic the human ear. Expressed as dB(A) or dBA.

ANSI shall mean the American National Standards Institute. The current revision of each referenced standard shall be used.

ASTM shall mean the American Society for Testing and Materials.

Background Sound shall mean the all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9 Part 3.

Board of Commissioners shall mean the Huron County Board of Commissioners.

Commission shall mean the Huron County Planning Commission.

County (County Zoned Township) shall mean the County of Huron.

Continuous Background Sound shall mean background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9 Part 3.

Decibel: see **Sound Pressure Level and Sound Power Level**

Downwind shall mean a position where the direction of the wind vector is within an angle of $\pm 45^\circ$ of the direction connecting the center of the sound source and the center of the specified receiver area, as defined by ANSI S12.18.

End of Useful Life shall mean the Wind Energy Conversion Facility, or a portion thereof, such as one or more individual wind turbines, that have not produced electrical energy for twelve (12) consecutive months.

Equivalent A-weighted Continuous Sound Level shall mean the level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as $L_{eq} A$, and expressed as dBA.

FAA shall mean the Federal Aviation Administration.

FERC means the Federal Energy Regulatory Commission.

Frequency shall mean the number of oscillations or cycles per unit of time, expressed as Hertz (Hz).

Hertz means the frequency of sound expressed by cycles per second.

Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

IEC means the International Electrotechnical Commission. The current revision of each referenced standard shall be used.

ISO means the International Organization for Standardization. The current revision of each referenced standard shall be used.

INCE means the Institute of Noise Control Engineering.

Inhabited means to live or reside in.

Inhabited Structure means a structure designed for human occupancy and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

MET Tower shall mean a meteorological tower used for the measurement of wind speed.

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Michigan Tall Structure Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

NERC means the North American Electric Reliability Corporation.

Noise Sensitive Facility means an inhabited structure, school, hospital, church, public library, or other area designated by the Planning Commission.

Non-participating parcel means a parcel of real property which is not under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

Octave Band shall mean the frequency interval where the upper frequency is twice the lower frequency.

One-Third Octave Band shall mean the frequency interval where the upper frequency is the lower frequency times the cube root of two.

Participating parcel means a parcel of real property which is under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

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

SCADA shall mean supervisory control and data acquisition, a computer system for gathering and analyzing real time data.

Shadow Flicker shall mean alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Power shall mean the rate per unit time at which sound energy is radiated, expressed as watts (W).

Sound Power Level shall mean ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).

Sound Pressure shall mean the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

Sound Pressure Level shall mean twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Note that, unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement.

Tip Height means the distance measured from ground level to the furthest vertical extension of the rotor and blade.

Transient Background Sound shall mean background sound associated with one or more sound events which occur infrequently during the basic measurement period, a measurement interval with or without the source operating, as defined by ANSI S12.9 Part 3.

Wind Energy Conversion Facility (WECF) or Wind Energy Facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, located on private land which is under lease or other property agreement with a WECF owner/operator, whose main purpose is to supply electricity to off-site customers(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility. Wind Energy Conversion Facility accessory structures shall comply with the requirements of the Agricultural (AGR) zoning district in addition to the area, height, bulk and placement provisions as required by Article IX, Schedule of Regulations, of this Ordinance.

Wind Energy Facility Site Permit is a zoning permit issued upon compliance with standards of this Article.

Wind Energy Facility Site Plan Review is the process used to review a proposed Wind Energy Facility.

Wind Energy Overlay Districts are districts created by the Huron County Board of Commissioners, upon receiving a recommendation of the Planning Commission, by identifying specific areas within the Agricultural District best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Article if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

SECTION 3.REGULATORYFRAMEWORK

3.1 Zoning

A Wind Energy Facility may be constructed on land that is zoned Agricultural and within an area designated as a Wind Energy Facility Overlay District on the official zoning map for the County, subject to provisions and standards of Section 5 Wind Energy Facility Site Plan Review of this Article.

3.2 Principal or Accessory Use

Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section 5 of this Article. After designation as a Wind Energy Overlay District, new structures and uses within the “overlay” area shall be limited to those uses identified within Article IV. Agricultural District and wind energy facilities, subject to any additional standards of this Article.

SECTION 4.0 APPLICABILITY

A Wind Energy Conversion Facility (WECF) or Wind Energy Facility (WEF) shall be permitted in Agricultural Districts with a Wind Energy Facility Overlay District Classification. Wind Energy Facility Site Plan Review standards shall be used when reviewing an application for wind energy facility permit.

SECTION 4.1 PRIOR APPROVALS

Wind Energy Conversion Facilities which had site plan review applications pending before the Planning Commission on or before February 10, 2015, and which subsequently received site plan approval are exempt from the provisions of this Article X and such facilities shall be constructed and operated in accordance with the provisions of Article X: Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance dated June 1, 2010.

SECTION 5.0 WIND ENERGY FACILITIES SITE PLAN REVIEW PROCEDURE

(Adopted as of November 10, 2015)

The following process shall be utilized when reviewing an application for a Wind Energy Facility Permit: Within an Agricultural District, a Wind Energy Facility Overlay District shall be created based on “attributes” and “limitations” identified in the Huron County Master Plan. A “Wind Energy Overlay District” classification is a prerequisite to developing a Wind Energy Facility. It is the intent of this “overlay district” to identify agricultural land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

5.1 Site Plan Review Required.

Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this Article. The Wind Energy Facilities Site Plan must be reviewed and approved by the Huron County Planning Commission pursuant to standards contained herein, and in conjunction with Article XIV Section 14.28. An applicant proposing a Wind Energy Facility must submit the following site plan materials:

1. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
2. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures;
3. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
4. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of (4) feet from established ground level;
5. Anticipated construction schedule;
6. Description of operations, including anticipated regular and unscheduled maintenance;
7. Digital versions of all planning and construction documents required pursuant to Section 5.1 Site Plan Review. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format.

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8. Plan(s), permits, and/or data showing compliance with the Huron County Memorial Airport Zoning Ordinance.

5.2 Application Fee: An applicant for a Wind Energy Facility shall remit an application fee to the County in the amount specified in the fee schedule adopted by resolution of the Huron County Board of Commissioners. Payment shall be made at time of application submission.

5.3 - Application Material. The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility.

A. Avian Analysis. The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary. The applicant shall include documentation pertaining to compliance with the U.S. Fish and Wildlife Service voluntary Land-Based Wind Energy Guidelines, as amended. Developer shall provide affidavit of delivery (i.e. USPS Return Receipt) of any documentation requested by the U.S. Fish and Wildlife Service and the applicant's response.

B. Visual Appearance; Lighting; Powerlines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

1) Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.

2) The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.

3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.

5) The electrical collection system shall be placed underground within the interior of each parcel at a minimum burial depth of five (5) feet. The communication system shall be placed underground within the interior of each parcel at a minimum burial depth of four (4) feet. The final location of the electrical collection system installation shall be identified by GPS location. The actual installed burial depth of underground wiring shall be verified by the developer of the wind energy facility. The developer shall provide certification from the installing contractor of the actual installed burial depth of all underground wiring. Such certification shall be under the penalty of perjury. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

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6) **Shadow Flicker:** The allowable shadow flicker measured at the nearest external wall or walls of participating inhabited structures shall be limited to a maximum of 30 hours per year. Shadow flicker measured at the nearest external wall or walls of non-participating inhabited structures shall be limited to 30 hours per year. In the event shadow flicker from the Wind Energy Facility exceeds the limits stated above, a waiver to said limits may be approved provided that the following has been accomplished:

- (a) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the shadow flicker limitations imposed by this Article, and that consent is granted to allow shadow flicker limits to exceed the maximum limits otherwise allowed; and
- (b) A shadow flicker impact easement shall be recorded with the Huron County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that shadow flicker limits in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

C. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility;

1) **Inhabited structures:** On a participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than 1320 feet. Regarding a non-participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than 1640 feet. A lesser setback may be approved pursuant to Section 5.1 of this Article if the intent of this Article would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. Where a turbine within a Wind Energy Facility is located in the vicinity of a school, hospital, church, public library, city, village, or self-zoned township, a setback of 1320 feet from the structure and/or boundary shall be required. Where a turbine location is proposed nearer to an inhabited structure than allowed by this section, an easement shall be established on the affected parcel(s), recorded with the Huron County Register of Deeds.

2) **Property line setbacks:** Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall not be subject to property line setbacks on participating parcels within the Wind Energy Facility Overlay District. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance equal to 1320 feet measured from the nearest wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal participating property lines. Where a turbine location is proposed nearer to a non-participating internal property line than one and one-half (1.5) times the tip of the blade at its highest position [max height 499'], an easement shall be established on the abutting parcel(s).

3) **Public Roads:** Each wind turbine shall be set back from the nearest public road a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

4) **Communication and electrical lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.

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5) Tower separation: Turbine/tower separation shall be based on 1) industry standards, and 2) manufacturer certification. At a minimum, there shall be a separation between towers of not less than 3 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

6) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

7) Shoreline Protection: A Wind Energy Turbine/Tower shall be located at least three (3) miles from the ordinary high water mark of the Lake Huron/Saginaw Bay shoreline, as established by the Michigan Department of Environmental Quality MCL 324.32502.

D. Wind Turbine/Tower Height (Total Height): The total height of a wind turbine shall be a maximum of 499 feet. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

E. Sound (developed by Acoustics by Design)

1) The audible sound from a Wind Energy Facility at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous Sound Level (L_{eq}) limits set forth in Table 1, measured in accordance with the methodology described in Sections (6) and (7).

Table 1 –Equivalent A-weighted Continuous Sound Level (L_{eq}) Limits

Zone	Time	Equivalent A-weighted Continuous Sound Level (dBA)
Participating parcel	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
Non-participating parcel	7 a.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	45

2) In the event audible noise from the operation of the Wind Energy Facility contains a prominent discrete tone, the limits set forth in Table 1 shall be reduced by five (5) dBA. For a prominent discrete tone to be identified as present, the equivalent-continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent-continuous sound pressure level for the two adjacent one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above, by eight (8) dB for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB for center frequencies between twenty five (25) and one hundred and twenty-five (125) Hz as specified by ANSI S12.9 Part 3, Annex B.

3) Any noise level falling between two whole decibels shall be rounded to the nearest whole number.

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4) In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:

- (a) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
- (b) A noise impact easement shall be recorded in the Huron County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

5) **Sound Modeling Study** – The applicant shall provide a predictive sound modeling study of all turbine noise for a Wind Energy Facility to verify that ordinance requirements can be met for the Equivalent A-weighted Continuous Sound Level limits in Table 1. The sound modeling must follow International Standard, ISO 9613-2 “Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.” The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground (G=0.5) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all Noise Sensitive Facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30 dBA sound contour line, at 5 dBA intervals from the center of the proposed Wind Energy Facility.

6) **Post Construction Sound Survey** – The applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sections (1) and (2). The measurements and the reporting of the data shall be conducted in accordance with Section (6)(a) through Section (6)(c). The survey shall address noise complaints on file with the County and may require additional measurement locations as deemed necessary by the Planning Commission. Should the sound survey indicate a non-compliant measurement, the owner of the Wind Energy Facility will be required to obtain compliance through mitigation or other measures.

(a) **Methodology**

- i) Refer to Section (8) for measurement personnel and instrumentation requirements.
- ii) A calibration check shall be performed and recorded before and after each measurement period.
- iii) The nighttime measurement period shall be 2 hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the nighttime compliance measurement period (nighttime: 10:00 pm to 7:00 am).

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- iv) The daytime measurement period shall be 2 hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the daytime compliance measurement period (daytime: 7:00 am to 10:00 pm). Because compliance with nighttime noise limits presumes compliance with the less stringent daytime noise limits, this requirement may be waived by the Planning Commission.
- v) Compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of every twelve representative 10-minute measurement interval is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in Sections (1) and (2) of this rule. Representative intervals are defined as:
 - a. Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.
 - b. Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
 - c. Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).
- vi) The sound level measured in each 10-minute measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.

(b) Measurement Locations

- i) The measurement locations shall be chosen by the developers' Measurement Personnel and by the Planning Commission prior to the Post Construction Sound Survey.
- ii) The measurement locations shall be performed at Noise Sensitive Facilities in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits identified in Table 1. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of 8 measurement locations. The measurement locations shall include, but are not limited to, the following:
 - a. A minimum of four measurements of different non-participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - b. A minimum of two measurements of different participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - c. Any measurement location determined necessary by the Measurement Personnel and Planning Commission. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.
- iii) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.

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- iv) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
 - v) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - vi) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - vii) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (c) **Reporting of Measurement Data** Measurement Reports shall be submitted to the Planning Commission within 45 days of completion of the post-construction survey and shall include, at a minimum, the following:
- i) A narrative description of the sound from the Wind Energy Facility for the compliance measurement period result.
 - ii) A narrative description of the sound measurements collected.
 - iii) A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 - iv) The dates, days of the week and hours of the day when measurements were made.
 - v) The wind direction and speed, temperature, precipitation, and sky condition for each 10- minute measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the Wind Energy Facility from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each 10- minute measurement interval shall be reported.
 - vi) The wind energy output for each 10- minute measurement interval for the closest wind turbine.
 - vii) Identification of all measurement equipment by make, model and serial number.
 - viii) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 - ix) All A-weighted equivalent sound levels for each 10-minute measurement interval.
 - x) All 1/3 octave band linear equivalent sound levels for each 10-minute measurement interval and identification of tonal periods.
 - xi) All attendant's notes and observations.
 - xii) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.

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- xiii) All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
- xiv) All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.
- xv) All other information determined necessary by the Planning Commission.

7) Measurement of the Sound from Routine Operation of the Developments – Measurements of the sound from routine operation of completed Wind Energy Facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the development, for validation of an applicant's calculated sound levels when requested by the Planning Commission, or for enforcement by the Department. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sections (1) and (2). The measurements and the reporting of the data shall be conducted in accordance with Section (7)(a) through Section (7)(c). Should the measurements indicate a non-compliant measurement, the owner of the Wind Energy Facility will be required to obtain compliance through mitigation or other measures.

(a) **Methodology** - Refer to Section (6)(a).

(b) **Measurement Locations**

- i) Measurement locations shall be conducted at the property of the complainant and chosen by the Measurement Personnel and by the Planning Commission beforehand. The measurement locations shall include, but are not limited to, the following representative locations:
 - a. A minimum of one measurement location at the Noise Sensitive Facility of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - b. Any measurement location determined necessary by the Measurement Personnel and Planning Commission.
- ii) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
- iii) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
- iv) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
- v) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.

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- vi) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (c) **Reporting of Measurement Data** Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include, at a minimum, the following:
 - i) Refer to Section (6)(c)(i) through Section (6)(c)(xv)

8) General Sound Survey Methodology

- (a) **Measurement Personnel.** Measurements shall be supervised by personnel who are independent of the Wind Energy Facility, well qualified by training and experience in measurement and evaluation of environmental sound, and are Board Certified members of the Institute of Noise Control Engineering (INCE).
- (b) **Measurement Instrumentation.** Measurement devices shall comply with the following requirements:
 - i) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - ii) An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - iii) A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - iv) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - v) A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.
 - vi) The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.
 - vii) The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
 - viii) Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.

- ix) Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
- x) Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
- xi) A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.

G. Minimum Ground Clearance

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

H. Signal Interference

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

I. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) Wind Turbine towers shall not be climbable on the exterior.
- 3) All access doors to wind turbine towers and electrical equipment shall be lockable.
- 4) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

5.4–Site Plan Approval, Amendments, Expiration and Revocation.

A Wind Energy Conversion Facility Site Plan shall be permitted to be approved, approved with conditions, or denied. Site plans must also comply with Article XIV, Section 14.28 Site Plan Review (All Districts). An approved site plan and/or “conditionally approved” site plans are valid for 12 months from date of approval by the planning commission. The approved site plan shall be considered exercised once a building permit has been issued and substantial construction commenced. Any amendments to an approved site plan, accompanied by supporting documentation, shall be submitted to the planning commission prior to permit issuance. The planning commission shall review the amendment and may grant, deny or amend such amendment as deemed necessary. An approved site plan shall be revoked if the applicant fails to comply with conditions imposed by the planning commission, Article X provisions, and Section 14.28 of this Ordinance.

SECTION 6.0 CERTIFICATION. Operation of a wind energy facility shall require certification of compliance; a certification report from the wind facility's owner/operator is required within twelve (12) months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm the project's compliance with provisions of this code as well as all other all applicable laws and conformity with wind industry practices.

"As Built List"

1. "As-built" construction plans
2. Digital version
3. Paper Copy

SECTION 7.0 INSPECTIONS. The applicant (owner/operator) shall submit annual reports to the Planning Commission or its designated officer confirming continued compliance with applicable county codes or ordinances. This requirement shall not preclude the county from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired. The cost of a county-sponsored report shall be reimbursed to the county by the facility's owner/operator through an escrow fund established pursuant to the 'schedule of fees for wind energy facilities', adopted from time-to-time by the Board of Commissioners.

SECTION 7.01 COMPLAINT RESOLUTION. The Michigan Zoning Enabling Act allows a local unit of government to enact through ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). The Thumb area has been designated as a primary wind zone area and as a result it is anticipated that Huron County will experience substantial growth in wind energy facilities. In light of the foregoing, the County has developed a process for the resolution of complaints unique to wind energy systems. A description of a complaint resolution process shall be established by an applicant of a wind energy facility permit as part of its initial application for zoning approval. The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall be prepared utilizing, at a minimum, guidelines which are established by resolution of the Board of Commissioners after recommendation by the Planning Commission; and, said process shall not preclude the county from pursuing any and all appropriate legal action on a complaint.

SECTION 7.02 FALSE REPORT OF OFFICIAL COMPLAINT. Any person who intentionally makes a false complaint or intentionally causes a false report of a complaint or violation of Article X to the official in charge of enforcing the Wind Energy Facility Overlay Zoning Ordinance, knowing the report is false, is guilty of a civil infraction, and upon a finding of responsibility is subject to a fine of up to \$500.00 for each violation and all costs associated with the investigation and prosecution thereof.

SECTION 8.0 DECOMMISSIONING. The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities and/or individual wind turbines at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the County (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Huron County, and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation. The

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replenishment obligation shall be satisfied with other additional documentation determined by the County, if the bond is not replenishable. The County reserves the right to review the decommissioning plan every 5 years, and revise requirements as necessary.

SECTION 9.0.

A moratorium adopted by the Huron County Board of Commissioners, adopted April 14, 2015, effective May 1, 2015, for a 90 day period, with a provision for a one-time 90 day extension, which became effective on July 30, 2015, which expired on October 27, 2015, and is no longer in effect due to the sunset provision.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL).

Section 11.01 Intent. The intent of this chapter is to provide an optional method for residential land development, which allows for flexibility in the application of the standards governing the type of residential structures permitted and their placement on the property. A Planned Unit Development will provide for the development of residential land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development standards of this Zoning Ordinance may be allowed, so long as the general purposes for the standards are achieved and the general provision of the Zoning Regulations observed. A Planned Unit Development shall be designed to achieve compatibility with the surrounding area, and shall also be designed to encourage innovation and variety in the design, layout, and type of residential development; to achieve economy and efficiency in the use of land, natural resources, and energy; to provide for efficiencies and economies in providing public services and utilities and to encourage the development of more useful open space.

Section 11.02 Definitions. For the purpose of this section the terms and words herein are defined as follows:

Planned Unit Development: A residential development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the Planned Unit Development.

Common Open Space: Lands within the Planned Unit Development, under the common ownership of all residents in the Planned Unit Development, to be used for park, recreation, or environmental amenity. These lands shall not include public or private streets, driveways, or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving constituting not more than ten (10) percent of the total open space.

Attached Single Family Dwelling: A single family dwelling unit attached to one or more other single family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature such as a garage or carport, and with such dwelling having its own private entrance.

Home Owners Association: An association of all owners of a project organized for the purpose of financing, administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

Section 11.03 Development Standards and Modifications. A Planned Unit Development will be developed in accord with the following standards except that, upon recommendation of the County Planning Commission, the County Board of Commissioners may waive a part or all of these requirements where, because of parcel size or shape or other extenuating factors, such a restriction would be to the detriment of quality development, and through site design any adverse affects to adjoining properties can be eliminated.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

Article XII, Regulation for Condominium Development, shall be used when developing condominiums within a Planned Unit Development.

A) Minimum size requirement: three (3) acres

Exception: The County Board, after receiving a recommendation from the Planning Commission, may approve a Planned Unit Development for a site of no less than one (1) acre in area when, because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interest of the County to allow such development.

B) Permitted principal uses:

1) R-1 Single Family Residential Districts:

2) Single family dwellings

3) Two family dwellings

4) Attached single family dwellings limited to a cluster of units not more than seventy-five (75) feet in length.

C) Allowable Densities: The maximum density permitted in a Planned Unit Development shall be the density allowed in the zoning district where the property is located. Where a Planned Unit Development includes lands in more than one zoning district, the dwelling units must be distributed in accord with the permitted uses and the allowable density of the zoning district in which the portions of the project are located.

D) Permitted Accessory Uses:

1) Common open space for passive or active recreation, and golf course area specifically for the residents of the Planned Unit Development.

2) Streams or ponds.

3) Parking lots.

4) Other uses which, as the result of the site development plan review process, are determined to be designed to serve the residents of the Planned Unit Development.

E) Common Open space: At least forty (40) percent of the total land area within a Planned Unit Development shall be in common open space, and it shall be located and designed so as to provide optimum access for all dwelling units located in the project and be of such size and shape so as to be able to provide useful areas in the development of recreational facilities to meet the needs of the occupants of the dwelling units.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

F) Unified Control: All lands within a proposed Planning Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation, or group of individuals, partnerships or corporations. All buildings, structures, landscaping and other improvements in a Planned Unit Development shall be under the unified control of the same applicant or contractually transferred to an equally responsible organization or individual with the approval of the County Board of Commissioners.

G) Access and Circulation:

1) Roadway access for Planned Unit Developments will be reviewed in accordance with standards set forth by the County Engineer and County Road Commission.

2) Private (Collector) Roadway Width: Minimum Right-of-way: 66 feet, or a R.O.W. approved by the Planning Commission/Board of Commissioners after review by the Road Commission. Roadways shall be a minimum of 20 feet in width and hard surfaced with a dustless material in accordance with specifications by the Huron County Road Commission. Width of access roads to individual units or to groups of units having six (6) or less units shall be determined by the Planning Commission based on plans submitted.

3) Walkways will be provided within the Planned Unit Development as part of the site Development Plan requirements and as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian traffic generators.

H) Off-street parking requirements:

1) Spaces required: 1 bedroom units - one and one-half spaces. 2+ bedroom units - two spaces.

Guest parking: The number of guest parking spaces shall be equal to at least ten (10) percent of the total spaces required for all dwelling units in the project, and shall be provided in addition to those required for the dwelling units.

2) Design and Layout, R-1 Zoning Districts; Parking must be arranged so as to be compatible with the surrounding development parking for residents and guests must be located so as to be directly and conveniently accessible to the entrances to all dwelling units. Common garages under a single roof are permitted.

Parking Lot Size: Parking space dimensions shall be in accord with Sections 14.05 and 14.06 of this Ordinance.

A single parking area shall contain not more than ten (10) parking spaces.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

H) Off-street parking requirements continued:

2) (continued) Within a parking area, no more than five (5) spaces shall be permitted in a continuous row without being interrupted by landscaping.

Parking and Storage Areas: Separate parking and storage areas may be provided to accommodate motor homes, campers, boats, and similar vehicles and equipment. Such areas shall be isolated and screened from both within and outside the Planned Unit Development.

3) Parking lot screening: Parking areas in excess of 5 spaces shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.

4) Lighting: All areas shall be adequately lighted. Lighting shall be so arranged as to direct light away from any residential buildings.

I) Yard Requirements, Site Perimeter:

1) Where a Planned Unit Development abuts a R-1 Zoning District, all structures shall be at least 25 feet from any perimeter boundary line, except that such structures in excess of 40 feet in length shall be set back an additional foot for every 5 feet of building length parallel to said boundary.

2) Where a Planned Unit Development abuts a zoning district other than a residential district, all structures shall be set back at least 15 feet from any perimeter boundary line.

3) Where a Planned Unit Development abuts a Residential Zoning District, no intensive recreational building or facility shall be located within 40 feet of any perimeter boundary line.

4) Except for single-family detached dwellings units, where a Planned Unit Development abuts a Residential Zoning District, no parking area shall be within 25 feet of any perimeter boundary line.

J) Yard Requirements, Interior: Yards in the interior of a Planned Unit Development may be less than those required in the zoning district within which located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than 10 feet from each other (zero lot line development).

K) Underground Utilities: All utilities within a Planned Unit Development shall be constructed underground.

L) Lot size: Lot sizes may be reduced from the regulations of the R-1 or R-2 zoning district. Provisions may be made for developments without lot area.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

M) Dwelling Unit Access: Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.

Section 11.04 Application Procedures. Applications are to be filed with the Huron County Building & Zoning Office.

A) Applicant: An application for approval of a Planned Unit Development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.

B) Pre-application Conference: An applicant shall meet with the Building & Zoning Director prior to the submission of a formal application. The purpose of the conference is to review procedures necessary for the submission of an application. Special problems concerning utilities, street access, site design, and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.

C) Preliminary Plan Application: Before submitting a final plan, an applicant shall submit a preliminary plan of the Planned Unit Development, in accordance with requirements set forth in this Section. This plan shall show the name, location and principal design elements so as to enable the County staff to make a determination as to whether the Planned Unit Development is in conformance with the requirements of the Zoning Ordinance. The approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed.

D) Final Plan Application: Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with the requirements set forth in this Section. A final plan submitted in accordance with an approved preliminary plan shall warrant approval by the County Planning Commission and Board of Commissioners. Upon approval of a final plan application by the Board of Commissioners, the developer may obtain necessary building permits for the construction of the Planned Unit Development.

E) Submission Requirements - Preliminary Plan Application.

1. Applicant's name, address, phone number, proof of property interest, and the name, address, and phone number of the architect, engineer, or designer preparing the application. (2 copies)
2. A written legal description of the total site area proposed for the development. (2 copies)
3. A site plan and supporting maps and drawing(s) containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan. (12 copies)

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

E) Submission Requirements - Preliminary Plan Application continued.

3. Continued. A site plan and supporting maps and drawing(s) containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan. (12 copies)

- a) Location map;
- b) Site topography, existing and proposed, interval no greater than two (2) feet;
- c) The location of all existing and proposed buildings and structures;
- d) Public and private roadways within and adjacent to the site;
- e) Walkways within and adjacent to the site;
- f) Park areas, driveways, and loading and service areas;
- g) Open areas, and a description as to use;
- h) A written tabulation of statistical data concerning the site, including the number of dwellings units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided;
- i) A general landscape plan of landscaping within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening within the project;
- j) The location and screening of any outside trash containers;
- k) The location and size of all existing utilities and drainage facilities;
- l) The general location and size of all proposed utilities and drainage facilities;
- m) The dimensions of all parcels to be created as a part of the development;

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

F) Submission Requirements - Final Plan Application.

- 1) Applicant's name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer, or designer preparing the application. (2 copies).
- 2) A written legal description of the total site area proposed for development. (2 copies)
- 3) A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development. (2 copies)
- 4) A site plan and supporting maps and drawings containing the following information at the scale of not more than 1' = 100', and dimensioned so as to identify the size and location of the various elements of the plan (12 copies).
 - a) A location map;
 - b) Site topography, existing and proposed, interval no greater than two (2) feet;
 - c) The location of all existing and proposed buildings and structures;
 - d) Public and private roadways within and adjacent to the site;
 - e) Walkways within and adjacent to the site;
 - f) Park areas, driveways, and loading and service areas;
 - g) open areas, and description as to use;
 - h) A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.
 - i) A general landscape plan of landscaping within the site. Specific details of plant size shall be shown for any landscaping provided to comply with any required screening within the project;
 - j) The location and screening of any outside trash containers;
 - k) The dimensions of all parcels to be created as a part of the development.
- 5) The Organizational structure of the homeowner's association to be formed for the operation and maintenance of all common open space and common property and facilities within the development.
- 6) A copy of all covenants pertaining to the development. (2 copies).

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

F) Submission Requirements - Final Plan Application continued.

7) Plans and specifications for all sanitary sewers/septic systems, storm drainage, water and roadways within the project. Said plans and specifications shall be prepared by a professional engineer in accordance with the standards of the Department of Public Health of the State of Michigan, as they pertain to public utilities.

Section 11.05 Preliminary Plan - Planning Commission Review and Approval

A) Public Hearing and Notice: The Planning Commission shall conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing shall be published in the local newspaper not less than five (5) but not more than fifteen (15) days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question shall be notified by first class mail.

B) Planning Commission Action: After a study of the application for a Planned Unit Development, and within sixty (60) days of receipt of said application, the Planning Commission shall recommend to the Board of Commissioners the approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action and any modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on: (1) the standards incorporated in Section 11.03 of this Article and any other applicable standards set forth in ordinances and regulations of the County; (2) a determination that the development is not detrimental to the health, safety, and welfare of the community; (3) a determination that the development shall not be detrimental or injurious to the character of the neighborhood in which located and that the development is compatible with said neighborhood.

Section 11.06 Board of Commissioners Review and Approval - Preliminary Plan

A) Public Hearing and Notice: Upon receipt of a recommendation from the Planning Commission, The Board of Commissioners shall conduct a public hearing on the proposed Planned Unit Development. Notice of said public hearing shall be published in the local newspaper not less than five (5) but not more than fifteen (15) days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question shall be notified by first class mail.

B) Board of Commissioners Action: With 45 days after receipt of a recommendation from the Planning Commission, the Board of Commissioners shall conduct a public hearing and shall approve, approve with modification, or disapprove the proposed Planned Unit Development. The basis for Board of Commissioners action and any modifications or conditions of the approval of the Planned Unit Development shall be set forth in writing as part of the official Board action.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

Section 11.06 Board of Commissioners Review and Approval - Preliminary Plan continued.

B) Board of Commissioners Action Continued:

This review and approval by the Board of Commissioners shall be based on: (1) the standards incorporated in Section 11.03 of this Article and any other applicable standards set forth in ordinances and regulations of the County; (2) a determination that the development is not detrimental to the health, safety, and welfare of the community; (3) a determination that the development shall not be detrimental or injurious to the character of the neighborhood in which located and that the development is compatible with said neighborhood.

C) Developer Action: After receiving Board of Commissioners approval of the preliminary plan, the developer may proceed with the installation of any public works improvements, as defined in this Ordinance, required to serve the development. Said improvements shall be in accordance with the approved preliminary plan, and plans and specifications shall have been approved by the County. The developer shall have paid to the County the required fee for said engineering inspections prior to the County's performance of inspection services. In no event will the developer be permitted to proceed with any further or additional construction or development until receiving final plan approval.

Section 11.07 Final Plan - Review and Approval.

A) A developer may submit to the Building & Zoning Office for final plan approval all or part of the plan for which preliminary approval has been received. Any final plan for a part of the larger development shall be such that its proportional share of the common space shall be included in and contiguous to the area to be developed, and said partial development shall be capable of standing on its own which respect to necessary improvements, circulation, facilities and open space.

B) Planning Commission Action: After a study of the proposed final plan for a Planned Unit Development or part thereof, the Planning Commission shall, within thirty (30) days of the receipt of said plan, recommend to the Board of Commissioners approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan unless it is determined that said final plan is not in accordance with the approved preliminary plan, or unless said final plan, when a part of a total proposed plan, does not represent a proportion of all critical elements of said plan.

C) Board of Commissioners Action: Within thirty (30) days of the receipt of a recommendation from the Planning Commission, and after the execution of the agreement by the developer, as required in Subsection 4 (below) of this Section, the Board of Commissioners shall approve, approve with modification, or disapprove the final plan. A final plan shall be approved unless it is determined that it is not in conformance with the approved preliminary plan or that said final plan, when a part of the total proposed plan, does not represent a proportional part of all the critical elements of said plan. The Board of Commissioners shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

Section 11.07 Final Plan - Review and Approval continued

D) Agreement Required: Prior to final plan approval by the Board of Commissioners, the developer shall have executed, and submitted in duplicate to the Building & Zoning Office, an agreement with the County setting forth: (1) the specific location and use of all common lands and common facilities within the development; (2) the organizational structure of the homeowner's association and the provisions for implementation of transfer of control to said association from; the developer; (3) the methods for levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee; (4) provisions enabling the County to enter in and maintain such common lands and facilities which the developer or homeowner's association has failed to do so, along with procedures for assessing such costs back to the development; (5) provisions whereby the Building Inspector shall not issue a Certificate of Occupancy until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the County as prescribed in Section 11.08 below; (6) Provisions to allow the County to enter and complete such improvements if the developer has failed to do so within the state period of time.

This agreement shall be approved as to form and content by the Corporate Counsel of the County.

E) A copy of the approved final plan shall be transmitted to the Building Inspector of the County.

Section 11.08 Approval Period.

A) Preliminary Plan: The length of approval of the preliminary plan for a Planned Unit Development shall be 18 months from the date of County Board of Commissioners action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Board of Commissioners twice, each for a period of one year.

B) Final Plan: The length of approval of a final plan for a Planned Unit Development shall be two (2) years from the date of Board of Commissioners action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the Board twice, each for a period of one year. Where a Planned Unit Development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two years from the date of issuance of a building permit.

Section 11.09 Performance Guarantee.

A) Condition for Issuance of Temporary Certificate of Occupancy: If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Building Inspector may issue a temporary certificate of occupancy upon receipt from the developer by the County Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount sufficient to cover the cost of outstanding improvements.

ARTICLE XI. P.U.D. PLANNED UNIT DEVELOPMENT (RESIDENTIAL) Continued.

Section 11.09 Performance Guarantee continued.

B) Covered Improvements: The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the Zoning Ordinance and any conditions attached to the Planned Unit Development approval, and said improvements shall include, but not be limited to: roadways, lighting, utilities, sidewalks, screening and drainage.

C) Exemptions: This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.

D) Completion Time: All required improvements covered by the performance guarantee shall be completed within 240 days of the issuance of the temporary certificate of occupancy. In the event all required improvements are not completed within the time period provided, the County, by resolution of the Board of Commissioners, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the proprietor.

E) Release of Performance Guarantee: Upon the written request of the developer for the release of all or a portion of the financial security provided for the completion of the improvements, and upon certification by the Building Inspector that the proportion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the Chairman of the Board of Commissioners may authorize the release of such financial security of the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

Section 11.10 Amendments to Plans. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances unforeseen at the time the final development program was approved. No change authorized under this section may increase by more than ten (10) percent, or decrease by more than twenty (20) percent, the size of any building or structure, not change the location any building or structure by more than ten (10) feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Administrator may not permit changes beyond the minimum or maximum requirements set forth in this Ordinance.

All other changes in the Planned Unit Development, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the Planned Unit Development.

Section 11.11 Subdivision Requirements. Any Planned Unit Development which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Subdivision Control Act, or Act 59 of 1978, the Condominium Act, shall comply with the provisions of those Acts.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS

SECTION 12.01 INTENT. The intent of this chapter is to provide regulations and standards governing the development of condominiums within the County of Huron. These provisions apply to residential, commercial and industrial uses on individual building sites and planned unit developments.

SECTION 12.02 INITIAL INFORMATION. Concurrently with notice required to be given to the County of Huron pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium project shall provide the following information:

A) The name, address and telephone number of: (1) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee); (2) All engineers, attorneys, architects, planners or registered land surveyors associated with the project; and, (3) The developer or proprietor of the condominium development.

B) The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.

C) The acreage content of the land on which the condominium development will be developed.

D) The purpose of the development (for example, residential, commercial, industrial, etc.)

E) Approximate number of condominium units to be developed on the subject parcel.

F) Whether or not a community water system is contemplated.

G) Whether or not a community septic system is contemplated.

SECTION 12.03 INFORMATION TO BE KEPT CURRENT. The information shall be furnished to the County of Huron, Building & Zoning Department and shall be kept updated until such time as a Certificate of Occupancy has been issued.

SECTION 12.04 SITE PLANS FOR NEW PROJECTS. Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 14.28 of this Ordinance. In addition, appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy shall be submitted to the County.

SECTION 12.05 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 14.28 of this Ordinance.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.06 MASTER DEED, RESTRICTIVE COVENANTS & "AS-BUILT" SURVEY TO BE FURNISHED. The condominium development developer or proprietor shall furnish the following: One (1) copy of the recorded Master Deed; one (1) copy of all restrictive covenants, and two (2) copies of an "as-built survey". The "as-built survey" shall be reviewed for compliance with the County's Zoning Ordinance. Fees for this review shall be established by resolution of the Board of Commissioners.

SECTION 12.07 MONUMENTS REQUIRED.

Site Condominium Projects:

All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

A) All monuments used shall be made of solid iron or steel bars at least one-half inch ($\frac{1}{2}$ ") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.

B) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.

C) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

D) If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch ($\frac{1}{2}$ ") in diameter shall be drilled and grouted into solid rock to a depth of a least eight inches (8").

E) All required monuments shall be placed flush with the ground where practicable.

F) All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch ($\frac{1}{2}$ ") in diameter, or other approved markers.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.07 MONUMENTS REQUIRED Continued.

Site Condominium Projects continued:

G) The Board of Commissioners may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the County Clerk cash or a certified check, or irrevocable bank letter of credit to the County of Huron, whichever the proprietor selects in an amount to be established by the Board of Commissioners, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

All Condominium Projects: All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 6 (A) above.

SECTION 12.08 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS.

All condominium developments shall comply with federal and state statutes and local ordinances.

SECTION 12.09 OCCUPANCY. The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Village (County).

SECTION 12.10 SITE CONDOMINIUMS.

A) REVIEW PROCEDURES: Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Board of Commissioners following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Board of Commissioners, the Planning Commission shall consult with all applicable offices or agencies (zoning administrator, county attorney, road commission, etc.) regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and the Huron County Zoning Ordinance. The review process shall consist of two steps:

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

A) REVIEW PROCEDURES continued:

1) Preliminary Plan Review: In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance and Masterplan. Plans submitted for preliminary review shall include information specified in items 1 - 4 of the Submission Requirements as set forth below.

2) Final Plan Review: Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final review by the Planning Commission. Final plans shall include information as required by items 1 - 8 of the Submission Requirements as set forth below. Such plans shall be reviewed by the Zoning Administrator, County Planner, County Attorney, etc... Further, such plans shall be submitted for review and comments to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission. The Board of Commissioners may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comments on said plans.

B) Exhibits Required: In addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in Section 14.28 of this Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information:

- 1) Survey of the condominium subdivision site.
- 2) A survey or drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, floodplains, wetlands, and woodland area.
- 3) The location, size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
- 4) A generalized plan for the provision of utilities and drainage systems.
- 5) A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- 6) A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to utility companies or the county for repair and maintenance of all utilities.
- 7) A street construction and maintenance plan for all streets within the proposed condominium subdivision.
- 8) A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

C) A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located.

D) The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Huron County Road Commission.

(1) Location Arrangement and Design of Streets:

a) The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.

b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

c) Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

d) Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.

e) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.

f) Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

(2) Right-of-way and Pavement Widths:

Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

a)	<u>Street Type</u>	<u>Right-of-Way Width</u>	<u>Pavement Width</u>
	All types of streets	66 feet	24 feet*
	Cul-de-sac	75 ft. Radius	45 ft. Radius

* Width of actual street surface may be reduced depending upon usage & character of development after review and approval by the Planning Commission.

b) On-street parking shall be prohibited unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.

c) Minimum length for cul-de-sac streets shall be 140 ft. Maximum length for cul-de-sac streets shall be 1,000 ft.

d) Access to streets across all ditches shall be provided by the proprietor with the Huron County Road Commission's specifications and procedures for driveway installation.

e) The County may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained.

(3) Easements:

a) Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site.

b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

(3) Easements continued:

c) Easements six feet (6') in width, three feet (3') from condominium unit site shall be provided where needed alongside condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan; a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company).

4) Condominium Units:

Condominium units within site condominium developments shall conform to the following standards:

a) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.

b) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the District in which the site condominium is proposed.

c) Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.

d) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.

e) Condominium units intended for purposes other than residential used shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setback, and other requirements in accordance with the Zoning Ordinance.

f) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in the Zoning Ordinance for "lots".

g) Side condominium unit lines shall be at right angles or radial to the street lines.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

(4) Condominium Units continued:

h) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.

i) Condominium units shall have a front-to-front relationship across all streets where possible.

j) Where condominium units border upon bodies of water, the front yard may be designated as the water front side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the water front side.

5) Blocks:

a) Maximum length for blocks shall not exceed one thousand three hundred feet (1,300') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.

b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

6) Natural Resources:

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

7) Sidewalks:

Sidewalks shall be installed in all single-family detached site condominium developments. Sidewalks shall be a minimum of five (5) feet in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five feet (65'), sidewalks along internal streets shall not be required.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

8) "Reserved" for future use.

9) Utilities:

10) Storm Drainage: An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Drain Commission or other appropriate agency, shall be required in all developments. Adequate provision shall be made for proper drainage or storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the County.

11) Sewage Disposal: When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the County, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed providing they are approved by the Huron County Health Department. The County may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the County, when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the County.

12) Water Supply: When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Planning Commission, shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the Huron County Health Department. The Planning Commission may require that all water lines and appurtenances connecting to the public water supply system be installed within the Public rights-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission dedication of the same would be in the best interest of the County.

ARTICLE XII. REGULATION OF CONDOMINIUM DEVELOPMENTS Continued.

SECTION 12.10 SITE CONDOMINIUMS

13) Requirements for Underground Wiring: The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the County Engineer and the approval of the Planning Commission at time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

14) Street Names and Signs:

For the purpose of insuring proper response by emergency vehicles, road/street name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Huron County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the County or postal zone. For private streets (roads) in addition to the above requirements, a sign meeting County Road Commission standards with the words "Not a Public Street" shall be installed and maintained at all point where private streets meet public streets.

15) Street Lighting:

For the purpose of protecting public safety, street lights meeting the standards of the Huron County Road Commission and the public utility providing such lighting shall be installed and maintained within the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of street lights.

16) Final Documents to be Provided:

After submittal of the condominium plan and bylaws as part of the Master Deed, the Proprietor shall furnish to the County a copy of the site plan on a mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10 ½ " by 14").

Zoning Ordinance of Huron County, Michigan December 1, 2010

ARTICLE XIII. FLOOD HAZARD AREAS

SECTION 13.01 INTENT AND PURPOSE.

A) It is the intent and purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in townships under this Ordinance, Huron County, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program.

B) Further, the objectives of this Article include:

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and,
6. To preserve the ability of floodplains to carry and discharge a base flood.

SECTION 13.02 DELINEATION OF THE FLOOD HAZARD AREA OVERLAY ZONE.

A) The flood hazard area zone shall overlay existing zoning districts delineated on the official Huron County Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas of special flood hazards (Zone A) designated by the Federal Insurance Administration in the Flood Hazard Boundary Maps for all townships under County Zoning jurisdiction. All flood maps and amendments thereto, which are adopted by reference, appended, and declared to be part of this ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard area zone.

B) In addition to other requirements of this ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Article and other requirements of this ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases the more stringent requirement shall be applied.

ARTICLEXIII. FLOOD HAZARD AREASContinued.

SECTION 13.03 DEVELOPMENT.

Development, including the erection of structures and placement of mobile homes, within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of this Ordinance and the following standards:

A. The requirements of the underlying zoning district and applicable general provisions of this ordinance must be met.

B. All necessary development permits shall have been issued by all appropriate local, state and federal authorities including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

SECTION 13.04 RESERVED.

SECTION 13.05 RESERVED.

SECTION 13.06 DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. More severe floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of Huron County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLEXIV. -GENERAL PROVISIONS

SECTION 14.01 CONFLICTING REGULATIONS: When any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance then the provisions of such law or Ordinance shall govern.

SECTION 14.02 SCOPE: No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.03 NONCONFORMING USES, BUILDINGS, STRUCTURES, OR
PARCELS. (ZA#99-2A; eff. 5/1/99):

All nonconforming uses, buildings, structures or parcels shall be administered pursuant to the Michigan Zoning Enabling Act, as amended (12/1/2010).

Section 14.03 (1) Description and Purpose. Within the districts established by this ordinance or amendments thereto, there exists uses, buildings, structures, parcels and characteristics of uses which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or an amendment thereto. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their expansion or survival beyond their present level of development.

Section 14.03 (2) Continuance of Nonconforming Uses, Buildings, Structures or Premises. Except where specifically provided to the contrary and subject to the provisions of this section, the lawful use of any building or structure, or of any land or premises, which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued, although such use does not conform with the provisions of this ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this section, a building or structure which is existing and lawful on the effective date of this ordinance, or in the case of an amendment, may be maintained and continued, although such building or structure does not conform with the provisions of this ordinance or any amendment thereto.

Section 14.03 (3) Expansions. Structures or buildings nonconforming by reason of height, area, setback and/or parking/loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, setback, and or parking/loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

Any use of a building or structure, which is nonconforming by reason of parking/loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking/loading space, shall not thereafter be permitted to use such additionally acquired parking/loading space to meet requirements for any extension, enlargement or change of use which requires greater areas for parking/loading space.

A. Unless otherwise provided in this section, no existing building, structure or parcel devoted to a use not permitted by this ordinance, in the district in which it is located, shall be extended, enlarged, altered, remodeled, modernized, or moved, except in changing the use of a building, structure or parcel to a use permitted in the district in which it is located.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.03 NONCONFORMING USES, BUILDINGS, STRUCTURES, OR
PARCELS. (ZA#99-2A; eff. 5/1/99) continued:

Section 14.03 (3) Expansions Continued.

B. Unless otherwise provided in this section, no nonconforming structure may be extended, enlarged, altered, remodeled or modernized in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

C. Should a nonconforming building or structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. A nonconforming use may be extended throughout any part of a building or structure so long as any part of the building or structure was manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. However, at no time shall such use be extended to occupy any land outside such building.

E. A structure or building, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district; and, the nonconforming use may not thereafter be resumed.

F. Where nonconforming use status applies to a building or structure, or land in combination, removal or destruction of a building or structure shall eliminate the nonconforming status of land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at the time of destruction.

G. A nonconforming use of a building, structure or land may be changed to another nonconforming use of a more restricted nature and classification.

H. A nonconforming use of any building or structure, or of any land or premises which is nonconforming for reasons other than height, area, setback, and/or parking/loading space provisions, may hereafter be expanded, extended or enlarged provided:

- 1) All expansions, extensions, or enlargements shall not exceed 50% of the area of the original nonconforming building or use;
- 2) Such expansions, extensions, or enlargements are authorized by the Zoning Board of Appeals.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.03NONCONFORMINGUSES,BUILDINGS, STRUCTURES,ORPARCELS.

(ZA#99-2A;eff.5/1/99)continued:

Section 14.03 (3) Expansions Continued.

In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- 1) Whether the extension or enlargement will substantially extend the probable duration of such nonconforming use.
- 2) Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of the ordinance. In considering the request, the Zoning Board of Appeals shall make a determination that the expansion would not be contrary to public health, safety or welfare, or the spirit of the (zoning) ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of the ordinance with which the use or structure does not conform.

Section 14.03 (4) Restoration and Repair. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God, public enemy, or other cause, it may be rebuilt or restored if the cost thereof does not exceed fifty (50) percent of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God, or public enemy, and the cost of rebuilding or restoration exceeds one-half (½) the floor area of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board of Appeals. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- 1) Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
- 2) Whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district. In considering the request, the Zoning Board of Appeals shall also make a determination that the restoration of the nonconforming use would not be contrary to public health, safety or welfare, or the spirit of the (zoning) ordinance, that the use or structure does not and is not likely to significantly depress the value of nearby properties, that the use or structure was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of the ordinance with which the use or structure does not conform.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.03NONCONFORMINGUSES,BUILDINGS, STRUCTURES,ORPARCELS.
(ZA#99-2A;eff.5/1/99)continued:

Section 14.03 (4) Restoration and Repair continued.

A building or structure on an existing lot of record in the district which is nonconforming by reason of height, lot area, width, yard requirements and/or parking/loading space provisions only, which is damaged by fire, wind, Act of God, or public enemy, may be rebuilt or restored as a matter of right, regardless of the value of the building or structure after rebuilding or restoration is complete.

Section 14.03 (5) Change or Discontinuance. The nonconforming use of a building or structure or of any parcel shall not be:

- 1) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of twelve (12) consecutive months.
- 2) Reestablished after it has been changed to a conforming use.

Section 14.03 (6) Replacement Cost. Replacement cost as used in this section is the cost of restoring the building or structure to its original condition as determined by the Building Inspector.

Section 14.03 (7) Removal of Nonconforming Status. A nonconforming building, structure or parcel may be made conforming by appropriate action or modifications which cause the building, structure or parcel to fulfill the requirements of the district in which it is located. In the case of a nonconformity which would be permitted as a special use by the ordinance, the nonconforming status may be removed upon issuance of a special use permit after the appropriate action has been taken in accordance with the provisions of this ordinance.

Section 14.03 (8) Building or Structure Under Construction on Effective Date of Ordinance. Any building or structure shall be considered existing and lawful, if, on the effective date of this ordinance or amendment thereto, a building permit has been issued, a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

Section 14.03 (9) County Zoning of Townships Previously Zoned. Whenever a Township within Huron County elects to rescind zoning regulations developed in accordance with the Provisions of P.A. 184 of 1943, as amended, or PA 110 of 2006, as amended (being the Michigan Zoning Enabling Act), and formally requests that such territory be regulated by the provisions of this ordinance, the Huron County Planning Commission shall accommodate such request, including the establishment of zoning district boundaries. The effective date of all amendatory actions to the Zoning Ordinance of Huron County shall correspond with effective dates of all actions performed by the Township to rescind local zoning regulations. Amendments to either ordinance (Township or County) shall be done pursuant to provisions of the Michigan Zoning Enabling Act.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.03 NONCONFORMING USES, BUILDINGS, STRUCTURES, OR PARCELS.
(ZA#99-2A; eff. 5/1/99) continued:

Section 14.03 (10) Certificate of Occupancy.

A. At any time after the adoption of this Section should the County become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the Zoning Administrator of the provisions of this section, and that the property constitutes a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use. The application for such certificate shall designate the details as may be necessary for the issuance of the certificate of occupancy. Nonconforming uses that were issued a certificate under the December 1, 1995 Zoning Ordinance are exempt from this requirement.

If the owner of a nonconforming use fails to apply for a certificate of occupancy within thirty (30) days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this Section. The Zoning Administrator and Corporate Counsel for the County shall take appropriate action to enjoin such violation.

B. If the Zoning Administrator shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Certificate of Occupancy but shall declare such use to be in violation of this Section.

C. After the adoption of this Section, or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents, mobile homes, travel trailers, and motor homes, existing at the time of such Section or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land and the nature and extent of use. Such list shall be available at all times in the office of the Zoning Administrator.

Section 14.03 [11] Plans Already Filed. In any case where plans and specifications for a building or structure have been filed, which would conform with the Zoning Regulations effective at the date of such filing but not with the regulations of this Section, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Section, such work may proceed provided it is completed within one year of said date.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.04 ACCESSORY BUILDINGS: (ZA#98-1; eff. 6/10/98)

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to main building (yard setbacks, lot coverage, height, etc.).
2. In Residential District (R-1, R-2, RM-1), accessory buildings shall not be erected in any required yard/setback area, except when said structure is located completely to the rear of the main building, when the proposed accessory building may be located to within five (5) feet of the side and rear property line. In the case of a water front lot, no accessory building [except a boathouse or open (unenclosed) deck] shall be located within 35 feet of the front line, 25 ft. of the street/road r.o.w., or 5 ft. of a side line.
3. In the R-1 and R-2 Districts, no more than two (2) unattached storage/accessory buildings may be located on any single parcel, subject to setback, lot coverage, and other standards (size/height) of this Ordinance. The following limitation apply to the size/height of accessory buildings:
 - a) R-1 & R-2 Districts (subdivision): The size of any accessory building shall not exceed 900 s.f. of ground floor area or exceed the ground floor area of the dwelling, whichever is less, nor have a wall eight exceeding 10 ft. above grade or an overall height exceeding 15 feet to the midline of the roof (from original grade). Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel.
 - b) R-1 & R-2 Districts (unplatted, 1 or more acres in size): The size of any accessory building shall be limited to 1200 s.f. of ground floor area, 12 feet high walls (from existing grade), and 17 feet to the midline of the roof. Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel in question.

EXCEPTION: The Zoning Board of Appeals shall have the authority to review and approve an accessory building that is larger than stated above, based on the following:

Approval of an accessory building larger in size/height than noted above (a & b) is based on the existing pattern(s) of development in the immediate area, aesthetics of the area, and location of the proposed building with respect to dwellings and other buildings located on nearby parcels. The size and appearance of the proposed (larger) building shall be such that it conforms to the appearance/style of buildings and type of development in the area. Approval of a larger building may be conditioned upon additional landscaping, modification of certain structural features on the proposed building (style, roof design, etc.), and/or other conditions which keep the building from negatively impacting the area.

Zoning Ordinance of Huron County, Michigan December 1, 2010
ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.04 ACCESSORY BUILDINGS: (ZA#98-1; eff. 6/10/98)

EXCEPTION:

On unplatted parcels having a size of 2 acres or more, the Zoning Administrator, after review of the proposed development plans and inspection of the site and neighborhood, shall have authority to waive the size/height requirements contained herein (a & b) above, where it can be demonstrated that the proposed structure is in keeping with land use conditions in the immediate area (size, aesthetics, existing buildings, etc.), provided that said waiver does not result in a storage structure exceeding 2000 s.f. of floor area or a wall height of 14 ft. above grade (20 ft. overall height).

4. No accessory building shall be located closer than ten (10) feet to any main building unless it is built in accordance with applicable building code provisions for fire separation. No accessory building shall be located closer than ten (10) feet to any structure on any adjacent lot or parcel. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
5. An accessory building in the RM-1 (Multiple Family Residential) and BUS. (General Business) Districts shall not exceed one (1) story or twenty (20) feet in height (midline of roof) nor have an exterior wall which exceeds 12 ft. above grade, unless otherwise permitted in the district (i.e., principal building).
6. When an accessory building is proposed on a corner lot (where the side street line is a front line for residences along said side street), the side street setback (from r.o.w. line) shall not be less than the established setback of buildings on the adjacent lot or 15 feet from said r.o.w. line, whichever is more (25 ft. is the normal front yard setback). If a garage door faces the side street line of a corner lot, a minimum distance of 18 feet shall be provided between the garage and street property line. Where the vehicular entrance to the structure is provided elsewhere, an accessory building shall not be located nearer than 15 ft. to any street right-of-way line (corner lot scenario; side street line setback).
7. On double frontage parcels, accessory buildings shall be subject to front yard setbacks on both frontages.
8. On water front parcels, an accessory building may be located in front of the principal building (road side) provide said structure is at least twenty-five (25) feet from the right-of-way line and five (5) feet from the side line.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.04 ACCESSORY BUILDINGS: (ZA#98-1; eff. 6/10/98)

EXCEPTION:

9. In the case of waterfront lots where property is also owned across the road from the waterfront parcel, accessory building(s) may be erected on a parcel across the street (where no principal structure is located), with the approval of the Zoning Board of Appeals, providing the new construction complies with yard/setback, size & height standards for accessory buildings and the garage/storage building use and appearance does not conflict with development located on adjoining property.

10. A private garage in the R-1, R-2, and RM-2 Districts shall only be used for storage of items and uses incidental to those residential dwellings. Accessory buildings shall not be used for housekeeping purposes or commercial enterprises.

11. In all residential districts, no accessory building (garage, utility shed, storage building, etc.) shall be constructed until the principal building is occupied, except that construction of an unattached garage or storage area may proceed at the same time as the construction of the principal dwelling. Accessory buildings shall not be utilized for housekeeping purposes.

12. Recreational units (travel trailers, RV's, truck campers, pop-ups, etc.) are defined as accessory buildings when stored on developed residential parcels. Said units shall not be parked/stored on vacant residentially zoned lots (where there is no residential structure), nor be parked or stored in the front yard of lots except for loading/unloading purposes (limited to 48 hours in the front yard for loading/unloading); any storage in side and rear yards shall be located as though the recreational unit was an accessory building (for setback purposes). Off road vehicles shall display an ORV sticker, where applicable. Recreational units shall not be connected to water or sewer/septic systems or be utilized for housekeeping purposes.

SECTION 14.05 OFF-STREET PARKING REQUIREMENTS: There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a non-required side or rear yard and within the required rear yard setback unless otherwise prohibited in this Ordinance. Off-street parking shall not be permitted within a required front or side yard setback unless otherwise provided for in this Ordinance.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.05 OFF-STREET PARKING REQUIREMENTS:

2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership by the applicant shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and shall be subject to the provisions of Section 14.04 - ACCESSORY BUILDINGS.
4. Minimum required off-street parking spaces shall not be replaced by another use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the same of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited on any approved parking facility authorized under the provisions of this Ordinance.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Zoning Administrator considers similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up 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.
11. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in ARTICLE II, DEFINITIONS, SEC. 201 shall govern:

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ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.05 OFF-STREET PARKING REQUIREMENTS:

12. The minimum number of off-street parking spaces by type of use shall be determined in accordance to the following schedule:

USE	SPACES PER UNIT OF MEASURE
A. RESIDENTIAL	
(1) Residential, one & two family	Two (2) for each dwelling unit.
(2) Residential, Multiple family	Two (2) for each dwelling unit.
(3) Housing for Elderly	One and one-half for each two (2) unit, and one (1) for each employee. Should units revert to general occupancy, two (2) spaces per unit shall be provided.
B. INSTITUTIONAL	
(1) Churches or temples.	One (1) for each three (3) seats or six (6) feet of pews in the main unit.
(2) Hospitals.	One (1) for each bed.
(3) Homes for the aged and convalescent homes.	One (1) for each four (4) beds.
(4) Elementary and junior high schools.	One (1) for each teacher, employee or administrator in addition to the requirements of the auditorium (gym).
(5) Senior high schools.	One (1) for each teacher, employee or administrator and one (1) for each ten (1) students, in addition to the requirements for an auditorium or gymnasium, which ever seats more.
(6) Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7) Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses.	One (1) for each two (2) members, families or individuals, plus spaces required for each accessory use, such as a restaurant or bar.
(8) Golf courses open to the general public; except miniature or "par 3" courses.	Six (6) for each golf hole and one (1) for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
(9) Stadium, sports arena, or similar place of outdoor assembly.	One (1) for each three (3) seats plus one (1) for each two (2) employees.
(10) Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.

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SECTION 14.05 CONTINUED: USE C. BUSINESS AND COMMERCIAL	Spaces Per Unit of Measure
(1) Planned commercial mall or shopping center	One (1) for each one (100) square feet of usable floor area.
(2) Auto Wash (automatic)	One (1) for each employee. In addition, reserve parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible (undergoing some phase of washing at the same time) which shall be determined by dividing the length in feet of each wash line by twenty.
(3) Auto Wash (self-service or coin operated)	Five (5) for each washing stall in addition to the stall itself.
(4) Beauty parlor or barber shop.	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
(5) Bowling alleys.	Five (5) for each one (1) bowling lane plus the required parking for any accessory uses.
(6) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls without fixed seating.	One (1) for each two (2) persons allowed within the maximum occupancy load established by local, county, or state fire, building or health codes.
(7) Establishments for sale and consumption, on the premises, of food or refreshments.	One (1) for each one hundred (100) s.f. of usable floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, whichever is the greatest
(8) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.	One (1) for each eight hundred sq. ft. (800 s.f.) of usable floor area, plus one (1) additional space for each two (2) persons employed therein.
(9) Gasoline service stations.	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
(10) Laundromats and coin-operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
(11) Miniature or par-3 golf courses.	Three (3) for each hole plus one (1) for each employee.
(12) Mortuary establishments.	One (1) for each fifty (50) s.f. of usable floor space.
(13) Motel, hotel, or other commercial lodging establishments.	One (1) for each occupancy unit plus one (1) for each employee.
(14) Motor vehicles sales and service establishments.	One (1) for each three hundred and fifty (350) s.f. of usable floor area.
(15) Nursery school, day nurseries, or child care centers.	One (1) for each one hundred and fifty (150) s.f. of usable floor area.
(16) Retail stores except as otherwise specified herein.	One (1) for each one hundred and fifty (150) s.f. of usable floor area.
(17) Marinas.	One (1) for each berth, not to include area required for winter boat storage.

<u>SECTION 14.05 OFF-STREET PARKING REQUIREMENTS: Continued</u>	
USE	SPACES PER UNIT OF MEASURE
D. OFFICES	
(1) Banks	One (1) for each one hundred (100) s.f. of usable floor space.
(2) Business offices or professional offices except as indicated in item (3) below.	One (1) for each two hundred (200) s.f. of usable floor space.
(3) Professional offices of doctors, dentists or similar professions.	One (1) for each fifty (50) s.f. of usable floor area in waiting rooms and one (1) for each examining dental or similar use area.
E. INDUSTRIAL	
(1) Industrial or research establishments and related accessory offices.	Five (5) plus one (1) for every one and one-half (1 ½) in the largest working shift. Space shall also be provided on site for all construction workers during plant construction.
(2) Warehouses and wholesale establishments and related accessory offices	Five (5) plus one (1) for every employee in the largest working shift, or one (1) for every seventeen hundred (1700) s.f. of usable floor space, whichever is greater.

SECTION 14.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE Whenever the off-street parking requirements in SEC. 14.05 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Applications for a permit shall be submitted to the Zoning Administrator in such form as may be determined by the Zoning Administrator and shall be accompanied with one (1) set of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

SECTION 14.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE: Continued

2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers Plus Maneuvering Lane
0 (parallel parking)	N/A	9 ft.	23 ft.	N/A	N/A
30 to 53	16 ft.	9 ft.	20 ft.	36 ft.	56 ft.
54 to 74	19 ft.	9 ft.	20 ft.	39 ft.	62 ft.
75 to 90	22 ft.	10 ft.	20 ft.	42 ft.	62 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

4. Adequate ingress and egress to the parking lot by means of clearly identified and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned R-1 One-Family Residential District.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90E pattern may permit two-way movement.

6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from adjacent property located in any R-1 One-Family Residential District.

7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area on all sides next to an R-1 or R-2 Residential District.

When a front yard setback is required, all land between said wall and front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living plant materials shall be maintained in a healthy, growing condition.

SECTION 14.06 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:

8. Required off-street parking shall be surfaced with a material that shall provide a durable, smooth and dustless surface; and shall be graded and provided with adequate drainage to dispose of all collected surface water; and, if surfaced with concrete or asphalt, shall conform to the following, with either:

a. Six (6") inches of Portland Cement Concrete; or

b. Two (2") inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6") inches.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.

11. The Board of Appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements, where, in unusual circumstances, no good purpose would be served by compliance with requirements of this Section.

SECTION 14.07 OFF-STREET WAITING AREA: DRIVE-THROUGH FACILITIES

1. An off-street waiting space is defined as an area ten (10) feet wide by twenty-four (24) feet long and shall not include the use of any parking space, street, alley or sidewalk.

2. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces (stacking lane) for each service window.

3. Automatic auto wash establishments shall provide a minimum of ten (10) off-street waiting spaces, with at least one off-street waiting space on the exit side, for each wash lane. Manual or coin-operated auto wash establishments shall provide at least three (3) off-street waiting spaces per stall on the entrance side of each auto wash stall, and one (1) off-street waiting space on the exit side for each auto wash stall.

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SECTION 14.08 OFF-STREET LOADING AND UNLOADING: On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or material or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. Loading and unloading spaces shall be an area in minimum twelve (12) feet in width by seventy (70) feet in length with a fifteen (15) foot height clearance, and shall be provided according to the following table except as hereinafter provided for the I-1 (IND.) Districts.
2. Within the I-1 (IND) Districts, all spaces shall be laid out in the dimension of at least ten by seventy (10 x 70) feet, of seven (700) square feet in area, with a clearance of at least fifteen (15) feet in height. Loading dock approaches shall be provided with a permanent, durable and dustless surface.
3. All spaces shall be provided in the following ratio of spaces to floor area for all commercial and industrial uses, unless otherwise provided:

LOADING AND UNLOADING

GROSS FLOOR AREA (in Sq. Ft.)	SPACE REQUIRED
0 - 1,400	NONE
1,401 - 20,000	ONE (1) SPACE
20,001 - 100,000	ONE (1) SPACE PLUS ONE (1) SPACE FOR EACH TWENTY THOUSAND (20,000) SQ. FT. IN EXCESS OF TWENTY THOUSAND AND ONE (20,001) SQUARE FEET.
100,001 AND OVER	FIVE (5) SPACES PLUS ONE (1) SPACE FOR EACH 40,000 SQ. FT. IN EXCESS OF 100,000 SQ. FT. OF FLOOR AREA.

4. All loading and unloading in the I-1 District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.
5. No loading space shall be located closer than fifty (50) feet from any residential district unless adjoining a public street or located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Planning Commission not less than six (6) feet in height.

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SECTION 14.09 PLANT/GREENBELT MATERIALS: Whenever in this Ordinance a greenbelt of planting is required it shall be planted within six (6) months from the date of issuance of certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable material equal in characteristics.

SUGGESTED PLANT MATERIALS

EVERGREEN TREES Minimum five (5) feet in height

Juniper Hemlock
Fir Pine
Spruce Douglas-Fir

NARROW EVERGREENS Minimum three (3) feet in height

Column Hinoki Cypress
Blue Columnar Chinese Juniper
Pyramidal Red-Cedar
Swiss Stone Pine
Irish Yew
Douglas Arbor-Vitae
Columnar Giant Arbor-Vitae

TREE-LIKE SHRUBS Minimum four (4) feet in height

Flower Crab Russian Olive
Mountain Ash Dogwood
Redbud Rose of Sharon
Hornbeam Hawthorn
Magnolia

LARGE DECIDUOUS SHRUBS Minimum six (6) feet in height

Honeysuckle Viburnum Buckthorn Sumac
Mock-Orange Forsythia
Lilac Ninebark
Cotoneaster Hazelnut
Evonymus Privet

LARGE DECIDUOUS TREES Minimum eight (8) feet in height

Oak Hard Maple
Hackberry Birch
Planetree Beech
Sycamore Honey locus
Ginkgo Hop Hornbeam
Sweet-Gum Linden

SECTION 14.09 PLANT/GREENBELTMATERIALScontinued:

Planting of the materials listed with the spacing as required shall be provided.

1. PlantMaterialSpacing:

- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
- b. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.
- d. Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.
- e. Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.
- f. Large deciduous shrubs shall be planted nor more than four (4) feet on centers, and shall be not less than six (6) feet in height.
- g. Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall be not less than eight (8) feet in height.

2. TreesNotPermitted:

- | | |
|--------------------------------|------------------------------------|
| a. Box Elder | e. Willows |
| b. Soft Maples
(Red-Silver) | f. Horse Chestnut
(nut bearing) |
| c. Elms | g. Tree of Heaven |
| d. Poplars | h. Catalpa |

SECTION 14.10 SIGNREGULATION:

- 1. The following conditions shall apply to all signs erected or located in any use district.

General Provisions:

- a. All permanent freestanding signs shall conform to all applicable codes and ordinances of the County, and, where permitted, shall be approved by the Zoning Administrator, and a permit issued within five (5) days after receipt of such request.

SECTION 14.10 SIGNREGULATIONcontinued:

General Provisions continued:

- b. No sign, except those established and maintained by the City, County, State or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- c. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which located, except that for a planned commercial or shopping center development involving five (5) acres or more under one (1) ownership, the Board of Appeals may modify the height limitation.
- d. All directional signs required for the purpose of orientation, when established by the City, County, State or Federal governments, shall be permitted in all use districts.
- e. Accessory signs shall be permitted in any use district.
- f. Signs used for advertising land or buildings for rent, lease and/or for sale shall be permitted when located on the land or building intended to be rented, leased and/or sold.
- g. Freestanding accessory signs may be located in the required front yard as provided herein.
- h. Political Campaign signs announcing candidates seeking public office and other data pertinent thereto, up to an area of thirty-two (32) square feet for each premise, are permitted in any use district. These signs shall be confined within private property and removed within fourteen (14) days after the election for which they were made.
- i. Flashing, rotating, animated, intermittent, glaring and oscillating signs are prohibited; the location of any sign hazardous to traffic is prohibited.
- j. Signs that are in need of repair [other than normal maintenance], not securely affixed to a substantial structure, obsolete, affixed to trees, rocks, or other natural features, resemble official traffic signs or obstruct official signs are prohibited.
- k. Sign illumination shall not cause a reflection or glare on any portion of a public roadway, in the path of oncoming vehicles, or on adjacent premises.
- l. Signs located where the use no longer occupies the site shall be removed within 6 months of said date of loss of occupancy.

SECTION 14.10 SIGNREGULATIONcontinued:

General Provisions continued:

l. Nonaccessory (off-premise) advertising signs [a.k.a. billboards] regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972, and amendments thereto, shall not be subject to these general provisions, but all other off-premise signs [located on site not under jurisdiction of MDOT] shall be subject to the provisions as well as the size/height/location limitations of this ordinance.

m. In addition to l. above, the following provisions shall apply to signs in the various use districts as follows:

USEDISTRICTS - REQUIREMENTS

<p>One-Family Residential Districts (R-1, R-2 and AGR)</p>	<p>For each dwelling unit, one (1) nameplate not exceeding four (4) square feet in area; content is limited to name of occupant & address.</p> <p>For structures other than dwelling units, one (1) identification sign not exceeding thirty-two (32) square feet in height.</p> <p>Freestanding signs shall not exceed six (6) feet in height from average grade of site and shall be located no closer than ten (10) feet to the right-of-way and/or property line(s).</p>
<p>Agriculture AGR Districts</p>	<p>Directional/non-advertising signs not to exceed 32 sf in area and located outside of any sight zone. Freestanding signs shall not exceed six (6) feet in height from grade of site and shall be located a minimum of ten (10) feet from the right-of-way and/or property line(s).</p>
<p>Multiple Family RM-1 Districts</p>	<p>For rental and/or management offices, one (1) identification sign not exceeding eight (8) s.f. of area.</p> <p>Where signs are needed to indicate the name of multiple housing projects, such signs are limited to 32 s.f of area and shall not be located closer than one hundred (100) feet to any property line adjacent to R-1 or R-2 districts.</p> <p>Freestanding signs shall not exceed six (6) feet in height above average grade of site and shall be located no closer than ten (10) feet to a right-of-way line and/or property line(s), unless otherwise provided herein.</p>

SECTION 14.10 SIGNREGULATION:

USE DISTRICTS - REQUIREMENTS continued:

<p>General Business/General Industrial Districts BUS or IND</p> <p>Types of signs allowed:</p> <p>Wall signs Freestanding signs Marquee signs Electronic Message Board</p>	<p>No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot and shall not project above or beyond the highest point of the roof or parapet.</p> <p>Signs attached to or projecting from a building shall not project more than ten (10) feet from the wall of the building nor exceed the height of the building.</p> <p>Attached sign(s) limited to two (2), 80 s.f. per sign and/or limited to ten percent (10%) of the wall area in question. [This refers to the specific wall where the sign is proposed, not to all walls of the buildings]</p> <p>Freestanding accessory (on-site) signs shall not exceed one-hundred (100) s.f. in area and shall not exceed thirty-five (35) feet in height or the height of the building, whichever is less. Such signs shall be setback from the right-of-way and property lines a minimum of ten (10') feet.</p> <p>Off-premise signs and billboards regulated by the Michigan Department of Transportation under the Highway Advertising Act, P.A. 106 of 1972, and amendments thereto, shall not be subject to these general provisions [Size, height, location, separation, permit requirements & fees by MDOT; there is no local involvement], but all other off-premise signs shall be subject to the provisions of this ordinance.</p>
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SECTION 14.11 EXTERIORLIGHTING:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawn or parking lots.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

SECTION 14.11 EXTERIOR LIGHTING continued:

4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

5. All illumination of signs and any other outdoor features shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

SECTION 14.12 RESIDENTIAL ENTRANCEWAY: In all Residential Districts, so called entranceway structures including, but not limited to: walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in Sec. 14.13 CORNER CLEARANCE, provided that such entranceway structures shall comply to all codes of the County and shall be approved by the Zoning Administrator and a permit issued.

SECTION 14.13 CORNER CLEARANCE: No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established road grades shall be permitted within the triangular area formed at the intersection of any road right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

SECTION 14.14 PROTECTIVE SCREENING-WALLS & FENCES:

1. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to residential ZONED property, a wall as follows:

<u>USE</u>	<u>REQUIREMENTS</u>
(a) Off-street parking area	6' high wall/fence
(b) Business Districts	6' high wall/fence
(c) I-1 (IND) Districts - open storage areas, loading or unloading areas, service area.	6' to 8' high wall or fence. (Height shall be that which will provide effective screening).
(d) Auto wash Drive-in restaurants	6' high wall/fence
(e) Hospital - ambulance and delivery areas	6' high wall/fence
(f) Utility buildings, stations and/or substations	6' high wall/fence
(g) Marinas	6' high wall/fence

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.14 PROTECTIVE SCREENING-WALLS & FENCES Continued:

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting R-1 or RM-1 Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the intended area effectively. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be major consideration of the Planning Commission in reviewing such request.

3. Such walls and screening 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 Zoning Administrator. All walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rust proof and easily maintained.

Obscuring walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so constructed, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Zoning Administrator.

4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas and any abutting Single Family Residential District shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.

5. The Planning Commission may waive or modify the foregoing requirements when cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four (4) feet in height except where Sec. 14.13 applies.

In consideration of request to waive wall requirements between nonresidential and residential district, the Planning Commission shall determine whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Commission may temporarily waive wall requirements for an initial period not to exceed twelve (12) months.

Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.15 FENCES (RESIDENTIAL):

GENERAL PROVISIONS:

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard whichever is greater.

No wall or hedge planting shall exceed a height of three (3) feet within any residential (R-1 or RM-1) front yard. Clear vision fences are permitted in front yards but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that such fence, wall or planting will not interfere with traffic visibility across a corner.

2. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

3. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.

4. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

5. A construction (fence) permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence in any zoning district, other than on property used for agricultural purposes.

6. It shall be the obligation and sole responsibility of persons obtaining fence permits under this Ordinance and erecting fences to determine the location of property or lot lines. The County shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid, or legal location for the fence, or prejudice in any way the rights of adjacent or abutting property owners.

7. Sight Zones: Within the limits of sight zones, fences (and hedges) shall not exceed two (2) feet in height above grade, except that such restriction shall not apply to clear vision fences. Such sight zones shall be determined as follows:

a. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured at the intersection of the right-of-way lines.

b. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.16 SWIMMING POOLS:

1. All swimming pools shall be subject to the following:
 - a. Construction permits shall be secured prior to construction or installation of a swimming pool.
 - b. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the latest edition of the National Electrical Code.
 - c. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool.
 - d. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way.
2. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - a. Private pools shall not require Planning Commission review and approval.
 - b. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten (10) feet.
 - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
 - e. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open; said installation shall also be in accordance to other codes in effect. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.
 - f. The pool shall be in compliance with any other regulation of the community where said pool is located.
3. The pool area, for all swimming pools other than those located in a rear yard as a private accessory use, shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.17 LAND DIVISIONS AND ACCESS REQUIREMENTS: (ZA #98-2; eff. 10/17/98)

All divisions/splits of land shall comply with provisions of P.A. 591 of 1996 and P.A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route(s) are noted below:

- A) The legal description of the access route shall be recorded with the description of the new parcel(s); and,
- B) Where three (3) or more parcels (new divisions) are established having a new common entry drive, such entry drive, access easement, and/or roadway shall have a minimum right-of way width of sixty-six feet (66'); and,
- C) Where establishment of new parcels (divisions) is limited to two (2) with a common entry drive, such entry drive, access easement, and/or roadway shall have a minimum right-of-way width of forty feet (40'); and,
- D) Access roads, as described in paragraph B & C above, shall be constructed to meet the standards of the Huron County Road Commission for public roads, including but not limited to: minimum road bed design, driving surface material, slope, shoulder width, drainage, adequate visibility, location of ingress/egress onto an existing road, and cul-de-sac radii. Signage for new access routes shall be installed, meeting standards for size and location of the Huron County Road Commission for public roads; and,
- E) Where new access roads cross a watercourse, drainage way, channel, or stream, bridge(s) or other structures providing access over such watercourse(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., fire trucks, ambulances, tow trucks, road maintenance equipment, etc.

SECTION 14.18 ONE DWELLING PER LOT: In the R-1, R-2, and AG Districts, except as otherwise provided for through Planned Unit Developments and Section 14.19 below, no more than one (1) residential structure shall be placed on a building lot or parcel.

SECTION 14.19 FARMSTEAD DWELLINGS: A second single-family dwelling on a farmstead is permitted when said dwelling is used for the purpose of providing housing for family members or employees of said agricultural enterprise, provided the second dwelling is in compliance with other all other provisions of this Ordinance. A separate (separate tax parcel) is not required; however, the second dwelling must be located so as to be in compliance with setback and lot size provisions when the dwelling unit is sold and/or altered in use to be of a non-farm dwelling purpose.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.20 ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET: For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare. Provided, however, that access driveways may be permitted to other than a major thoroughfare, where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare is zoned for multiple-family use or any nonresidential uses; is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

SECTION 14.21 HIGH RISK EROSION AND ENVIRONMENTAL AREAS:

Any use, development, or addition in any area of the County regulated by the Shorelands Protection and Management Act of 1970, as amended (being 245 PA of 1970, as amended) shall require Site Plan Review and Special Approval Use Review by the Planning Commission. The Planning Commission shall be provided with all data required by any other agency under the Act in addition to that required under this ordinance.

SECTION 14.22 MINIMUM GRADES. The grade line at a house within fifty (50) feet of the roadway shall not be less than one fourth (1/4) of an inch per foot above the established grade as determined by the Huron County Road Commission. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

SECTION 14.23 SEWAGE DISPOSAL AND WATER SUPPLY. There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, commercial, industrial or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Huron County Health Department, the State of Michigan, and the Environmental Protection Agency.

SECTION 14.24 DRIVEWAY, SEPTIC, SOIL EROSION, AND OTHER PERMITS. Prior to the issuance of a building permit, there shall be submitted to the Building & Zoning Office the following permits in all cases where such permits are required, or applicable:

- (1) Driveway permit including approved culverts, where necessary, approved by the Huron County Road Commission or the Michigan Department of Transportation;
- (2) Sewage Disposal Permit approved by the Huron County Health Department;
- (3) Soil Erosion and Sedimentation Control Permit from the County Building & Zoning Office;
- (4) Other permits as needed, including permits from the Department of Natural Resources.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.25 KEEPING OF PETS AND LIVESTOCK. The keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses, or other livestock is prohibited within any R-1 Single Family Residential or RM-1 Multiple Family Residential District; provided, however, that any litter of dogs or cats which causes this limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to so remain on the premises within any consecutive twelve (12) month period.

SECTION 14.26 YARD SPACES & OPEN AREAS FOR JUNK STORAGE; DISABLED MOTOR VEHICLES; UNUSED MOBILE HOMES; NOXIOUS WEEDS AND TALL GRASS IN RESIDENTIAL AREAS: (ZA#98-1; eff. 6/10/98)

The purpose of these regulations is to limit and restrict outdoor storage or unreasonable accumulation of junk, unused motor vehicles, dilapidated non-operating motor vehicles, unused and/or dilapidated mobile homes stored on property (mobile homes not used as a dwelling, but stored on a property), unused building materials, crates, boxes, tanks, and other unsightly debris upon any land in jurisdictions under county zoning. This regulation shall further regulate noxious weeds and unkept yards in residential areas. The following applies to this Section:

- 1) Dismantled, Non-Operating or Unlicensed Motor Vehicles. No person, firm or corporation shall store, place or permit to be stored or placed, allow to remain on any parcel of land for a period of more than 30 days in any one year a dismantled, partially dismantled or inoperable/unlicensed motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard as provided in this Ordinance.
- 2) Unused and/or dilapidated mobile homes which are not used as a dwelling unit shall not be stored on vacant or occupied land.
- 3) Other debris, noxious weeds, unkept yards. No person, firm or corporation shall store, place, or permit to be stored or placed, all to remain on any parcel of land for a period of more than 30 days other debris, including junk, material, boxes, crates (not associated with the construction of a new structure), unless so stored or placed in a wholly enclosed structure, or otherwise legal by provisions of this Ordinance. Noxious weeds and unkept yards in residential area are included under this provision.

Section 17.05 Enforcement and 22.02 Public Nuisance Per Se of this Ordinance shall apply to provisions noted above.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.27 OUTDOOR STORAGE AND WASTE DISPOSAL. All uses established or placed in operation in any Zoning District after the effective date of the Zoning Ordinance shall comply with the following limitations:

- (1) All outdoor storage facilities which exceed two hundred (200) square feet shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- (2) No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- (3) All materials or wastes shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard, or contribute to unsanitary or hazardous conditions.

SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS): The purpose of site plan review is to determine compliance with provisions set forth herein and to promote the orderly development of the County, the stability of land values and investments and general welfare and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. The following provisions in this section shall apply to all site plan review procedures unless otherwise provided in this Ordinance. The procedures of this section shall be minimum requirements, and additional procedures may be required by this Ordinance or by the County Planning Commission.

1. A site plan shall be submitted to the Planning Commission for approval of the following:
 - a. Any use or development for which the submission of a site plan is specifically required by any provision of this Ordinance.
 - b. Any use, development, or addition except single-family and two-family residential, for which off-street parking areas are required.
 - c. Any use in a RM-1, BUS, or IND District, except single-family and two-family residential uses, lying contiguous to, or across a street from, a single-family residential (R-1, R-2) district.
 - d. Any use except single or two-family residential and normal farming operations which lie contiguous to a major thoroughfare.
 - e. All non-residential uses permitted in the single-family, (R-1, R-2) districts such as, but not limited to: churches, schools, and public facilities.
 - f. Any use which requires Authorization by Special Approval.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS) continued:

2. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this ordinance. No site plan shall be considered until same has been reviewed by the Zoning Administrator.
3. The following information shall be included on the site plan:
 - a. A scale of not less than 1"=50' if the subject property is less than three (3) acres and 1"=100' if three (3) acres or more.
 - b. Date, north arrow, and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location and right-of-way widths of all abutting streets and alleys.
 - g. The names and addresses of the architect, planner, designer, engineer, or person responsible for preparation of the site plan.
 - h. Summary schedules and views should be affixed as applicable for residential developments involving more than 1 building or providing more than 2 living units, which gives the following data:
 - i). The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling unit.
 - ii). The number and location (by code if necessary) of one bedroom units, two bedroom units, etc.
 - iii). The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub-areas or staging areas (excluding all existing rights-of-way), and also indicate total square footage of rights-of-way for each sub-area or staging area.
4. Typical elevation views of the front and side of each type of building.
5. Groundwater Protection Standards:
 - a. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS) continued:

5. Groundwater Protection Standards continued:

a. continued: For facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds), the following additional site plan review information is required:

- Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.

- Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.

- Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

- Delineation of areas on the site which are known as suspected to be contaminated, together with a report on the status of site cleanup.

b. Site plan review standards for facilities which use, store, or generate hazardous substances:

i). Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

ii). Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

iii). General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.

iv). State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges, shall be allowed without required permits and approvals.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS) continued:

6. In the process of reviewing the site plan, the Planning Commission shall consider the following minimum criteria, among other things:

a. 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.

b. The traffic circulation features within the site and location of automobile parking area 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.

ii) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

c. Whether the sewage disposal facilities and water supply will be safe and adequate.

d. Whether the location, use, and the nature of the operation will be in conflict with the primary permitted uses of the District or neighborhood.

e. Whether the use will be more objectionable to adjacent and nearby properties than the operation of the primary uses of the District, by reason of traffic, noise, vibration, dust, fumes, odor, fire hazard, glare, flashing lights, or disposal of waste or sewage.

f. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

g. Whether the use will encourage utilization of land in accordance with its character and adaptability.

h. Whether the use will promote the public health, safety, morals, and general welfare of the community.

7. Two copies of the site plan, including all required additional or related information, shall be presented to the Zoning Administrators Office, or its designate, by the petitioner or property owner or his designated agent. The Zoning Administrator, or designate, shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Notice of said meeting shall be in conformance with the provisions of PA 183 of 1943, as amended, governing site plan review and such other notice as may be prescribed by the Planning Commission. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the Site Plan in accordance with this Section. Conditions imposed shall be based in part on one or more of the following purposes.

ARTICLE XIV. -GENERAL PROVISIONS Continued.

SECTION 14.28 SITE PLAN REVIEW (ALL DISTRICTS) continued:

7. Continued

- a. To insure that public service can accommodate increased loads caused by the proposed use.
- b. To insure protection of the natural environment and/or the conservation of resources and energy.
- c. To insure compatibility between the proposed use and adjacent land uses.
- d. To promote the beneficial uses of all lands within Huron County.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission Meeting. The Planning Commission may, as it deems necessary to promote the purpose of this Ordinance, require landscaping, screening walls or fences, drives, lighting, sidewalks, drainage, and other improvements. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission when granting Site Plan approval, to protect natural resources, or the health, safety, and welfare of the residents of and future users or inhabitants of the proposed project or project area.

When approved, at least two copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission. One of these two approved copies shall be kept on file by the County Zoning Administrator, and the other approved copy shall be returned to the petitioner or his designated representative.

Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

8. To insure compliance with the provisions of this section and any conditions imposed hereunder, a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the County covering the estimated cost of improvements associated with a project for which site plan approval is sought may be required by the Board of Commissioners to be deposited with the clerk of the County to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The County may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

9. Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the County Board of Commissioners. Such fee shall be for the purpose of payment for the administrative costs and services expended by the County in the implementation of this section and the processing of the application. Such fee may be used to reimburse another party retained by the County to provide expert consultation and advice regarding the application. The County shall return any unused portion of the fee to the applicant.

10. When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action (of) its original approval, by giving the owner evidence in writing of such action, which becomes effective ten days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten day period, at which time he shall so notify the Planning Commission, who may then, by official action, defer revocation.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION. 14.29. ON-SITE WIND ENERGY CONVERSION SYSTEMS. [all districts]

Text Amendment adopted by Huron County Board of Commission on Tuesday, May 11, 2010 as Resolution No. 10 - 97C, ZA 2010 - 02, with an effective date of June 1, 2010.

SECTION 14.29.01. PURPOSE.

The regulation of on-site wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation, while protecting the health, safety, or welfare of residents.

SECTION 14.29.02. SCOPE OF REGULATIONS.

On-site wind energy conversion systems (WECSs) may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this article.

SECTION 14.29.03. DEFINITIONS.

Certain words and phrases used in this article shall have the meaning set forth in this section. Words and phrases not defined in this section but defined in Article II shall be given the meanings set forth in article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Adjacent occupied structure means a residence, school, hospital, church, public library, business or other buildings used for public gathering, excluding accessory structures, that is located on an adjoining property when the permit application is submitted.

Applicant means the person, whether natural or legal entity, filing an application under this article.

Decibel means a unit expressing relative difference in power, usually between acoustic or electric signals, equal to ten times the common logarithm of the ratio of the two levels. A decibel (dB) is a unit that expresses the magnitude of sound pressure and sound intensity.

Height means the height of a wind energy conversion system measured from natural grade at the point of installation to the tip of the rotor blade or assembly at its highest point or blade-tip height.

Mechanical shadow means the entire envelope that is occupied by the circle swept by the furthest extension of any blade or other exposed moving component of a wind energy conversion system.

On-Site Wind Energy Conversion System means a device or system designed to supplement other electricity sources as an accessory use for agricultural, residential, commercial, waterfront, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption. A WECSs converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, foundation, blades, guy wires and pad transformer.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.03. DEFINITIONS Continued.

Roof-mounted means any part of a wind energy conversion system that is located on the roof of a building, fire or parapet walls; stage lofts, chimneys, smokestacks, water tower, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

Shadow flicker means the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

System operator means the persons who has any responsibility for the day-to-day operation and maintenance of the wind energy conversion system.

System owner means the person having controlling or majority equity interest in the wind energy conversion system, including their respective successors and assigns.

Tower means any structure, including its supports, that are ground-mounted, designed and constructed primarily for the purpose of supporting one or more wind turbines. This includes self-supporting lattice towers, guyed lattice towers, or monopole towers.

SECTION 14.29.04. DEVELOPMENT STANDARDS.

All On-Site Wind Energy Conversion Systems - On-Site WECSs - shall conform to the following standards:

A. General Regulations.

Prior to installation of an On-Site WECSs, an application for a site permit must be filed and subsequently approved by the Zoning Administrator or Planning Commission, as applicable. The following information shall be provided:

1. Application. Name, address and contact information, including a legal description (property identification number) of the property on which the project would be located.
2. Project description. Provide the WECSs's specifications, including manufacturer and model, rotor diameter, tower height where applicable, tower type (freestanding, guyed, building or roof mounted), total system height (i.e., tower height plus ½ rotor diameter).

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.04. DEVELOPMENT STANDARDS continued.

A. General Regulations continued.

3. Site plan. The site plan shall include maps/drawings showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:

- a. The property boundaries and dimensions of the property. b. The location, height and dimensions of all existing and proposed structures and fencing on the site as well as on adjacent parcels. Indicate location of proposed WECSs
- c. If the parcel has a waterfront setting, identify location of watercourse or waterbed, including location & elevation of the Ordinary High Water Mark (OHM).
- d. Identify any known wetland or county drains (or drain easements) located on the property.
- e. Insurance. Proof of applicant's liability insurance which includes coverage for off-site damage or loss to persons or property.
- f. Consent documents. Copies of any written waivers from neighboring property owners, as applicable.
- g. Sound pressure level. A copy of the modeling and analysis report from the manufacturer of the WECSs.
- h. Certification. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations, including all local building & electrical codes. Manufacturers plans and specifications for foundations, tower design, roof mounting devises, etc. shall be provided or in the alternative, certification information as required herein shall be provided by a professional engineer licensed in the State of Michigan.
- i. Utility notification. No onsite WECSs shall be installed until evidence is provided that the area's electrical utility company has been informed of the customer's intent to install an interconnected customer-owned generator (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

B. Construction and Design. All reference to WECSs shall assume On-Site accessory use.

1. Exterior Finish. Tower-mounted WECSs: shall typically maintain a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. In addition, the Planning Commission may require that such WECSs be painted in such a way as to reduce visual obtrusiveness, in order to conform to the surrounding environment and/or architecture.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.04. DEVELOPMENT STANDARDS.

B. Construction and Design continued.

Roof-mounted WECSs: WECSs and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.

2. WECSs may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.

3. WECSs may include one or more small signs, emblems, or decals to identify the following:

The name or logo of the manufacturer and/or installer. The make, serial number, and other pertinent information about the wind energy conversion system. Such signs shall not contain advertising copy.

4. Minimum clearances. The minimum clearance between the mechanical shadow (lowest projection of

blade/rotor or moving part) and

ground at the base shall be 15 feet. The minimum clearance between the mechanical shadow and any nearby structure shall be 10 feet, excluding roof-mounted wind energy conversion systems.

5. Provisions for safety.

a. Towers that are not roof-mounted shall be enclosed with a 6-foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

b. When roof-mounted WECSs can be accessed by the public, adequate guards, gates, locks and/or warning devices, as determined by the building official, shall be provided to ensure safety...

c. When towers are supported by guy wires (in approved areas) the wires shall be clearly visible to height of at least six feet above the guy wire anchors.

d. WECSs shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.

6. Noise. A WECSs shall not exceed 45 decibels (measured as dBA), as measured from the closest lot line. Product specifications & modeling shall be provided.

7. Unsafe or inoperative systems. Any WECSs found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.

a. If any WECSs is not used for a period of 12 months, the owner will be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the County, the landowner shall remove the WECSs within 60 days of receipt of the notice to remove.

ARTICLE XIV. - GENERAL PROVISIONS Continued.

SECTION 14.29.04. DEVELOPMENT STANDARDS.

B. Construction and Design continued.

8. Signal Interference. WECSs shall not materially interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication.

SECTION 14.29.05. SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS.

A. R-1, R-2, RM-1 Districts. WECSs in the R-1 Single Family Residential, R-2 Single and Two-Family Residential, and RM-1 Multiple-Family Residential Districts are a permitted accessory use subject to the following standards:

1. Height. WECSs shall meet the following height standards:

a. Height of WECSs mounted on towers shall not exceed 60 feet.

b. Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

c. Applicants may request special use approval from the Planning Commission to waive height restrictions for towers located at institutional or governmental properties [where principal uses are allowed by right or special approval in R-1, R-2 or RM-1 Districts;

WECSs is accessory to a principal use or special approval use.

2. Setback requirements. WECSs shall meet the following setback requirements:

a. WECSs General rules: WECSs, including mechanical shadow, may not encroach into setback requirements for uses for the zoning district in which they are to be located; nor shall a WECSs be located between the road/street side lot line and the front wall of principal buildings, unless specifically approved by the Planning Commission. On a waterfront lot, the 'shoreline setback' and/or waterfront setback provision(s) of this ordinance shall not prohibit the placement of a WECSs between the ordinary high-water mark (OHM) and the principal structure, subject to other provisions for WECSs (height, side yard setback, etc.) and this ordinance.

b. WECSs on towers: WECSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures.

c. WECSs roof-mounted: WECSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.05. SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS continued.

A. R-1, R-2, RM-1 Districts continued.

3. Waiver of Setbacks provisions for WECSs if the following conditions are met:

When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements provided that the affected property owner(s) sign a waiver that sets forth the applicable setback provision(s) and the proposed changes. Said waiver(s) run with the land and shall not exceed the life of the WECSs that is being installed at the time.

a. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system.

b. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Planning Department.

c. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or County property or public right-of-way provided that the participating landowner obtains an encroachment permit from the Huron County Road Commission or other appropriate agency.

4. Number. WECSs may consist of one to five wind turbines, towers, or pedestals and associated control or conversion electronics

5. Installation. WECSs may be mounted on towers, pedestals, or roof-mounted.

6. Guy Wires. Tower structures requiring guy wires are not permitted.

7. Rotor Diameter. Rotor diameter shall not exceed 24' (12' blades).

8. Minimum lot size. None.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.05. SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS continued.

B. AGR., BUS. & IND Districts., WECSs 80feet or less in height, in all agricultural, general business and general industrial districts are a permitted accessory use subject to the following standards:

1. Height. WECSs shall meet the following height standards:

a. Tower installation: Height of WECSs mounted on towers shall not exceed 80 feet.

b. Roof-Mounted installation: Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

2. Setback requirements. WECSs shall meet the following setback requirements:

a. General rules for location on lot. WECSs, including mechanical shadow, may not encroach into setback requirements for principal uses for the zoning district in which they are to be located, nor shall they be located between the front lot line and the front wall of the principle buildings, unless specifically approved by the Planning Commission.

b. WECSs on towers. WECSs, including mechanical shadow, 60 feet or less in height may not encroach into setback areas for uses for the zoning district in which they are to be located; nor shall WECSs be located between the front lot line and the front wall of a principal building. WECSs, including mechanical shadow, exceeding a height of 60 feet shall be set back a distance equal to 110 percent of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

c. WECSs roof-mounted. Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

3. Waiver of Setbacks provisions. Setbacks may be waived if the following conditions are met: When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements on the participating landowner property and/or non-participating landowner property provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes:

a. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system.

b. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Building & Zoning Department.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.05. SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS continued.

B. AGR., BUS. & IND Districts., WECSs 80feet or less continued;

3. Waiver of Setbacks provisions continued.

c. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or County property or public right-of-way provided that the participating landowner receives an encroachment permit from the Huron County Road Commission.

4. Number. Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

5. Installation. Wind energy conversion systems may be mounted on towers, pedestals or roof-mounted.

6. Rotor Diameter. Rotor diameter is not limited.

7. Minimum lot size. None.

C. AGR., BUS., & IND. Districts with WECSs above 80 feet in height are a permitted use after special use approval in agricultural, general business & general industrial districts, subject to the following standards:

1. Height. Height of WECSs mounted on towers shall not exceed 150 feet.

2. Setback requirements. WECSs shall meet the following setback requirements:

a. WECSs may not encroach into setback requirements for principal uses for the zoning district in which they are to be located.

b. No part of WECSs structures, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the site.

c. WECSs, including mechanical shadow, shall be set back a distance equal to 150 percent of the system height from all adjacent occupied structures and 110 percent of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

3. Number. Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

4. Installation. Wind energy conversion systems are mounted on towers.

5. Rotor Diameter. Rotor diameter is not limited.

6. Minimum lot size. 2.5 acres.

ARTICLE XIV.-GENERAL PROVISIONS Continued.

SECTION 14.29.05. SPECIFIC STANDARDS FOR WIND ENERGY CONVERSION SYSTEMS continued.

C. AGR., BUS., & IND. Districts with WECSs above 80 feet in height are a permitted use after special use approval in agricultural, general business & general industrial districts, subject to the following standards continued:

7. Shadow Flicker. The Planning Commission may require that the applicant conduct an analysis on potential shadow flicker at adjacent occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and describe measures that shall be taken to eliminate or mitigate the problems.

8. Decommissioning. The applicant shall submit a decommissioning plan. The plan shall include the anticipated life of the project, the estimated decommissioning costs, net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

9. Surety Agreement. The Planning Commission may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the County must remove the wind energy conversion system, of an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned wind energy conversion systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS

SECTION 15.01 SPECIAL APPROVAL USE PERMITS-APPROVAL PROCEDURES. In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the County, the Planning Commission, in addition to its other functions, is authorized to review certain uses designated as "Uses Permitted on Special Approval" within the various zoning classifications as set forth in the Ordinance.

Such uses have been selected because of unique characteristics which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause them to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

The burden of proof of facts which might establish a right to a Special Use Approval under the foregoing conditions shall be upon the applicant.

All applications for Uses Permitted on Special Approval shall be accompanied by a site plan and shall be processed in accordance with, and subject to all the provisions of Site Plan Review. The Planning Commission shall have the responsibility to review and approve Special Approval Use Permits. It shall be the Planning Commission's responsibility to insure that specific conditions associated with each use are complied with.

Action of the County Planning Commission on any such matter shall be taken only after an application in writing shall be filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to the Michigan Zoning Enabling Act, as amended, including holding a hearing. Developers of projects, which require a Special Approval Use Permit and zoning variances, shall apply for and be issued a Special Approval Use Permit before applying for zoning variances. Developers of projects which require a Special Approval Use Permit must begin work on the project within one (1) year of issuance of the permit unless otherwise agreed upon by the Planning commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

1. All requirements set forth in this Ordinance will be complied with;
2. The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area;
3. The proposed use will not be injurious to the surrounding neighborhood;
4. The proposed use will not be contrary to the spirit and purpose of this Ordinance. The Planning Commission may require such conditions as it may deem reasonably necessary to promote the spirit and intent of this Ordinance.
5. All proposed structures, equipment or material shall be readily accessible for fire and police protection;

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued

SECTION 15.01 SPECIAL APPROVAL USE PERMITS-APPROVAL PROCEDURES continued:

6. The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.
7. The proposed use shall provide sufficient space for off-street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this Ordinance for its particular district or use;
8. Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location or intended use.
9. If applicable, groundwater protection is incorporated into the design of the site and proposed facility.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

(ZA#98-1; eff. 6/10/98)

Because the uses referred to hereinafter possess unique characteristics making it impractical to include them to a specific use district classification, they may be permitted after consideration by the Planning Commission, pursuant to the provisions of Sections 14.28 of this Ordinance. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential (R-1, R-2, RM-1) District unless otherwise specified.

These uses require special consideration since they service large areas and require sizable land areas, creating problems of control with reference to abutting use districts. Those uses which fall specifically within the intent of the section are as follows:

1. Outdoor Theaters: Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 (IND), and AGR Districts only. Outdoor theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the Zoning Administrator as to adequacy or drainage, lighting and other technical aspects.
 - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

(ZA#98-1; eff. 6/10/98) Continued.

2. Communication Towers/Wireless Communication Facilities: shall mean and include 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 buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulator authority (ZA '01-01; effective. 7/6/01)....Said use (tower) shall be located on a continuous parcel of not less than one (1) acre have a road frontage of 150 ft. with a tower setback from all property lines (and right-of-way lines) a distance equal to the tower and antenna height, unless engineering plans and specifications document an "engineered" fall distance criteria which is less than the tower/antenna height (ZA '98-1; effective. 6/10/98)

(A) Attached Wireless Communications Facilities shall mean 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 sub-definition. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

(B) Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

(C) Colocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the county. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

Performance standards: (ZA '98-1; eff. 6/10/98)

1) The plans of the tower construction shall be certified/sealed by a registered structural engineer. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

2) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.

3) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Accessory structures shall not exceed 600 s.f. of gross building area.

4) All towers must meet the standards of the Federal Aviation Administration and the Federal Communication Commission.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:
(ZA#98-1; eff. 6/10/98) Continued.

Communication Towers/Wireless Communication Facilities continued:

Performance standards: (ZA '98-1; eff. 6/10/98) continued:

5) Towers shall be located so that they do not interfere with reception in nearby residential areas.

6) The base of the tower and any guy supports shall be fenced with a minimum 6 ft. high fence.

7) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.

8) Colocation Review: Applicant(s) for zoning approval to construct a new wireless communication facility (tower) shall demonstrate that a feasible colocation on a nearby facility is not available for the coverage area and capacity needs. A map indicating the location of nearby wireless communication facilities (towers) shall be provided, and it shall be the responsibility of the applicant to demonstrate that such facilities do not have the capacity or location for colocation. All applications for new and/or modified wireless communication facilities (towers) shall demonstrate colocation capacity. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

3. Water Supply and Sewage Disposal Plants: All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

a. Municipal water supply and sewage disposal plants, to serve the immediate vicinity, shall be permitted in all use districts.

b. Sewage disposal systems that are designed to disperse waste water from sources outside the County over large tracts of land shall not be permitted in the R-1, R-2, RM-1, and AGR Districts.

c. All operations shall be completely enclosed by a cyclone type fence, not less than six (6') feet high.

4. Sand, Gravel, Topsoil, Ore and Minerals All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

No fixed machinery shall be erected or maintained within fifty (50') feet to any street right-of-way line or property line in order to insure sub-lateral support to surrounding property.

Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the top or bottom of any slope.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

(ZA#98-1; eff. 6/10/98) Continued.

4. Sand, Gravel, Topsoil, Ore and Minerals continued:

No slope shall exceed an angle with the horizontal of forty-five (45E) degrees.

No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general.

Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

When excavation and removal operations or either of them are completed, the excavated area shall be graded to that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of airable topsoil, of a quality approved by the Zoning Administrator 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. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150') feet apart.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, and individual, or to the community in general. The applicant shall provide evidence that the proposed extractive operation will not in any way contaminate the surface water or the water table of the area. On-site testing by a qualified soil scientist is required.

5. Nuclear Power Plants Nuclear Power Plants shall be permitted in Industrial (IND) District only. All applicable State and Federal rules, regulations and statutes must be met prior to actual siting anywhere in Huron County. If deemed necessary, the Huron County Planning Commission, shall require copies of all data submitted to any State or Federal Agency pursuant to any law, ordinance or permit process.

6. Disposal Areas Disposal areas - Type I wastes, Type II wastes, Type III wastes, inert materials, or sites designed to receive dredge materials, as herein defined are permitted in any district subject to the requirements of this ordinance.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:
(ZA#98-1; eff. 6/10/98) Continued.

6. Disposal Areas continued

Petitions for the granting of permits for the use of areas as disposal sites, other than Type I, shall be filed with the Zoning Administrator by the owner(s) or leaseholder(s) of the land proposed for such use. Petitions shall be submitted in conformance with the provisions of Section 15.02 - Uses Authorized by Special Approval, and Section 14.28 - Site Plan Review, of this ordinance.

All disposal areas are subject to the requirements of Public Act 451 of 1974, being the Natural Resources and Environmental Protection Act. A permit is required. If deemed necessary, the Huron County Planning Commission, may require copies of all data submitted to any State or Federal Agency pursuant to any law, ordinance or permit process. Each request shall be for a single type of disposal area. Each request shall be considered on its own merits. These regulations are designed to supplement those contained in P.A. 641 of 1978, as amended, and administrative rules adopted thereunder, as well as P.A. 64 of 1979, as amended.

a. Type I Disposal Area

Definition - An on-land disposal facility designed and operated to accommodate hazardous waste, as defined under Public Act 64 of 1979, as amended - the Hazardous Waste Management Act.

Sites proposed in Huron County, for the disposal of Type I - Hazardous Waste, must conform to all provisions of P.A. 64 of 1979, as amended. Copies of all applications and data associated with the site construction permit process shall be filed with the following public bodies - the Huron County Board of Commissioners, the Huron County Solid Waste Management Planning Committee, and the Huron County Planning Commission. Written comments by each body will be filed with the State designated site approval board established pursuant to P.A. 64 of 1979, as amended.

b. Type II Disposal Areas

Definition - An on-land disposal facility designed and operated to accommodate general types of solid waste, including, but not limited to, garbage and rubbish, but excluding hazardous waste.

1) The location of all proposed Type II disposal sites must be in conformance with an approved Solid Waste Management Plan, prepared pursuant to Public Act 641 of 1978, as amended.

2) Setbacks for Type II disposal areas shall be no less than the following:

Proposed Type II disposal areas shall be sufficiently distant from pre-existing development so as not to be injurious to the health, safety, and welfare of the inhabitants of the immediate vicinity. In no instance shall the proposed filling activity of the disposal area be carried on closer than one thousand (1000) feet from any residential dwelling.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:
(ZA#98-1; eff. 6/10/98) Continued.

6. Disposal Areas continued

c. Type III and Inert Waste Disposal Areas

Definitions: Type III Disposal Area - An on-land disposal facility designed and operated to accommodate large volumes of certain solid waste having minimal potential for groundwater contamination (e.g. - construction and demolition wastes and trees.)

Inert Materials - Substances that will not decompose, dissolve, or in any way form a contaminated leachate upon contact the water or other liquids percolating through them when disposed of on land (e.g. - metal casting wastes, bottom or fly ash, clean glass).

1) All Type III and Inert material disposal areas sites shall conform to all requirements of Public Act 641 of 1978, as amended.

2) Setbacks for Type III and Inert material disposal areas shall be no less than the following:

(a) Proposed areas, adjacent to any R-1/R-2, RM-1, BUS Districts - 200 feet; provided, however, an earth berm of not less than ten (10) feet in height and a setback of not less than one hundred (100) feet may be utilized in place of the two hundred (200) foot setback.

(b) Proposed areas lying adjacent to any AGR or I-1 (IND) District or a public right-of-way - 100 feet; provided, however, an earth berm of not less than ten (10) feet in height, may also be required where, in the opinion of the Planning Commission, such berm is necessary for the adequate screening of the site from public view. Said earth berm may be included within the one hundred (100) foot setback.

d. Dredge Disposal Areas

Definition - An on-land disposal facility designed to accommodate materials dredged from the bottomlands of Lake Huron.

Proposed dredge disposal areas, on sites of less than five (5) acres in size are exempt from the provisions of this section but are subject to all applicable county and state laws and ordinances.

Proposed dredge disposal areas shall be sufficiently distant from pre-existing development so as not to be injurious to the health, safety, and welfare of the inhabitants of the immediate vicinity. In no instance shall the proposed filling activity of the disposal area be carried on closer than five hundred (500) feet from any residential home. All sites shall be maintained in a neat, orderly condition so as to prevent injury to single property, an individual or to the community in general. The applicant shall provide evidence, to the satisfaction of the Planning Commission, that the proposed use of the site as a disposal area will not in any way contaminate the water table of the area.

Sale or disposal without compensation of stockpiled dredge materials is permitted.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:
(ZA#98-1; eff. 6/10/98) Continued.

7. Waterfront Marinas Waterfront marinas defined - an area designed to accommodate recreational and commercial boating along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreational development. The following uses shall be permitted when established in conjunction with a marina operation. It being the specific intent that these uses shall not be permitted as individual or freestanding uses:

- a. Engine and hull repair shops.
- b. Boat fuel stations.
- c. Commissary facilities for the provision of food, beverages, and the like to be stored aboard boats.
- d. Retail businesses which supply commodities for persons using the facilities of the district such as: sale of boats, engines and accessories, fishing equipment and other similar items.
- e. Restaurant, lounge or clubs.
- f. Hotels or other such facilities to provide temporary home-port accommodations.
- g. Winter storage.
- h. Public launching ramps.
- i. Dredging and sheet pile equipment when used solely by a marina in its normal marina activities, such equipment, when not actively used, shall be concealed from adjacent districts.

Marinas shall be permitted in all districts except Residential (R-1, R-2, and RM-1) Districts. All such uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All marinas shall further be subject to the following conditions:

- a. All dredging, construction and/or development shall be subject to the requirements of applicable codes and ordinances of the County.
- b. The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Water supply and waste disposal methods shall be in accord with Act 167 of 1970, as amended, and/or Michigan Department of Public Health Marina Sanitation Rules.
- c. Public launchings permitted in any marina having a public launching ramp, shall be limited as follows: The number of public launchings permitted shall be limited to the number of parking spaces available to the general public for the parking of vehicles and boat carriers in any such marina, and likewise the number of public launchings shall be limited in direct proportion to the available harbor spaces in any such marina as hereinafter required, whichever number of parking spaces or harbor spaces is the smaller.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

(ZA#98-1; effective 6/10/98) Continued.

7. Waterfront Marinas continued.

Harbor accommodations: Any marina having a public launching ramp shall provide harbor space or spaces directly connected with such marina, capable of accommodating as many boats as there are parking spaces for vehicles and boat carriers on the lands of such marina. The foregoing requirements as to harbor space is to assure protection to boats launched as such public ramp from the turbulent waters caused by storms or high winds. Before any such ramp and attendant facilities shall be submitted to the Planning Commission to determine if all provisions of this section have been complied with.

d. All lighting for external illumination of the parking area, buildings, grounds or waters, shall be directed away from and shall be shielded from adjacent residential areas.

8. Fireworks Prior to the granting of a permit for the manufacture and storage of fireworks and for sale of any other explosive material, the Planning Commission must determine that the following standards have been complied with, it being provided that the most restrictive of an applicable federal, state, or local standard shall control:

a. The applicant for this use must prove to the Planning Commission that he or she has obtained all necessary permits from the state and federal government and has complied with all applicable federal and state regulations.

b. Storage of fireworks shall be located no less than 100 feet from a road railroad right-of-way or building.

c. Fireworks shall be stored in a building of solid construction with a concrete floor and with a lock-secured door.

ARTICLE XVI. GENERAL EXCEPTIONS

SECTION 16.01 AREA, HEIGHT AND USE EXCEPTIONS: The regulations in this Ordinance shall be subject to the following interpretations and exceptions.

SECTION 16.02 ESSENTIAL SERVICES: Nothing in this Ordinance shall be construed to prohibit the construction alteration or maintenance by private companies or public departments or agencies of the various transmission, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as: Gas, electricity, telephone, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of said companies or agencies.

ARTICLE XVI. GENERAL EXCEPTIONS Continued.

SECTION 16.02 ESSENTIAL SERVICES Continued:

Essential services serving the County of Huron shall be permitted as authorized and regulated by law as well as the ordinances of the County of Huron. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the County shall receive the review and approval, after a public hearing, of the Planning Commission, with the same notice as required by the site plan review process. Such review of the Planning Commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the County.

SECTION 16.03 VOTING PLACE: The provisions of this Ordinance shall not be so construed as to interfere with temporary use of any public property as a voting place in connection with a public election.

SECTION 16.04 HEIGHTLIMIT: The height limitations of this Ordinance shall not apply to chimneys, church spires, farm buildings, flag poles, public monuments, or wireless transmission towers; provided however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Use Authorized by Special Approval.

SECTION 16.05 LOT AREA: Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted, other than uses requiring special approval for which special lot area requirements are specified in this Ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that no more than one (1) dwelling unit or structure of any type of use shall occupy any lot except in area for each permitted use.

SECTION 16.06 LOTS ADJOINING ALLEYS: In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

SECTION 16.07 YARD REGULATIONS: When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Zoning Appeals.

SECTION 16.08 PORCHES: An open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.

SECTION 16.09 PROJECTIONS INTO YARDS: Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

ARTICLEXVI. GENERAL EXCEPTIONS Continued.

SECTION 16.10 ACCESS THROUGH YARDS: For the purpose of this Ordinance, access drives may be placed in the required front or side yards to as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

SECTION 16.11 LOTS HAVING WATER FRONTAGE: Those residential lots or parcels having a water frontage and abutting a public or private thoroughfare shall maintain the yard on the water side as an open unobscured yard, excepting that a boat well shall be permitted. Accessory structures shall be permitted in the front yard between the minimum front setback line and the main building provided that the minimum front yard setback remains open and unobstructed. All waterfront improvements shall be subject further to all applicable rules and regulations as may be imposed by the Department of Natural Resources.

ARTICLEXVII. -ADMINISTRATION AND ENFORCEMENT

SECTION 17.01 ENFORCEMENT: The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SECTION 17.02 DUTIES OF ZONING ADMINISTRATOR: The Zoning Administrator shall have the power to grant zoning compliance permits and to make inspections of buildings or premises as necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

SECTION 17.03 PLOT PLAN: The Zoning Administrator shall issue zoning compliance or construction permits when site plan review is not required by this Ordinance provided that this Ordinance has been complied with and further provided that the application therefor is accompanied by plans and specifications including a plot plan, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

ARTICLE XVII. -ADMINISTRATION AND ENFORCEMENT Continued.

SECTION 17.03 PLOT PLAN Continued:

3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 17.04 PERMITS: The following shall apply in the issuance of any permit:

1. Permits Not to be Issued: No zoning compliance permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to use of a different class or type unless a zoning compliance permit is first obtained for the new or different use.
3. Permits for New Use of Building: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a zoning compliance permit is first obtained for the new or different use.
4. Permits Required: No building or structure, or fence or part thereof, shall be hereafter erected, altered, moved or repaired unless a zoning compliance permit shall have been first issued prior to such work. The terms "altered" and "repaired" shall include any changes which will affect the provisions contained in this Ordinance or requires a permit according to the provisions of Act 230 of 1972, as amended.

SECTION 17.05 ENFORCEMENT: The Zoning Administrator shall enforce the provisions of this Ordinance. Any action which is thought to be in violation shall be reported to the Zoning Administrator.

1. Inspection of Violation. The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing of all conditions found to be in violation of this Ordinance.
2. Correction Period. All violations shall be corrected within thirty (30) days following the receipt of an order to correct from the Zoning Administrator. In those instances, however, where in the Zoning Administrator's opinion, a longer time for compliance is required, it may be granted. Any correction period which extends beyond the thirty (30) day period shall be clearly stated by the Zoning Administrator on the Notice of Correction, along with the reason for the extended correction period.
3. Penalties. For each day that a violation continues beyond the correction period, a separate offense shall be declared.

ARTICLEXVII. -ADMINISTRATIONANDENFORCEMENTContinued.

SECTION 17.05 ENFORCEMENTcontinued:

4. Appearance Tickets. As used in this section "Appearance Tickets" means a written notice signed by the Zoning Administrator directing a designated person to appear in District Court at a time specific in connection with causing or permitting a violation of this Ordinance. The Zoning Administrator is authorized to issue and serve an appearance ticket. The ticket shall be served by first class mail/certified mail to the last known address of the person named, or by personal service provided the Zoning Administrator sign a proof of service. After issuing and serving an appearance ticket, the original of the ticket shall be filed with the District Court. After the Zoning Administrator files the original of the ticket and at or before the time the appearance ticket is returnable, the Zoning Administrator shall file with the District Court a complaint charging the person named in the appearance ticket with causing or permitting a violation of the zoning ordinance. If after service of an appearance ticket, the defendant does appear, an examining magistrate may accept a plea of guilty or not guilty upon the appearance ticket. However, if the defendant pleads not guilty, no further proceedings may be held until a sworn complaint is filed with the magistrate. If after service of an appearance ticket and the filing of a complaint, the defendant does not appear at the time of the appearance ticket is returnable, the Court may issue a summons or warrant of arrest based upon the filed complaint.

SECTION 17.06 FEES: Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the Huron County Board of Commissioners and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

ARTICLEXVIII. -PLANNING COMMISSION

SECTION 18.01 COUNTY PLANNING COMMISSION: The Huron County Planning Commission was initially established as specified in Section 2 of Act 282 of the Public Acts of 1945, as amended, being the County Planning Act. All powers, duties and responsibilities, provided by Act 183 of the Public Acts of 1943, as amended, being The County Rural Zoning Enabling Act for zoning commissions created thereunder, are transferred to the Planning Commission by resolution of the County Board of Commissioners as provided in Section 6 (2) of Act 282 of the Public Acts of 1945, as amended. The powers, duties and limitations of the Planning Commission is continued under PA 33 of 2008, being the Michigan Planning Enabling Act. (11/9/2010)

ARTICLE XVIII. -PLANNING COMMISSION Continued:

SECTION 18.02 MEMBERSHIP, COMPENSATION AND FUNDING. (11/9/2010)

(A) The Planning Commission shall consist of Nine(9) members who shall individually be representative of important segments of the economic, governmental, social life, and development of the county, in accordance with the major interests as they exist in the county, such as agriculture, recreation, education, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the county to the extent practicable.

Every reasonable effort to ensure that the membership of the planning commission includes a member of a public school board or an administrative employee of a school district included, in whole or part, with the county's boundaries.

A majority of commission members shall not hold another office or position in the county government. Up to 3 members may be members of the county board of commissioners and serve ex officio. The terms of each appointed member shall be for 3 years, except that upon first appointment of the membership by the board, terms of office may be varied to permit the establishment of overlapping terms of office and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the county board. The county board of commissioners shall provide for the filling of a vacancy in the membership of the commission for the unexpired terms and may remove a member for nonperformance of duty or misconduct upon public hearing.

(B) Members of the commission may receive the same compensation and mileage, but not to exceed that provided for members of the county board of commissioners except that ex officio members shall serve without compensation. The members of the commission may be reimbursed for actual, reasonable, and necessary expenses incurred in the discharge of their duties.

(C) The commission shall prepare a detailed budget and submit same to the board of commissioners for approval. The board of commissioners annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this ordinance may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the County Treasurer in a special nonreverting planning commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of the grants, shall be within the amounts appropriated by the County Board of Commissioners.

SECTION 18.03. OFFICERS, MEETINGS, PROFESSIONAL ADVISORS, AND RULES:

(A) The Planning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from its appointive members, and create and fill such other offices or committees as it may deem advisable. The commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.

(B) The Planning Commission shall hold meetings as often as is determined necessary, but not less than 4 regular meetings shall be held each year. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations which record shall be a public record.

ARTICLE XVIII. -PLANNING COMMISSION Continued:

SECTION 18.03. OFFICERS, MEETINGS, PROFESSIONAL ADVISORS, AND RULES

Continued:

(C) The Board of Commissioners, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

(D) The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Board of Commissioners concerning its operations and the status of planning activities, including recommendations regarding actions by the Board of Commissioners related to planning and development.

SECTION 18.04. DEVELOPMENT PLANS; DUTIES OF COMMISSION; COORDINATING AGENCY; ZONING PLAN:

It shall be a function of the county planning commission to make a plan for the development of the county, which plan may include planning in cooperation with the constituted authorities for incorporated areas in whole or to the extent to which, in the commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole. The plan with accompanying maps, plats, charts, and all pertinent and descriptive explanatory matter shall show the Planning Commission's recommendations for the development of the county. In the preparation of a county development plan, the Planning Commission shall make careful and comprehensive studies of the existing conditions and probable growth of the territory within its jurisdiction. Such plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will be in accordance with present and future needs for best promoting the health, safety, morals, order, convenience, property and general welfare of the inhabitants, as well as for efficiency and economy in the process of development. It shall be the duty of the county planning commission to: (1) make studies, investigations, and surveys relative to the economic, social and physical development of the county; (2) formulate plans and make recommendations for the most effective economic, social and physical development of the county; (3) cooperate with all departments of the state and federal governments and other public agencies concerned with programs directed towards the economic, social and physical development of the county, and seek the maximum coordination of the county programs of these agencies; and (4) consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans may be avoided.

The county planning commission may serve as a coordinating agency for all planning committees and commissions within the county.

ARTICLE XVIII. -PLANNING COMMISSION Continued;

SECTION 18.04. DEVELOPMENT PLANS; DUTIES OF COMMISSION; COORDINATING AGENCY; ZONING PLAN Continued;

The county planning commission shall adopt and file with the county board of commissioners recommendations as to the following:

- (a) A zone plan for the county outside of the limits of cities and villages, which plan shall be based upon an inventory of conditions pertinent to zoning in the county and the requirements of PA 110, as amended, being the Michigan Zoning Enabling Act, and PA 33 of 2008, being the Michigan Planning Enabling Act.
- (b) The establishment of zoning districts including the boundaries of those districts.
- (c) The text of a zoning ordinance with the necessary maps and zoning regulations to be adopted for a zoning district or the county as a whole.
- (d) The manner of administering and enforcing the zoning ordinance.

SECTION 18.05. ZONING AMENDMENTS: The Huron County Board of Commissioners may from time to time, on the recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established under the Michigan Zoning Enabling Act, as amended.

SECTION 18.06. APPROVAL OF PUBLIC IMPROVEMENTS: (Repealed 11/9/2010) ~~(a) After the~~

~~Planning Commission has adopted the Master Plan of the County, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the County or in the planned section and district until the location, character and extent thereof shall have been submitted to, and approval recommended by the Planning Commission.~~

- ~~—(b) The Planning Commission shall communicate its reasons for approval or disapproval to the Board of Commissioners, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its membership.~~
- ~~—(c) The failure of the Planning Commission to act within sixty (60) days after the official submission to the commission shall be deemed approval.~~
- ~~—(d) The Planning Commission shall promote public understanding of and interest in the Master Plan and shall publish and distribute copies of the plan and of any report, and employ such other means of publicity and education as it determines necessary.~~

SECTION 18.07. SPECIAL APPROVAL USE PERMITS: The Planning Commission shall review all Special Approval Use requests. In doing so, the procedures and standards of Article XV of this Ordinance and the Michigan Zoning Enabling Act shall be followed.

ARTICLE XVIII. -PLANNING COMMISSION Continued:

SECTION 18.08. PLANNED UNIT DEVELOPMENT: The Planning Commission shall review and recommend all Planned Unit Development as detailed in Article XI of this Ordinance.

SECTION 18.09. SITE PLAN REVIEW: The Planning Commission shall conduct Site Plan Review as described in Section 14.28 of this Ordinance.

SECTION 18.10 OTHER PROVISIONS: In cases where the County Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each case and shall notify such parties, who may in its opinion be affected thereby, as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance.

ARTICLE XIX. BOARD OF ZONING APPEALS

SECTION 19.01 CREATION AND MEMBERSHIP: There is hereby established a County Board of Zoning Appeals, herein referred to as the Board of Appeals or the Board, which shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Board shall consist of not less than seven (7) members appointed by the County Board of Commissioners. The term of each member shall be for three (3) years. The members of the Board of Appeals shall be chosen from electors residing in the unincorporated area of the County and shall be residents of those townships which are subject to the provisions of this Ordinance. No elected officer of the County nor any employee of the Board of Commissioners may serve simultaneously as a member of or an employee of the Board of Appeals. One (1) member shall be a member of the County Planning Commission. The term of a member of the Board shall expire upon termination of membership on the Planning Commission. All vacancies on the Board shall be filled by appointment by the County Board of Commissioners for the remainder of the unexpired term. The Board shall annually elect a Chairperson, Vice Chairperson and Secretary. The compensation of the appointed members of the Board of Appeals shall be fixed by the County Board of Commissioners. The County Board of Commissioners shall provide for the removal of a member for nonfeasance or misfeasance in office.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.02 MEETINGS: All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify. All hearings conducted by the Board shall be open to the public and carried out in compliance with Act 267 of the Public Acts of 1976, as amended. The Secretary of the Board or his representative shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Copies of all proceedings shall be filed in the Office of the County Clerk who shall file said proceedings and make same available to the public in compliance with Act 442 of the Public Acts of 1976, as amended. A majority of the total membership of the Board shall constitute a quorum for the conduct of business. The Chairperson, or in the Chairperson's absence the acting chairperson shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.

SECTION 19.03 APPEAL: An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any Officer, Department Board or Bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause an imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by the Board of Appeals or by the circuit court.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 19.04 FEES: The County Board of Commissioners may from time to time prescribe and amend by resolution a schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeals is filed, said fee shall be paid to the Zoning Administrator which the Administrator shall forthwith pay over to the County Treasurer to the credit of the general revenue fund of the County of Huron.

SECTION 19.05 DUTIES AND POWERS: The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of the Ordinance, but does have power to act on those matters where this ordinance provides for review, interpretation, permit the establishment of temporary uses or to authorize variances as defined in this section and the laws of the State of Michigan. Said powers include:

- a. Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other administrative official in carrying out or enforcing any provisions of this Ordinance. Decisions of the Planning Commission shall be final and not appealable to the Board of Appeals.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued;

SECTION 19.05 DUTIES AND POWERS Continued:

b. Interpretation. The Board of Appeals shall have the power to: Interpret, upon request, the provision of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance; Determine the precise location of the boundary lines between zoning districts; Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; Determine the off-street parking and loading space requirements of any use not specifically mentioned in Section 14.05.

c. Variations. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED the request for variance complies with the following STANDARDS FOR GRANTING A VARIANCE:

1. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonable prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.
2. Whether a grant of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.
3. Whether the plight of the owner is due to unique circumstances of the property and not to general conditions in the area.
4. Whether the problem is self-created. (If the owner created the problem from which relief is sought, then no variance is warranted).

These standards require the petitioner to demonstrate a practical difficulty unique to the property (not the petitioner) in order to qualify. In making a decision, the Board of Appeals must insure the "spirit of the ordinance is observed, public safety secured and substantial justice done."

d. Rules. The following rules shall be applied in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the variance granted.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.05 DUTIES AND POWERS Continued:

d. Rules continued.

2. Any conditions or modifications desired by the Board of Appeals shall be recorded in the minutes of the appropriate Board of Appeals meeting. The Board of Appeals may, as it deems necessary to promote the purpose of the Ordinance, require landscaping, wall, fences, drives, lighting, sidewalk, drainage, and other improvements. As used in this section, "improvements" means those features and actions which are considered necessary by the Board associated with granting approval, to protect natural resources, or the health, safety, and welfare of the residents living in the general vicinity of the appeal.

To insure compliance with the provisions of this section and any conditions imposed hereunder, the Board may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with an appeal which shall be deposited with the Clerk of the County to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The County may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

3. Each 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 twelve (12) months after the granting of the variance.

The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.

4. 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 to be valid.

5. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to any special requirements of this section governing variances when said structures are located wholly or in part within the flood hazard areas.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.05 DUTIES AND POWERS Continued:

e. Temporary Permits: Permit, upon proper application, temporary uses, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the County of Huron, shall be made at the discretion of the Board of Appeals.
4. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land, recreation developments such as but not limited: golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
5. The use shall be in harmony with the general character of the district.
6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance.

SECTION 19.06 DECISIONS: In consideration of all proposed variances to this Ordinance, the Board shall, before granting any variance from the Ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, or morals or welfare of the inhabitants of the County of Huron. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning map, such power and authority being reserved to the County Board of Commissioners of the County of Huron.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.07 ORDERS: In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify an order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of this Zoning Administrator from whom the appeal is taken.

SECTION 19.08 NOTICE: The Board shall make no decision except in a specific case and after a public hearing conducted by the Board. Notice of the public hearing shall be given as required by the Michigan Zoning Enabling Act, as amended, and the Board may, by general rule or in specific cases, provide for such other notice as it deems appropriate.

SECTION 19.09 MISCELLANEOUS: No order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE XX. INTERPRETATION

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance, with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control.

The provisions of this Ordinance shall apply to the unincorporated portions of Huron County where there is no local Zoning Ordinance in effect.

ARTICLE XXI. VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XXII. ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 22.01 PENALTIES: Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

ARTICLE XXII.-ENFORCEMENT, PENALTIES AND OTHER REMEDIES Continued.

SECTION 22.02 PUBLIC NUISANCE PER SE: Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changes subsequent to the time of passage of this Ordinance and in violation of any of the provisions hereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 22.03 OWNERS' LIABILITY: The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be subject to a fine of not more than one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SECTION 22.04 EACH DAY A SEPARATE OFFENSE: A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

SECTION 22.05 RIGHTS AND REMEDIES ARE CUMULATIVE: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE XXIII. SEVERANCE CLAUSE.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XXIV.-EFFECTIVE DATE

Public hearing(s) have been held on this amendatory ordinance as noted herein; the provisions of this Ordinance, as revised and including noted amendment herein, are hereby given an effective date pursuant to provisions of PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

Made and passed by the Board of Commissioners of the County of Huron, Michigan on this 9th day of November 2010.

1. Date of Public Hearing: November 3, 2010
2. Date of Publication of Notice: October 15, 2010
3. Date of Adoption by County Board of Commissioners: November 9, 2010
4. Date of Ordinance Publication: November 17, 2010
5. Effective Date of (amendatory) Ordinance: December 1, 2010

Zoning Ordinance of Huron County, Michigan December 1, 2010

Explanatory Note: (not part of this ordinance)

As provided for in Act 183, Public Acts of 1943, as amended, (County Rural Zoning Act) substantial and significant amendments to the original Huron County Zoning Ordinance, dated July 16, 1974, were considered. Public hearings have been held on amendments (an amendatory ordinance was adopted in 1983 and 1995, with minor amendments from time to time); the provisions of this Ordinance, as revised and including amendments after July 1, 2006, are given immediate effect upon compliance with provisions of PA 110 of 2006, the Michigan Zoning Enabling Act, as amended.

Zoning Ordinance of Huron County, Michigan December 1, 2010

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HURON COUNTY MEMORIAL AIRPORT ZONING ORDINANCE



HURON COUNTY, MICHIGAN

Administrative Agency:

Huron County Building & Zoning Department

250 East Huron Avenue, Room 102

Bad Axe, Michigan 48413

Office: 989-269-9269

Fax: 989-269-3362

Web: http://www.co.huron.mi.us/building_zoning.asp

November 2014

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HURON COUNTY MEMORIAL AIRPORT ZONING ORDINANCE
State of Michigan – County of Huron

ORDINANCE NO. 2014-04

FOREWORD

The Huron County Memorial Airport Zoning Ordinance was adopted on September 23, 2014 and became effective November 14, 2014. The principal objective of this ordinance is to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

The Ordinance establishes regulations on land within a 10 mile radius of the Huron County Memorial Airport excluding the area not within the limits of Huron County (see Appendix Map Sheets). This Ordinance establishes a bowl with a minimum height limitation of 35' feet above ground off airport property at some locations in the approaches to the runways immediately adjacent to the airport increasing to a maximum height limitation of 500' feet above the established elevations of the airport as the distance from the airport is increased.

Structures and trees which project above the height limitations may be considered hazards to flying and may endanger lives and property. The prescribed land use guidance zones and height limits are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

This Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. This ordinance does not affect the use of land that was zoned prior to the effective date of MCL 125.3203 and the Airport Approach Plan of the now rescinded City/Village, Township and County Zoning Acts. New construction, and construction increasing the height of existing structures, within the airport area, must conform to the provisions on height. The Ordinance also restricts such uses of land within the vicinity of the airport as would unreasonably interfere with radio communication systems and other navigational aids or devices used by the airport and aircraft, or would reduce visibility, or would create confusing lights, or endanger lives and property.

The Huron County Planning Commission was tasked by the Huron County Board of Commissioners pursuant to Resolution 11-198C, with the purpose of establishing and recommending airport zoning regulations. The Huron County Board of Commissioners is charged with adoption of and amending of the Airport Zoning Ordinance. The Huron County Board of Commissioners has charged the Huron County Building & Zoning Department with the responsibility of administering and enforcing the provisions of this ordinance, with the understanding that the Agency would seek the close cooperation and work through the local City, Village and Township Boards.

To effectively administer the Ordinance, the Board of Commissioners established application heights which are below the allowable height limits of the Ordinance. This was done to make it easier for the local Zoning Boards and the general public to decide whether an application for permit must be filed with the Administrative Agency. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

This Ordinance contains provisions for the variance of the regulations in the event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Airport Zoning Board, with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

The preceding is by way of explanation only and is not to be considered a part of the Ordinance. Information regarding height limits and copies of the Ordinance are available at the office of the Administrative Agency. A copy of the Ordinance is on file with the County Clerk of Huron County.

HURON COUNTY MEMORIAL AIRPORT
ZONING ORDINANCE

GENERAL

An Ordinance establishing airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Huron County Memorial Airport; providing for the allowance of variances from such regulations; designating the Administrative Agency charged with the administration and enforcement of such regulations; establishing an airport zoning board of appeals; providing for enforcement; and imposing penalties for violation of this Ordinance.

Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the County of Huron by preventing the establishment of the airport hazards and thereby protecting the general public, users of the Huron County Memorial Airport, and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airports and the public investment therein.

The Board of Commissioners of the County of Huron under the provisions of Section 13, M.C.L. 259.443, of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session), does hereby ordain as follows:

ARTICLE 1 PURPOSE AND LIMITATIONS

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the “Huron County Memorial Airport Zoning Ordinance.”

1.2 Objective

The principle objective of this Ordinance is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

1.3 Hazard Area

The Ordinance establishes regulations on land within a 10 mile radius of the Huron County Memorial Airport excluding the area outside the political boundaries of Huron County (see Appendix Sheet 3). This Ordinance establishes a conical circle with a maximum height limitation of 500’ feet above the established elevation of the airport at the outer edge and has a minimum height limitation of 35’ feet above the ground at some locations in the approaches to the runways immediately adjacent to the airports. The height limitations of this Ordinance become less severe as the distance from the airport is increased.

1.4 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on past experience and studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

1.5 Existing Non-Conforming Objects

The Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. The Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids, or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

1.6 Administration

The Huron County Building and Zoning Department, serving as the Administrative Agency, shall administer and enforce the provisions of the Ordinance. The Director of the Building and Zoning Department, or his or her designee, is specifically authorized to issue and serve civil infraction citations on persons that he or his designee has reasonable cause to believe have violated the Huron County Airport Zoning Ordinance. Civil infraction citations shall be issued through the authority and procedures set forth in the Huron County Civil Infraction Ordinance.

1.7 Heights Requiring Permits

To effectively administer the Ordinance, the Board of Commissioners hereby establishes application heights which are below the allowable height limits of the Ordinance. This is done to make it easier for the local Zoning Boards and the general public to decide whether an application for permit must be filed with the Administrative Agency. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application. See Appendix Sheet 2 “Permit Required Map”.

1.8 Land-Use Types Requiring Permits

To promote the general purpose and objectives of this Ordinance and its effective administration, all persons making use of land within the areas shown on Appendix Map Sheet 2 and Sheet 3 of the zoning plans are advised to consult Section 3.7 of this Ordinance as to undesirable land uses within designated airport land-use guidance zones.

1.9 Provisions for Variance

The Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Administrative Agency, with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

1.10 Where to Obtain Copies of this Ordinance

Information regarding the application and copies of the Ordinance are available by contacting the Clerk of Huron County or the Huron County Building and Zoning Department.

ARTICLE 2 DEFINITIONS

2.1 Words and Phrases

For the purposes of this Ordinance, the words, terms and phrases set forth in Sections 2.2 through 2.12 inclusive, shall have the meanings prescribed in those sections.

2.2 Above Mean Sea Level

The term “above mean sea level” when used in this ordinance or on accompanying maps, denotes elevations above sea level based upon and determined by reference to National Geodetic Survey datum.

2.3 Administrative Agency

“Administrative Agency” means the Huron County Building and Zoning Department.

2.4 Airport

The term “Airport” means the Huron County Memorial Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other appurtenant rights of way or other interests either heretofore or hereafter established.

2.5 Airport Hazard

The term “Airport Hazard” means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances thereto contrary to the provisions of this ordinance within an airport hazard area.

2.6 Airport Hazard Area

The term “Airport Hazard Area” means any area of land or water, or both, lying within a ten mile radius from the established center of the Huron County Memorial Airport in which an airport hazard might be established if not prevented as provided in this Ordinance. The Airport Hazard Area shall not include lands that are outside of the political boundaries of Huron County.

2.7 Airport Zoning Act

The term “Airport Zoning Act” refers to Public Act 23 of 1950 (Ex. Sess.), as amended, known as the Airport Zoning Act.

2.8 Board

The term “Board” means the Huron County Zoning Board of Appeals as hereinafter created and designated below.

2.9 Non-Conforming Use

The term “Non-Conforming Use” means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment as of the effective date of such regulation.

2.10 Person

The term “person” means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic, including any trustee, receiver, assignee or other similar representative.

2.11 Structure

The term “structure” means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

2.12 Tree

The term “tree” means any object of natural growth.

ARTICLE 3 ZONES

3.1 Airport Hazard Areas

An airport hazard area is established, which area or zone consists of all the lands within Huron County lying beneath the approach, transitional, 150 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally 10 miles (see Appendix Sheet 3) from the established center of the usable landing areas of the airport, known as the airport reference point. The boundaries of the hazard areas are shown on the airport zoning plan maps numbered Sheet 1 through Sheet 6, which maps are attached hereto and made part hereof. The several “surfaces” referred to herein are defined as follows:

- I. Approach Surfaces. The approach is an inclined plane located directly above the approach area; the length is measured beginning 200’ feet from the end of each runway, on a centerline to the desired length. The width of the approach surface is symmetrically located with respect to the extended runway centerline and flares uniformly to its terminus. The slope of the approach surface is on a predetermined ratio.
- II. Inner Horizontal Surface. The inner horizontal surface is a plane with its height 150 feet above the established airport elevation as specified for the airport in this ordinance.
- III. Conical Surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 50 feet horizontal to 1 foot vertical.
- IV. Transitional Surface. Transitional surfaces are inclined planes with a slope of 7 feet horizontal to 1 foot vertical, measured at right angles to and located symmetrically about the centerline of the runway.
- V. Outer Horizontal Surface. The outer horizontal surface is a plane 500 feet above the established airport elevation as specified for the airport in this ordinance.

3.2 Height Limitations

The height limitations shown on the attached airport zoning plans are imposed on the lands in the airport hazard areas, the same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established elevation of the airport, which elevations are shown on Appendices Sheet 3 and Sheet 4 of the zoning plans.

3.3 Unlawful to Exceed Height Limitations

From and after the effective date of this ordinance, it shall be unlawful for any person to erect any structure to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached airport zoning maps, or a height determined by the FAA that would affect an instrument approach or departure procedure; or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or to establish any use of lands contrary to the provisions of this Ordinance.

3.4 Electric Interference, Lights and Smoke

Notwithstanding any other provisions of this Ordinance, it shall be unlawful to put any lands within any airport hazard to any use which:

- (a) Could create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- (b) Could make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
- (c) Could create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- (d) Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.

3.5 Applicability to Existing Uses

The provisions of Section 3.3 of this Ordinance shall not apply to structures, trees or other non-conforming uses existing in an airport hazard area on the effective date of this Ordinance, unless subsequent thereto the Agency determines it to be abandoned, or 80% torn down, destroyed, deteriorated, or decayed.

3.6 Applicability to Changes to or Alterations in Existing Uses.

The provisions of Section 3.3 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.7 Permit Required.

An airport zoning permit shall be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed, substantially altered or substantially repaired, in any airport hazard area, except as otherwise provided in Section 3.5.

3.8 Non-Conforming Uses. Nothing in this ordinance except the provisions of Section 3.7 hereof and except the conditions of a variance granted under Section 4.3 hereof, shall require the removal, lowering or other change or alteration of any structure or tree not conforming to this ordinance and the Zoning maps when adopted or amended, or otherwise interfere with the continuance of any non-conforming use.

3.9 Exception for Emergency Utility Repairs.

No permit shall be required for the emergency repair or replacement of non-conforming public utility structures, other than buildings, when the height of such structures will not be increased by such emergency repairs or replacements. It is intended that is the application of this provision any combination of circumstances calling for the immediate action or remedy in repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

ARTICLE 4 ORDINANCE ADMINISTRATION

4.1 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on Appendices Sheet 3 and Sheet 4 of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits the Administrative Agency will arrive at proper height limitations by interpolating between contours shown on the zoning plans.

4.2 Administrative Agency Permit Procedure

The Huron County Building & Zoning Department shall act as the “Administrative Agency” referred to in the Airport Zoning Act. Applications for Huron County Memorial Airport Zoning Permits shall be made upon a form furnished by said Agency, and the Agency shall issue within fifteen (15) days from the filing thereof determine whether the height limitations and/or land use

guidelines as designated by the Airport Zoning Maps and this ordinance would or would not be violated if such application be granted, shall thereupon grant or deny said application accordingly and advise the applicant of its action within five (5) business days after the same has been taken. The force and effect of denial shall be to leave the applicant free to apply to the Board of Appeals for a variance. The issuance of a permit shall not be construed to permit a use that violates any other general zoning ordinance or regulation applicable to the same area.

4.3 Board of Appeals

There is hereby created a Board of Appeals that shall be the Huron County Zoning Board of Appeals.

- (a) Official Name: The Huron County Board of Appeals shall be officially known as the Huron County Memorial Airport Zoning Board of Appeals.
- (b) Compensation: The Board of Appeals shall receive such compensation and expense reimbursement for attendance at meetings and hearings, and may employ such necessary personnel, as may be provided for by resolution of the Board of Commissioners.
- (c) Rules and Procedures: The Board of Appeals shall adopt rules concerning its organization and procedure, including appeal forms, and other authorized matters, consistent with the provisions of the Airport Zoning Act and this Ordinance. Such rules shall include, but not be limited to, providing a reasonable period of time from which appeal may be taken to it from an action of the Zoning Administrator. Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine, and notice of all meetings shall be given to all members. The Chair, or in his or her absence the Vice-Chair, may administer oaths or affirmations and issue subpoenas to compel the attendance of witnesses. All hearings of the Board of Appeals shall be public, and it shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, then so indicating, and the Board shall keep records of its examinations and other official acts, all of which shall be immediately filed in the offices of the Board and shall be a public record.
- (d) Powers: The Board of Appeals, by the concurring vote of a majority of its members, shall have the power to issue certificates of variance under the provisions of this Ordinance, or to otherwise decide appeals from any order, requirement, rule, regulation, decision or determination made by the Administrative Agency under the powers conferred upon it by this Ordinance.
- (e) Who May Appeal: Any person, including the governing body of any political subdivision, aggrieved by any decision of the Administrative Agency made in the administration of this Ordinance, may appeal to the Board of Appeals.

- (f) Appeal Procedure: All appeals from actions of the Administrative Agency shall be taken within the time and in the manner provided by the rules of the Board of Appeals, by filing with the Administrative Agency and with the Board a notice of appeal specifying the grounds of appeal. The Administrative Agency shall promptly transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrative Agency certifies to the Board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in the Administrative Agency's opinion, cause imminent peril to life or irreparable damage to property. In that case, proceedings shall not be stayed otherwise than by order of the Board and on due cause shown. The Board shall fix a time for the hearing of the appeal, give public notice and due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. The Board may, in conformity with the provisions of this Ordinance, reverse, affirm or modify, wholly or partly, the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Administrative Agency.
- (g) Certificates of Variance: An application for certificate of variance is to be submitted on the form provided for by the rules of the Board of Appeals. If the application is granted, the applicant will receive a certificate of variance in the form prescribed by such rules. The certificate shall provide that it is not effective for a period of thirty (30) days following the date of its issuance. Immediately upon issuance, copies of the certificate shall be filed with the Administrative Agency, the Michigan Aeronautics Commission and each political subdivision affected by the certificate. In acting upon applications for variance, variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and approach protection, but would do substantial justice and be in accordance with the spirit of the regulations of this Ordinance; provided, however, that any variance may be allowed subject to any reasonable condition or conditions subsequent that the Board of Appeals may deem necessary to effectuate the purpose of this Ordinance. Nothing in this section shall be construed to permit a use which would conflict with any general zoning ordinance or regulation of any political subdivision applicable to the same area.
- (h) Appeals to Circuit Court: Any person, including the Michigan Aeronautics Commission, on behalf of and in the name of the State, aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court, as provided in P.A. 23 of 1950, Section 30, M.C.L. 259.260, as amended, known as the Airport Zoning Act.

ARTICLE 5
JUDICIAL ACTION

5.1 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be responsible for a civil infraction, and upon entry of judgment, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Administrative Agency by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

5.2 Civil Infraction Citation Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve civil infraction citations for violations of this Ordinance, pursuant to MCL 259.431, et seq, MCL 46.11(j), MCL 46.10b, and MCL 600.8701, et seq, the Director of the Huron County Building and Zoning Department, or his or her designee.

5.3 Civil Action Available

The Huron County Board of Commissioners, on behalf of and in the name of the County of Huron, may, in addition to any civil infraction enforcement action taken, institute in the Circuit Court of Huron County, an action to prevent, restrain, correct or abate any violation of this Ordinance or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance or under the Airport Zoning Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and the regulations adopted and orders and rulings made pursuant thereto.

ARTICLE 6
FEDERAL LAWS
FEDERAL AVIATION REGULATIONS

6.1 Federal Laws (Part 77, 14 C.F.R. §77.1 et seq.)

The airport zoning ordinance is not intended to conflict with existing federal approach protection laws. The Federal Aviation Administration requires that it be given notice of any construction or alteration:

- (a) That would be more than 200 feet above ground level at its site.

- (b) That would be above an imaginary surface extending outward and upward at 100:1 slope within 20,000 feet of the nearest point of a runway more than 3200 feet in length.
- (c) That would be above an imaginary surface extending outward and upward at 50:1 slope within 10,000 feet of the nearest point of a runway less than 3200 feet in length.

ARTICLE 7
SEVERABILITY OF PROVISIONS

7.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

ARTICLE 8
AMENDMENTS

8.1 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Board of Commissioners after a public hearing is held in relation to the proposed amendment, pursuant to Section 19 of the Airport Zoning Act.

ARTICLE 9
EFFECTIVE DATE

9.1 Effective Date

As provided for in Act 18, Public Acts of 1994, as amended, this ordinance shall take effect 50 days after notice of the adoption is published in a newspaper of general circulation in the County. The Clerk of the County Board of Commissioners shall engross this ordinance and it shall be signed by the Chairman of the County Board of Commissioners and certified by the Clerk of the County Board of Commissioners.

1. Date of Adoption by County Board of Commissioners: September 23, 2014
2. Date of Publication in a newspaper: September 25, 2014
3. Date Ordinance shall take effect: November 14, 2014

This Ordinance is adopted by action of Huron County Board of Commissioners this 23rd day of September, 2014.

Clark Elftman, Chairman
Huron County Board of Commissioners

Lori Neal-Wonsowicz, Clerk
Huron County Board of Commissioners

CERTIFICATION

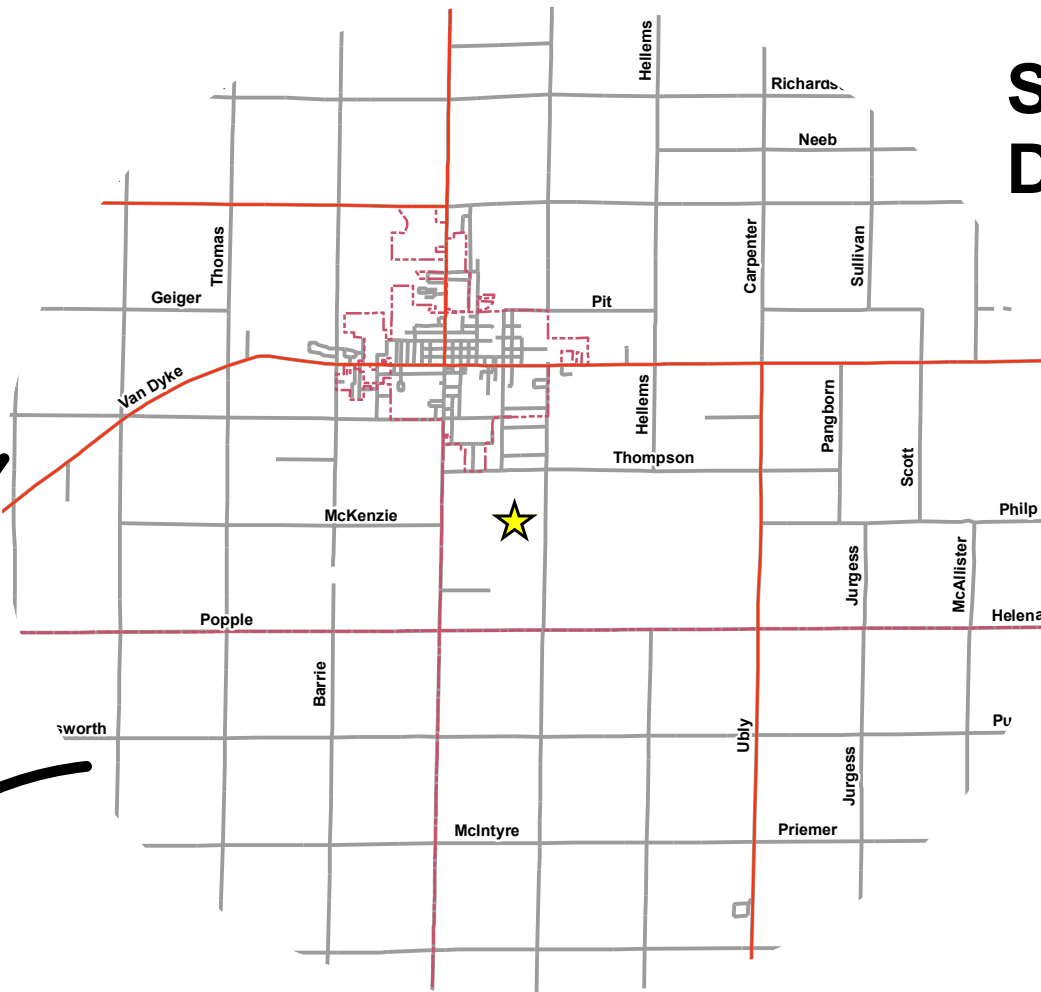
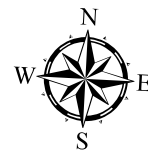
I, Lori Neal-Wonsowicz, Clerk of the County of Huron, do hereby certify that this is a true and correct copy of the Ordinance duly adopted by the Huron County Board of Commissioners on the 23rd day of September, 2014.

Lori Neal-Wonsowicz, Clerk
Huron County Board of Commissioners

State of Michigan Department of Transportation

Airports Division

Lansing



Huron County Memorial Bad Axe, Michigan Established Airport Elevation 766'

Index of Sheets

Sheet Number	Descriptions	Latest Revision Date
1	Title & Approval Sheet	09/2014
2	Zoning - Permit Map	09/2014
3	Zoning - Height Map 10 Mile Radius	09/2014
4	Zoning - Height Map Approaches	09/2014
5	Zoning - Land Use	09/2014

HURON COUNTY BOARD OF COMMISSIONERS

Adopted _____ Date _____
Chairperson _____
Effective _____ Date _____
Chairperson _____

MICHIGAN DEPARTMENT OF TRANSPORTATION AIRPORTS DIVISION



Approved: Michael G. Trout 9/11/2013
Director of MDOT Office of Aeronautics Date

Prepared By:



1403 S. Valley Center Dr., Bay City, MI 48706

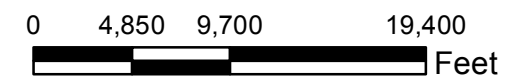
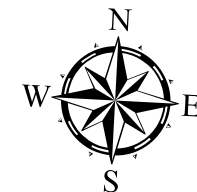
Permit Map For Huron County Memorial Airport

Established Airport
Elevation 766'

Permit Requirements

- A** Permit Required for Structures and Objects Exceeding Airport Elevation +35'*
- B** Permit Required for Structures and Objects Exceeding Airport Elevation +50'
- C** Permit Required for Structures and Objects Exceeding Airport Elevation +100'
- D** Permit Required for Structures and Objects Exceeding Airport Elevation +200'

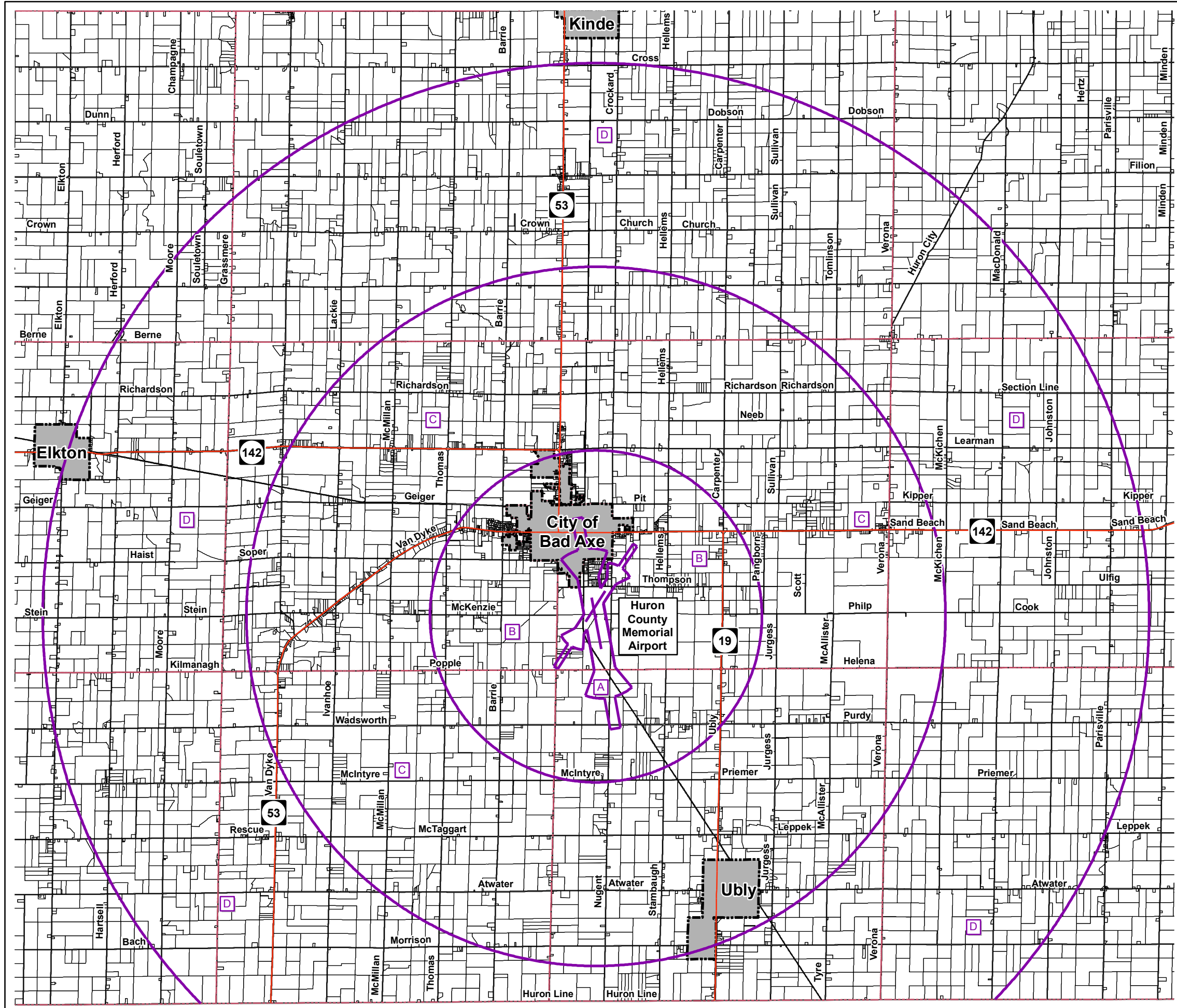
*An Airport Zoning Permit shall be required for land uses that underly "Zone A" that require a rezoning request by the local zoning agency. If a zoning change is not required by the local zoning agency, a permit shall only be required by the airport zoning administrator for new objects that exceed 35' above airport elevation. If no local zoning exist, then all uses in "Zone A" require a permit from the airport zoning administrator regardless of height.



1 inch = 9,500 feet

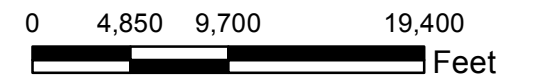
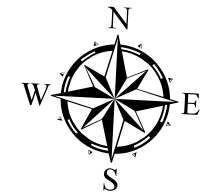
Adopted: September 23, 2014
Effective: November 14, 2014

Prepared By:
WADE TRIM
1403 S. Valley Center Dr., Bay City, MI 48706



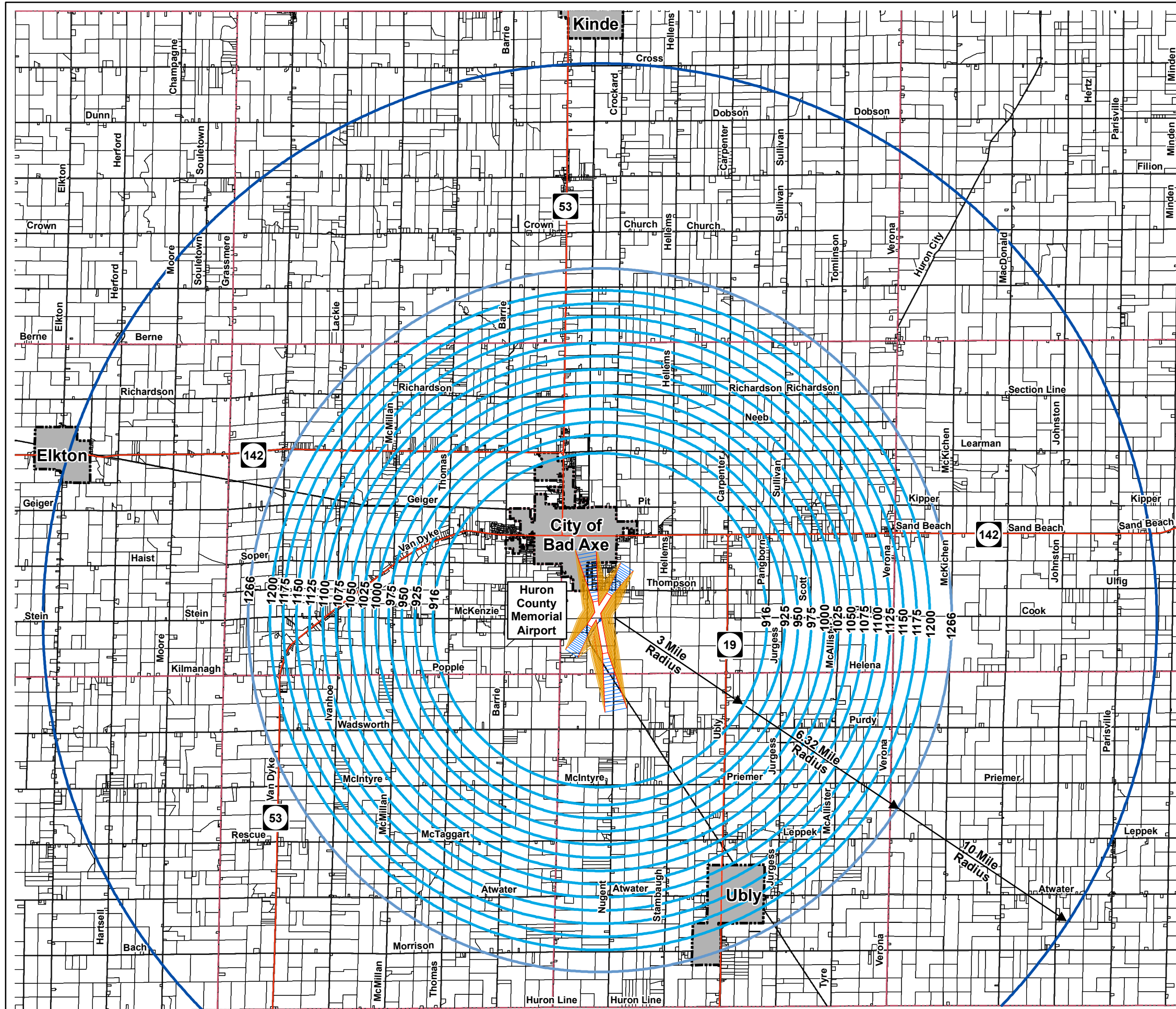
Height Map 10 Mile Radius For Huron County Memorial Airport

Established Airport
Elevation 766'



1 inch = 9,500 feet

Adopted: September 23, 2014
Effective: November 14, 2014



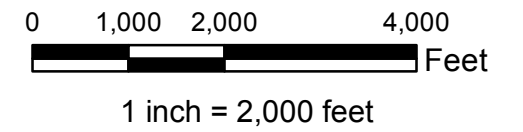
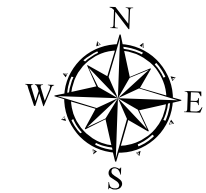
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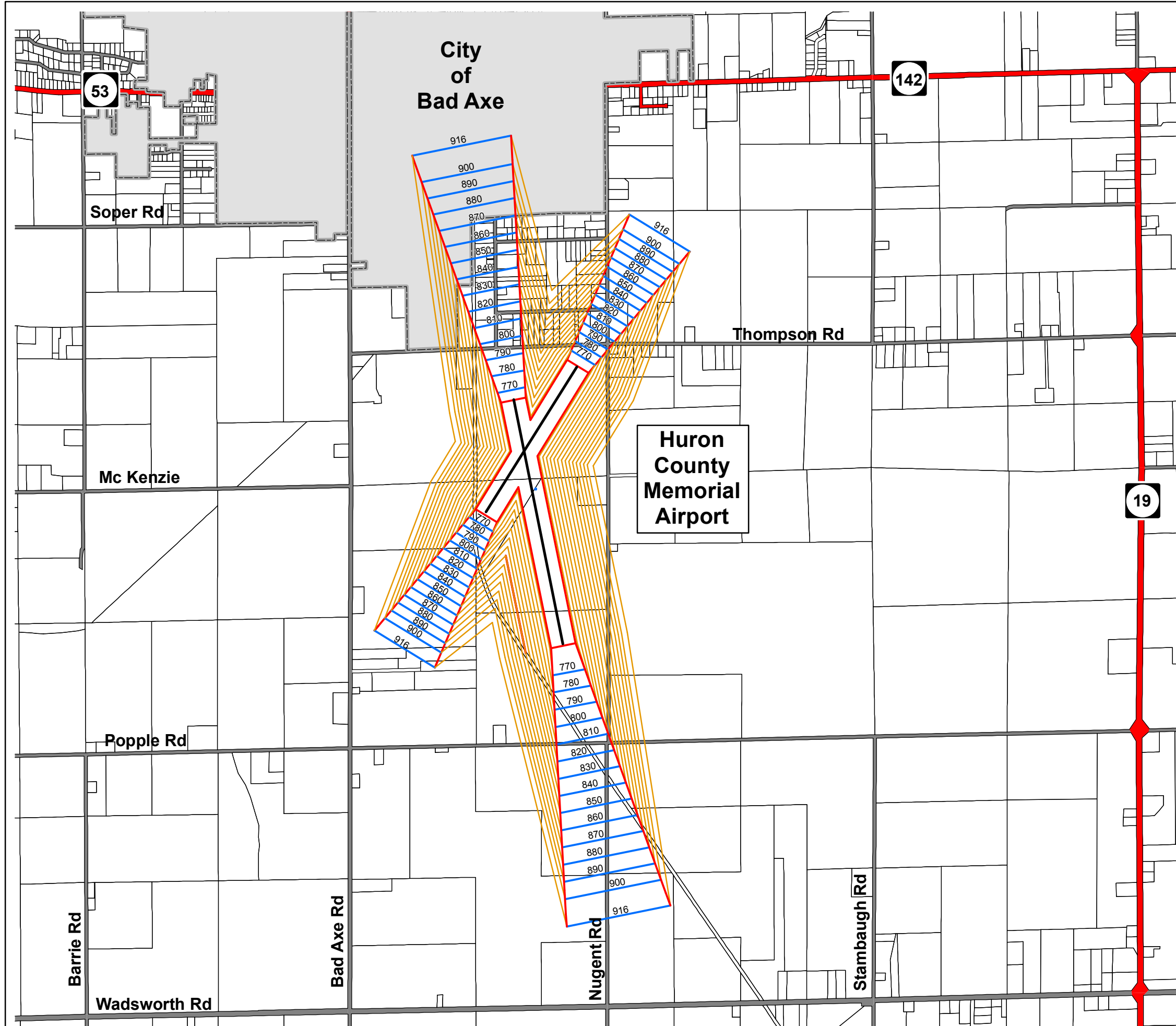
1403 S. Valley Center Dr., Bay City, MI 48706

Height Map Approaches For Huron County Memorial Airport

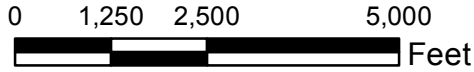
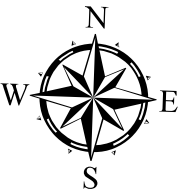
Established Airport Elevation 766'



Adopted: September 23, 2014
Effective: November 14, 2014

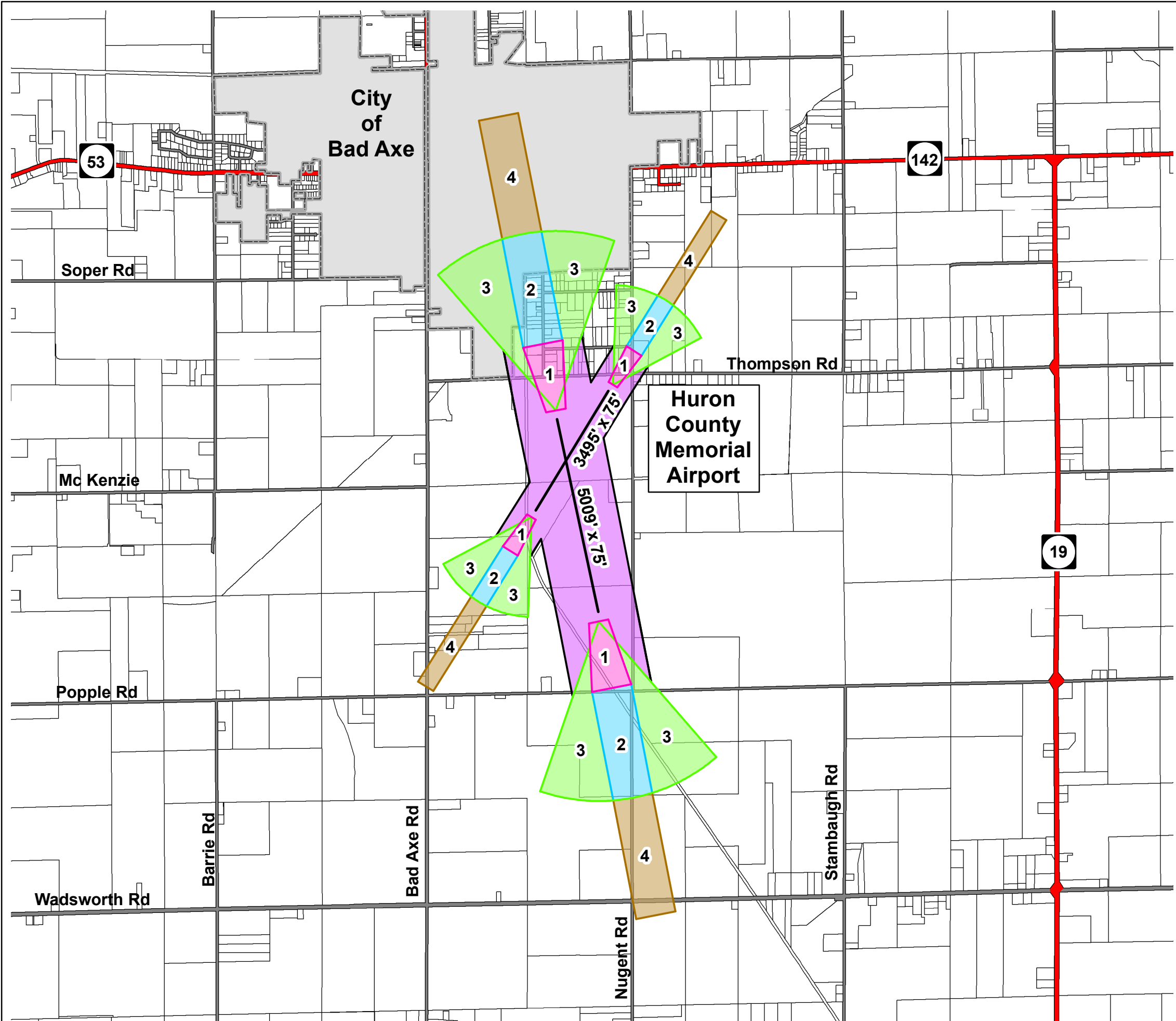


Land Use Zoning For Huron County Memorial Airport



1 inch = 2,500 feet

Adopted: September 23, 2014
Effective: November 14, 2014



APPENDIX B

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
<p>Zone 2</p>	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p>1. 0-5 people/acre.</p> <p>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain avigation and obstruction easements.</p> <p>3. During site development process, shift all structures away from the runway centerlines if possible.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Landscaping requirements shall establish only low growing vegetation.</p> <p>6. Prohibit high overhead outdoor lighting.</p> <p>7. Require downward shading of lighting to reduce glare.</p> <p>8. Evaluate all possible permitted conditional uses to assure compatible land use.</p> <p>1. Prohibit overhead utilities and all noise sensitive land uses.</p> <p>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>3. Limit storage of large quantities of hazardous or flammable material.</p> <p>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

APPENDIX B

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
<p>Zone 3</p>	<p>Population Density</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p>	<ol style="list-style-type: none"> 1. < 25 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	<p>Residential vs. Non-Residential Land Use</p>	<p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain avigation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

APPENDIX B

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
<p>Zone 4</p>	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p>	<p>Limit population concentrations.</p> <p>Limit residential development to Low Density housing standards. All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p>	<p>1. < 40 people/acre in buildings, < 75 persons/acre outside buildings.</p> <p>1. Create a height hazard overlay ordinance around the airport.</p> <p>2. Obtain aviation easements.</p> <p>3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline.</p> <p>4. Prohibit mobile home parks.</p> <p>5. Require downward shading of lighting to reduce glare.</p> <p>6. Evaluate all possible permitted conditional uses to assure compatible land use.</p>
	<p>Special Function Land Use</p>	<p>Prohibit all Special Function Land Uses.</p>	<p>1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning.</p> <p>2. Prohibit high overhead utilities and all noise sensitive land uses.</p> <p>3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>4. Limit storage of large quantities of hazardous or flammable material.</p> <p>5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

APPENDIX B

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 5	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Avoid land uses which concentrate people indoors or outdoors.</p> <p>Prohibit all residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.</p> <p>Prohibit all Special Function Land Uses.</p>	<p>1. 0-5 people/acre.</p> <p>2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).</p> <p>1. Airport sponsor should purchase property if possible.</p> <p>2. Create a height hazard overlay ordinance around the airport.</p> <p>3. Obtain aviation and obstruction easements.</p> <p>4. During site development process, shift all structures away from the runway centerlines if possible.</p> <p>5. Landscaping requirements shall establish only low growing vegetation.</p> <p>6. Prohibit high overhead outdoor lighting.</p> <p>7. Require downward shading of lighting to reduce glare.</p> <p>8. Evaluate all possible permitted conditional uses to assure compatible land use.</p> <p>1. Prohibit overhead utilities and all noise sensitive land uses.</p> <p>2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches.</p> <p>3. Limit storage of large quantities of hazardous or flammable material.</p> <p>4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.</p>

*Wind Energy Facility Overlay Zoning
Revised Ordinance V5_PH*

Adopted November 10, 2015; Eff. November 27, 2015

*ADOPTED BY HURON COUNTY BOARD OF COMMISSIONERS, TUESDAY, NOVEMBER 10, 2015
RESOLUTION IN ORDINANCE FORM NO. 15-154, ZA 2015 -04 WITH EFF. DATE NOVEMBER 27, 2015*

**ARTICLE X. HURON COUNTY WIND ENERGY CONVERSION FACILITY OVERLAY ZONING
ORDINANCE**

SECTION 1. PURPOSE AND INTENT

The purpose of this Article is to provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Huron County, to meet the needs of the County's citizens for energy and other natural resources, places of safe residence, recreation, industry, trade, service, tourism, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to facilitate adequate and efficient provision for water, energy, recreation, including habitat for wildlife, and other public service and facility requirements; and to promote and protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy Facility Overlay District shall be considered a map amendment, wherein lands so classified shall become pre-qualified for a Wind Energy Facility with construction of such facility approved pursuant to Section 5 Wind Energy Facility Site Plan Review, of this Article. It is further recognized that a Wind Energy Facility Overlay District is intended as an agricultural preservation measure.

SECTION 2. DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

Airport Zoning Ordinance shall mean the Huron County Memorial Airport Zoning Ordinance.

Ambient Sound shall mean the all-encompassing sound associated with a given environment, being usually a composite of sound from many sources near and far, as defined by ANSI S12.9 Part 3.

A-weighted sound level shall mean the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, a method for weighting the frequency spectrum to mimic the human ear. Expressed as dB(A) or dBA.

ANSI shall mean the American National Standards Institute. The current revision of each referenced standard shall be used.

ASTM shall mean the American Society for Testing and Materials.

Background Sound shall mean the all-encompassing sound associated with a given environment without contribution from the source or sources of interest, as defined by ANSI S12.9 Part 3.

Board of Commissioners shall mean the Huron County Board of Commissioners.

Commission shall mean the Huron County Planning Commission.

County (County Zoned Township) shall mean the County of Huron.

*Wind Energy Facility Overlay Zoning
Revised Ordinance V5_PH*

Adopted November 10, 2015; Eff. November 27, 2015

Continuous Background Sound shall mean background sound measured during a measurement period, after excluding the contribution of transient background sounds, as defined by ANSI S12.9 Part 3.

Decibel: see **Sound Pressure Level and Sound Power Level**

Downwind shall mean a position where the direction of the wind vector is within an angle of $\pm 45^\circ$ of the direction connecting the center of the sound source and the center of the specified receiver area, as defined by ANSI S12.18.

End of Useful Life shall mean the Wind Energy Conversion Facility, or a portion thereof, such as one or more individual wind turbines, that have not produced electrical energy for twelve (12) consecutive months.

Equivalent A-weighted Continuous Sound Level shall mean the level of a steady sound which, in a stated time period and at a stated location, has the same A-weighted sound energy as the time varying sound, denoted as $L_{eq} A$, and expressed as dBA.

FAA shall mean the Federal Aviation Administration.

FERC means the Federal Energy Regulatory Commission.

Frequency shall mean the number of oscillations or cycles per unit of time, expressed as Hertz (Hz).

Hertz means the frequency of sound expressed by cycles per second.

Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

IEC means the International Electrotechnical Commission. The current revision of each referenced standard shall be used.

ISO means the International Organization for Standardization. The current revision of each referenced standard shall be used.

INCE means the Institute of Noise Control Engineering.

Inhabited means to live or reside in.

Inhabited Structure means a structure designed for human occupancy and provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

MET Tower shall mean a meteorological tower used for the measurement of wind speed.

Michigan Tall Structure Act (Act 259 of 1959) shall govern the height of structures in proximity to airport related uses and is included as a standard in this Article by reference.

NERC means the North American Electric Reliability Corporation.

*Wind Energy Facility Overlay Zoning
Revised Ordinance V5_PH*

Adopted November 10, 2015; Eff. November 27, 2015

Noise Sensitive Facility means an inhabited structure, school, hospital, church, public library, or other area designated by the Planning Commission.

Non-participating parcel means a parcel of real property which is not under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

Octave Band shall mean the frequency interval where the upper frequency is twice the lower frequency.

One-Third Octave Band shall mean the frequency interval where the upper frequency is the lower frequency times the cube root of two.

Participating parcel means a parcel of real property which is under lease or other property agreement with a Wind Energy Conversion Facility (WECF) owner/operator.

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

SCADA shall mean supervisory control and data acquisition, a computer system for gathering and analyzing real time data.

Shadow Flicker shall mean alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Power shall mean the rate per unit time at which sound energy is radiated, expressed as watts (W).

Sound Power Level shall mean ten times the logarithm to the base 10, of the ratio of a given sound power to the reference sound power of 1 picowatt, expressed as decibels (dB).

Sound Pressure shall mean the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

Sound Pressure Level shall mean twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of twenty micropascals, expressed as decibels (dB). Note that, unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an un-weighted measurement.

Tip Height means the distance measured from ground level to the furthest vertical extension of the rotor and blade.

Transient Background Sound shall mean background sound associated with one or more sound events which occur infrequently during the basic measurement period, a measurement interval with or without the source operating, as defined by ANSI S12.9 Part 3.

Wind Energy Conversion Facility (WECF) or Wind Energy Facility shall mean an electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory

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to such facility, located on private land which is under lease or other property agreement with a WECF owner/operator, whose main purpose is to supply electricity to off-site customers(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility. Wind Energy Conversion Facility accessory structures shall comply with the requirements of the Agricultural (AGR) zoning district in addition to the area, height, bulk and placement provisions as required by Article IX, Schedule of Regulations, of this Ordinance.

Wind Energy Facility Site Permit is a zoning permit issued upon compliance with standards of this Article.

Wind Energy Facility Site Plan Review is the process used to review a proposed Wind Energy Facility.

Wind Energy Overlay Districts are districts created by the Huron County Board of Commissioners, upon receiving a recommendation of the Planning Commission, by identifying specific areas within the Agricultural District best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a wind turbine for purposes of this Article if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

SECTION 3. REGULATORY FRAMEWORK

3.1 Zoning

A Wind Energy Facility may be constructed on land that is zoned Agricultural and within an area designated as a Wind Energy Facility Overlay District on the official zoning map for the County, subject to provisions and standards of Section 5 Wind Energy Facility Site Plan Review of this Article.

3.2 Principal or Accessory Use

Wind Energy Facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure. Wind Energy Facilities shall be reviewed and approved pursuant to Section 5 of this Article.

After designation as a Wind Energy Overlay District, new structures and uses within the “overlay” area shall be limited to those uses identified within Article IV. Agricultural District and wind energy facilities, subject to any additional standards of this Article.

SECTION 4.0 APPLICABILITY

A Wind Energy Conversion Facility (WECF) or Wind Energy Facility (WEF) shall be permitted in Agricultural Districts with a Wind Energy Facility Overlay District Classification. Wind Energy Facility Site Plan Review standards shall be used when reviewing an application for wind energy facility permit.

SECTION 4.1 PRIOR APPROVALS

Wind Energy Conversion Facilities which had site plan review applications pending before the Planning Commission on or before February 10, 2015, and which subsequently received site plan approval are exempt from the provisions of this Article X and such facilities shall be constructed and operated in accordance with the provisions of Article X: Huron County Wind Energy Conversion Facility Overlay Zoning Ordinance dated June 1, 2010.

SECTION 5.0 WIND ENERGY FACILITIES SITE PLAN REVIEW PROCEDURE (Adopted as of November 10, 2015)

The following process shall be utilized when reviewing an application for a Wind Energy Facility Permit: Within an Agricultural District, a Wind Energy Facility Overlay District shall be created based on “attributes” and “limitations” identified in the Huron County Master Plan. A “Wind Energy Overlay District” classification is a prerequisite to developing a Wind Energy Facility. It is the intent of this “overlay district” to identify agricultural land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

5.1 Site Plan Review Required.

Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Permit pursuant to this Article. The Wind Energy Facilities Site Plan must be reviewed and approved by the Huron County Planning Commission pursuant to standards contained herein, and in conjunction with Article XIV Section 14.28. An applicant proposing a Wind Energy Facility must submit the following site plan materials:

1. Survey of the property showing existing features such as contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
2. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures;
3. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility;
4. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of (4) feet from established ground level;
5. Anticipated construction schedule;
6. Description of operations, including anticipated regular and unscheduled maintenance;
7. Digital versions of all planning and construction documents required pursuant to Section 5.1 Site Plan Review. Digital submittals are in addition to paper plans and do not replace any current submission requirements. Digital versions shall be submitted in PDF (Adobe Acrobat/Portable Document File) format.

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8. Plan(s), permits, and/or data showing compliance with the Huron County Memorial Airport Zoning Ordinance.

5.2 Application Fee: An applicant for a Wind Energy Facility shall remit an application fee to the County in the amount specified in the fee schedule adopted by resolution of the Huron County Board of Commissioners. Payment shall be made at time of application submission.

5.3-Application Material. The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility.

A. Avian Analysis. The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary. The applicant shall include documentation pertaining to compliance with the U.S. Fish and Wildlife Service voluntary Land-Based Wind Energy Guidelines, as amended. Developer shall provide affidavit of delivery (i.e. USPS Return Receipt) of any documentation requested by the U.S. Fish and Wildlife Service and the applicant's response.

B. Visual Appearance; Lighting; Powerlines. The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

1) Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.

2) The design of the Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.

3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.

4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.

5) The electrical collection system shall be placed underground within the interior of each parcel at a minimum burial depth of five (5) feet. The communication system shall be placed underground within the interior of each parcel at a minimum burial depth of four (4) feet. The final location of the electrical collection system installation shall be identified by GPS location. The actual installed burial depth of underground wiring shall be verified by the developer of the wind energy facility. The developer shall provide certification from the installing contractor of the actual installed burial depth of all underground wiring. Such certification shall be under the penalty of perjury. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

6) **Shadow Flicker:** The allowable shadow flicker measured at the nearest external wall or walls of participating inhabited structures shall be limited to a maximum of **30** hours per year. Shadow flicker measured at the nearest external wall or walls of non-participating inhabited structures shall be limited to **30** hours per year. In the event shadow flicker from the Wind Energy Facility exceeds the limits stated above, a waiver to said limits may be approved provided that the following has been accomplished:

- (a) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the shadow flicker limitations imposed by this Article, and that consent is granted to allow shadow flicker limits to exceed the maximum limits otherwise allowed; and
- (b) A shadow flicker impact easement shall be recorded with the Huron County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that shadow flicker limits in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

C. Setbacks, Separation and Security. The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility;

1) **Inhabited structures:** On a participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than 1320 feet. Regarding a non-participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than 1640 feet. A lesser setback may be approved pursuant to Section 5.1 of this Article if the intent of this Article would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure. Where a turbine within a Wind Energy Facility is located in the vicinity of a school, hospital, church, public library, city, village, or self-zoned township, a setback of 1320 feet from the structure and/or boundary shall be required. Where a turbine location is proposed nearer to an inhabited structure than allowed by this section, an easement shall be established on the affected parcel(s), recorded with the Huron County Register of Deeds.

2) **Property line setbacks:** Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall not be subject to property line setbacks on participating parcels within the Wind Energy Facility Overlay District. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance equal to 1320 feet measured from the nearest wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal participating property lines. Where a turbine location is proposed nearer to a non-participating internal property line than one and one-half (1.5) times the tip of the blade at its highest position [max height 499'], an easement shall be established on the abutting parcel(s).

3) **Public Roads:** Each wind turbine shall be set back from the nearest public road a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

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4) Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 500 feet or 1.5 times its Hub Height, whichever is greater, determined from the existing power line or telephone line.

5) Tower separation: Turbine/tower separation shall be based on 1) industry standards, and 2) manufacturer certification. At a minimum, there shall be a separation between towers of not less than 3 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

6) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

7) Shoreline Protection: A Wind Energy Turbine/Tower shall be located at least three (3) miles from the ordinary high water mark of the Lake Huron/Saginaw Bay shoreline, as established by the Michigan Department of Environmental Quality MCL 324.32502.

D. Wind Turbine/Tower Height (Total Height): The total height of a wind turbine shall be a maximum of 499 feet. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.

E. Sound (developed by Acoustics by Design)

1) The audible sound from a Wind Energy Facility at a Noise Sensitive Facility may not exceed the Equivalent A-weighted Continuous Sound Level (L_{eq}) limits set forth in Table 1, measured in accordance with the methodology described in Sections (6) and (7).

Table 1 –Equivalent A-weighted Continuous Sound Level (L_{eq}) Limits

Zone	Time	Equivalent A-weighted Continuous Sound Level (dBA)
Participating parcel	7 a.m. to 10 p.m.	50
	10 p.m. to 7 a.m.	45
Non-participating parcel	7 a.m. to 10 p.m.	45
	10 p.m. to 7 a.m.	45

2) In the event audible noise from the operation of the Wind Energy Facility contains a prominent discrete tone, the limits set forth in Table 1 shall be reduced by five (5) dBA. For a prominent discrete tone to be identified as present, the equivalent-continuous sound pressure level in the one-third octave band of interest is required to exceed the arithmetic average of the equivalent-continuous sound pressure level for the two adjacent one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above, by eight (8) dB for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dB for center frequencies between twenty five (25) and one hundred and twenty-five (125) Hz as specified by ANSI S12.9 Part 3, Annex B.

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- 3) Any noise level falling between two whole decibels shall be rounded to the nearest whole number.
- 4) In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following has been accomplished:
 - (a) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - (b) A noise impact easement shall be recorded in the Huron County Register of Deeds office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.

5) **Sound Modeling Study** – The applicant shall provide a predictive sound modeling study of all turbine noise for a Wind Energy Facility to verify that ordinance requirements can be met for the Equivalent A-weighted Continuous Sound Level limits in Table 1. The sound modeling must follow International Standard, ISO 9613-2 “Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.” The sound modeling study shall use the maximum apparent wind turbine sound power levels as determined by measurement according to IEC 61400 – Part 11, or as determined by analytical calculations according to the manufacturer, plus 2 dB to each frequency band. The sound power source shall be modeled at hub height. Modeling shall include topographical information and assume hard ground (G=0) for all large areas of pavement and water, and mixed ground (G=0.5) for all other land. The sound modeling study shall include a map with all proposed wind turbine locations, all Noise Sensitive Facilities, and all participating and non-participating parcels. The sound study map shall be overlaid with sound contour lines extending out to the 30 dBA sound contour line, at 5 dBA intervals from the center of the proposed Wind Energy Facility.

6) **Post Construction Sound Survey** – The applicant shall complete a post construction sound survey within 12 months of the commencement of the operation of the project. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sections (1) and (2). The measurements and the reporting of the data shall be conducted in accordance with Section (6)(a) through Section (6)(c). The survey shall address noise complaints on file with the County and may require additional measurement locations as deemed necessary by the Planning Commission. Should the sound survey indicate a non-compliant measurement, the owner of the Wind Energy Facility will be required to obtain compliance through mitigation or other measures.

(a) **Methodology**

- i) Refer to Section (8) for measurement personnel and instrumentation requirements.
- ii) A calibration check shall be performed and recorded before and after each measurement period.
- iii) The nighttime measurement period shall be 2 hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the nighttime compliance measurement period (nighttime: 10:00 pm to 7:00 am).

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- iv) The daytime measurement period shall be 2 hours minimum and shall be continuously observed by a trained attendant. Sound level data shall be aggregated in 10-minute measurement intervals within the daytime compliance measurement period (daytime: 7:00 am to 10:00 pm). Because compliance with nighttime noise limits presumes compliance with the less stringent daytime noise limits, this requirement may be waived by the Planning Commission.
- v) Compliance will be demonstrated when the Equivalent A-weighted Continuous Sound Level of every twelve representative 10-minute measurement interval is less than or equal to the Equivalent A-weighted Continuous sound level limits as set forth in Sections (1) and (2) of this rule. Representative intervals are defined as:
 - a. Periods complying with the general method for routine measurements of ANSI S12.18. Measurements shall be made either downwind as defined in ANSI S12.18, or if the atmospheric conditions are such that the direction of the wind vector is within an angle of ± 45 degrees of the annual prevailing wind direction.
 - b. Periods where the concurrent turbine hub-elevation wind speeds are sufficient to generate within 1 dB of the maximum continuous rated sound power from the nearest wind turbine to the measurement location.
 - c. Periods where ground level gusts are equal to or less than 7 m/s (15.66 mph).
- vi) The sound level measured in each 10-minute measurement interval above may be corrected for transient background sound and continuous background sound, according to ANSI S12.9 Part 3.

(b) Measurement Locations

- i) The measurement locations shall be chosen by the developers' Measurement Personnel and by the Planning Commission prior to the Post Construction Sound Survey.
- ii) The measurement locations shall be performed at Noise Sensitive Facilities in close proximity to one or multiple wind turbines and/or locations which have modeled sound levels closest to limits identified in Table 1. A 3:1 ratio (wind turbines to measurement locations) will be used to determine the number of measurement locations, with a minimum of 8 measurement locations. The measurement locations shall include, but are not limited to, the following:
 - a. A minimum of four measurements of different non-participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - b. A minimum of two measurements of different participating parcels. The measurement location shall be at the Noise Sensitive Facility, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - c. Any measurement location determined necessary by the Measurement Personnel and Planning Commission. If both parties agree, a measurement location deemed unnecessary may be omitted from the required locations.

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- iii) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
 - iv) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.
 - v) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - vi) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - vii) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (c) **Reporting of Measurement Data** Measurement Reports shall be submitted to the Planning Commission within 45 days of completion of the post-construction survey and shall include, at a minimum, the following:
- i) A narrative description of the sound from the Wind Energy Facility for the compliance measurement period result.
 - ii) A narrative description of the sound measurements collected.
 - iii) A map showing the wind turbine locations, noise measurement locations, and all Noise Sensitive Facilities.
 - iv) The dates, days of the week and hours of the day when measurements were made.
 - v) The wind direction and speed, temperature, precipitation, and sky condition for each 10-minute measurement interval. Meteorological measurements of the wind speed and direction will be reported at both the surface height, and at hub level (to be provided by the Wind Energy Facility from the closest wind turbine), based on five second integration intervals. Both the average and maximum wind speeds for each 10- minute measurement interval shall be reported.
 - vi) The wind energy output for each 10- minute measurement interval for the closest wind turbine.
 - vii) Identification of all measurement equipment by make, model and serial number.
 - viii) All meteorological, sound, windscreen and audio instrumentation specifications and calibrations.
 - ix) All A-weighted equivalent sound levels for each 10-minute measurement interval.
 - x) All 1/3 octave band linear equivalent sound levels for each 10-minute measurement interval and identification of tonal periods.

- xi) All attendant's notes and observations.
- xii) All concurrent time stamped turbine operational data including the date, time and duration of any noise reduction operation or other interruptions in operations if present.
- xiii) All periods removed from the data due to temperatures above or below manufacturer specifications, wind speeds above ANSI S12.18 limits.
- xiv) All corrections for transient background and continuous background sound according to ANSI S12.9 Part 3. All methodology, data, field notes, and calculations shall be included. Audio recordings may be submitted for identification of intrusive noise events. Audio collection shall occur through the same microphone/sound meter as the measurement data. Audio recordings shall be time stamped (hh:mm:ss), at an adequate quality for identifying events, and in mp3 format.
- xv) All other information determined necessary by the Planning Commission.

7) Measurement of the Sound from Routine Operation of the Developments – Measurements of the sound from routine operation of completed Wind Energy Facilities are generally necessary only for specific compliance testing purposes in the event that community complaints result from operation of the development, for validation of an applicant's calculated sound levels when requested by the Planning Commission, or for enforcement by the Department. The applicant shall be able to determine compliance with the Equivalent A-weighted Continuous sound level limits set forth in Sections (1) and (2). The measurements and the reporting of the data shall be conducted in accordance with Section (7)(a) through Section (7)(c). Should the measurements indicate a non-compliant measurement, the owner of the Wind Energy Facility will be required to obtain compliance through mitigation or other measures.

(a) **Methodology** - Refer to Section (6)(a).

(b) **Measurement Locations**

- i) Measurement locations shall be conducted at the property of the complainant and chosen by the Measurement Personnel and by the Planning Commission beforehand. The measurement locations shall include, but are not limited to, the following representative locations:
 - a. A minimum of one measurement location at the Noise Sensitive Facility of the complainant, measured 50 feet from the façade nearest the closest wind turbine of the Wind Energy Facility.
 - b. Any measurement location determined necessary by the Measurement Personnel and Planning Commission.
- ii) The microphone shall be positioned at a height of 5 feet \pm 1 foot above the ground, and oriented in accordance with the characteristics of the microphone so that the frequency response is as flat as possible.
- iii) To the greatest extent possible, measurement locations should be located away from potential contaminating sources of noise such as major highways, industrial facilities and urban areas.

- iv) To the greatest extent possible, measurement locations shall be at the center of unobstructed areas that are maintained free of vegetation and other structures or material that is greater than 2 feet in height for a 50-foot radius around the sound monitoring equipment.
 - v) To the greatest extent possible, measurement locations should be at least 50 feet from any known sound source.
 - vi) Meteorological measurements of the surface wind speed and direction shall be collected using anemometers at a height of 6.6 foot \pm 0.7 foot above the ground, near each noise measurement location. Care should be taken to avoid noise measurement contamination from the anemometer operation.
- (c) **Reporting of Measurement Data** Measurement Reports shall be submitted to the Planning Commission within 45 days of completion and shall include, at a minimum, the following:
- i) Refer to Section (6)(c)(i) through Section (6)(c)(xv)

8) **General Sound Survey Methodology**

- (a) **Measurement Personnel.** Measurements shall be supervised by personnel who are independent of the Wind Energy Facility, well qualified by training and experience in measurement and evaluation of environmental sound, and are Board Certified members of the Institute of Noise Control Engineering (INCE).
- (b) **Measurement Instrumentation.** Measurement devices shall comply with the following requirements:
 - i) A sound level meter or alternative sound level measurement system used shall meet all of the Type 1 performance requirements of American National Standard Specifications for Sound Level Meters, ANSI S1.4.
 - ii) An integrating sound level meter (or measurement system) shall also meet the Class 1 performance requirements for integrating/averaging in the International Electrotechnical Commission Sound Level Meters, IEC Publication 61672-1.
 - iii) A filter for determining the existence of tonal sounds shall meet all of the Class 1 performance requirements of American National Standard Specification for Octave- Band and Fractional Octave-Band Analog and Digital Filters, ANSI S1.11.
 - iv) An acoustical calibrator shall be used of a type recommended by the manufacturer of the sound level meter and that meets the Type 1 performance requirements of American National Standard Specification for Acoustical Calibrators, ANSI S1.40.
 - v) A microphone windscreen shall be used of a type that meets or exceeds the recommendations of manufacturer of the sound level meter.
 - vi) The sound level meter shall have been calibrated by a laboratory within 24 months of the measurement, and the microphone's response shall be traceable to the National Bureau of Standards.

- vii) The sound level meter shall be used with the fast meter response and sampling frequency of one sample per second.
- viii) Anemometer(s) used for surface wind speeds shall have a minimum manufacturer specified accuracy of ± 1 mph providing data in five second integrations.
- ix) Compass used for surface wind direction shall have a minimum manufacturer specified accuracy of $\pm 3^\circ$ providing data in five second integrations.
- x) Thermometer used for surface temperature shall have a minimum manufacturer specified accuracy of $\pm 2^\circ\text{C}$ providing data in five second integrations.
- xi) A digital recording device used to store the time waveform of the sound pressure levels shall comply with the requirements of ANSI/ASA S1.13.

G. Minimum Ground Clearance

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

H. Signal Interference

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

I. Safety

- 1) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 2) Wind Turbine towers shall not be climbable on the exterior.
- 3) All access doors to wind turbine towers and electrical equipment shall be lockable.
- 4) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

5.4–Site Plan Approval, Amendments, Expiration and Revocation.

A Wind Energy Conversion Facility Site Plan shall be permitted to be approved, approved with conditions, or denied. Site plans must also comply with Article XIV, Section 14.28 Site Plan Review (All Districts). An approved site plan and/or “conditionally approved” site plans are valid for 12 months from date of approval by the planning commission. The approved site plan shall be considered exercised once a building permit has been issued and substantial construction commenced. Any amendments to an approved site plan, accompanied by supporting documentation, shall be submitted to the planning commission prior to permit issuance. The planning commission shall review the amendment and may grant, deny or amend such amendment as deemed necessary. An approved site plan shall be revoked if the applicant fails to comply with conditions imposed by the planning commission, Article X provisions, and Section 14.28 of this Ordinance.

SECTION 6.0 CERTIFICATION. Operation of a wind energy facility shall require certification of compliance; a certification report from the wind facility's owner/operator is required within twelve (12) months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm the project's compliance with provisions of this code as well as all other all applicable laws and conformity with wind industry practices.

"As Built List"

1. "As-built" construction plans
2. Digital version
3. Paper Copy

SECTION 7.0 INSPECTIONS. The applicant (owner/operator) shall submit annual reports to the Planning Commission or its designated officer confirming continued compliance with applicable county codes or ordinances. This requirement shall not preclude the county from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired. The cost of a county-sponsored report shall be reimbursed to the county by the facility's owner/operator through an escrow fund established pursuant to the 'schedule of fees for wind energy facilities', adopted from time-to-time by the Board of Commissioners.

SECTION 7.01 COMPLAINT RESOLUTION. The Michigan Zoning Enabling Act allows a local unit of government to enact through ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). The Thumb area has been designated as a primary wind zone area and as a result it is anticipated that Huron County will experience substantial growth in wind energy facilities. In light of the foregoing, the County has developed a process for the resolution of complaints unique to wind energy systems. A description of a complaint resolution process shall be established by an applicant of a wind energy facility permit as part of its initial application for zoning approval. The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall be prepared utilizing, at a minimum, guidelines which are established by resolution of the Board of Commissioners after recommendation by the Planning Commission; and, said process shall not preclude the county from pursuing any and all appropriate legal action on a complaint.

SECTION 7.02 FALSE REPORT OF OFFICIAL COMPLAINT. Any person who intentionally makes a false complaint or intentionally causes a false report of a complaint or violation of Article X to the official in charge of enforcing the Wind Energy Facility Overlay Zoning Ordinance, knowing the report is false, is guilty of a civil infraction, and upon a finding of responsibility is subject to a fine of up to \$500.00 for each violation and all costs associated with the investigation and prosecution thereof.

*Wind Energy Facility Overlay Zoning
Revised Ordinance V5_PH*

Adopted November 10, 2015; Eff. November 27, 2015

SECTION 8.0 DECOMMISSIONING.

The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities and/or individual wind turbines at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument shall be posted in an amount determined by the County (to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal, site restoration, etc.). The bond shall be in favor of Huron County, and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation. The replenishment obligation shall be satisfied with other additional documentation determined by the County, if the bond is not replenishable. The County reserves the right to review the decommissioning plan every 5 years, and revise requirements as necessary.

SECTION 9.0.

A moratorium adopted by the Huron County Board of Commissioners, adopted April 14, 2015, effective May 1, 2015, for a 90 day period, with a provision for a one-time 90 day extension, which became effective on July 30, 2015, which expired on October 27, 2015, and is no longer in effect due to the sunset provision.

Text Amendment adopted by Huron County Board of Commission on Tuesday, May 11, 2010 as Resolution No. 10 - 97C, ZA 2010 - 02, with an effective date of June 1, 2010.

Article XIV General Provisions:

Add New Section 14.29 Wind Energy Conversion Systems [WECSs in all districts]

Section. 14.29. On-Site Wind Energy Conversion Systems. [all districts]

Sec. 14.29.01. Purpose.

The regulation of on-site wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation, while protecting the health, safety, or welfare of residents.

Sec. 14.29.02 Scope of Regulations.

On-site wind energy conversion systems (WECSs) may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this article.

Sec. 14.29.03. Definitions.

Certain words and phrases used in this article shall have the meaning set forth in this section. Words and phrases not defined in this section but defined in article II shall be given the meanings set forth in article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Adjacent occupied structure means a residence, school, hospital, church, public library, business or other buildings used for public gathering, excluding accessory structures, that is located on an adjoining property when the permit application is submitted.

Applicant means the person, whether natural or legal entity, filing an application under this article.

Decibel means a unit expressing relative difference in power, usually between acoustic or electric signals, equal to ten times the common logarithm of the ratio of the two levels. A decibel (dB) is a unit that expresses the magnitude of sound pressure and sound intensity.

Height means the height of a wind energy conversion system measured from natural grade at the point of installation to the tip of the rotor blade or assembly at its highest point or blade-tip height.

Mechanical shadow means the entire envelope that is occupied by the circle swept by the furthest extension of any blade or other exposed moving component of a wind energy conversion system.

On-Site Wind Energy Conversion System means a device or system designed to supplement other electricity sources as an accessory use for agricultural, residential, commercial, waterfront, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption. A WECSs converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, foundation, blades, guy wires and pad transformer.

Roof-mounted means any part of a wind energy conversion system that is located on the roof of a building, fire or parapet walls; stage lofts, chimneys, smokestacks, water tower, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

Shadow flicker means the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

System operator means the persons who has any responsibility for the day-to-day operation and maintenance of the wind energy conversion system.

System owner means the person having controlling or majority equity interest in the wind energy conversion system, including their respective successors and assigns.

Tower means any structure, including its supports, that are ground-mounted, designed and constructed primarily for the purpose of supporting one or more wind turbines. This includes self-supporting lattice towers, guyed lattice towers, or monopole towers.

Sec. 14.29.04. Development Standards.

All On-Site Wind Energy Conversion Systems - **On-Site WECSS** - shall conform to the following standards:

A. General Regulations.

Prior to installation of an On-Site WECSS, an application for a site permit must be filed and subsequently approved by the Zoning Administrator or Planning Commission, as applicable. The following information shall be provided:

1. Application. Name, address and contact information, including a legal description (property identification number) of the property on which the project would be located.
2. Project description. Provide the WECSS's specifications, including manufacturer and model, rotor diameter, tower height where applicable, tower type (freestanding, guyed, building or roof mounted), total system height (i.e., tower height plus $\frac{1}{2}$ rotor diameter).
3. Site plan. The site plan shall include maps/drawings showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:
 - a. The property boundaries and dimensions of the property.
 - b. The location, height and dimensions of all existing and proposed structures and fencing on the site as well as on adjacent parcels. Indicate location of proposed WECSS
 - c. If the parcel has a waterfront setting, identify location of watercourse or waterbed, including location & elevation of the Ordinary High Water Mark (OHM).
 - d. Identify any known wetland or county drains (or drain easements) located on the property.
 - e. Insurance. Proof of applicant's liability insurance which includes coverage for off-site damage or loss to persons or property.
 - f. Consent documents. Copies of any written waivers from neighboring property owners, as applicable.
 - g. Sound pressure level. A copy of the modeling and analysis report from the manufacturer of the

WECSS.

h. Certification. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations, including all local building & electrical codes. Manufacturers plans and specifications for foundations, tower design, roof mounting devices, etc. shall be provided or in the alternative, certification information as required herein shall be provided by a professional engineer licensed in the State of Michigan.

I. Utility notification. No onsite WECSS shall be installed until evidence is provided that the area's electrical utility company has been informed of the customer's intent to install an interconnected customer-owned generator (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

B. Construction and Design. All reference to WECSSs shall assume On-Site accessory use.

1. Exterior Finish. *Tower-mounted WECSSs* : shall typically maintain a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. In addition, the Planning Commission may require that such WECSSs be painted in such a way as to reduce visual obtrusiveness, in order to conform to the surrounding environment and/or architecture.

Roof-mounted WECSSs: WECSSs and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.

2. WECSSs may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.

3. WECSSs may include one or more small signs, emblems, or decals to identify the following:

The name or logo of the manufacturer and/or installer. The make, serial number, and other pertinent information about the wind energy conversion system. Such signs shall not contain advertising copy.

4. Minimum clearances.

The minimum clearance between the mechanical shadow (lowest projection of blade/rotor or moving part) and ground at the base shall be 15 feet. The minimum clearance between the mechanical shadow and any nearby structure shall be 10 feet, excluding roof-mounted wind energy conversion systems.

5. Provisions for safety.

a. Towers that are not roof-mounted shall be enclosed with a 6-foot tall fence *or* the base of the tower shall not be climbable for a distance of 12 feet.

b. When roof-mounted WECSSs can be accessed by the public, adequate guards, gates, locks and/or warning devices, as determined by the building official, shall be provided to ensure safety..

c. When towers are supported by guy wires (in approved areas) the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

d. WECSSs shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.

6. Noise. A WECSs shall not exceed 45 decibels (measured as dBA), as measured from the closest lot line. Product specifications & modeling shall be provided.

7. Unsafe or inoperative systems. Any WECSs found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.

a. If any WECSs is not used for a period of 12 months, the owner will be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the County, the landowner shall remove the WECSs within 60 days of receipt of the notice to remove.

8. Signal Interference. WECSs shall not materially interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication.

Sec. 14.29.05. Specific Standards for Wind Energy Conversion Systems.

A. R-1, R-2, RM-1 Districts. WECSs in the R-1 Single Family Residential, R-2 Single and Two-Family Residential, and RM-1 Multiple-Family Residential Districts are a permitted accessory use subject to the following standards:

1. Height. WECSs shall meet the following height standards:

a. Height of WECSs mounted on towers shall not exceed 60 feet.

b. Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

c. Applicants may request special use approval from the Planning Commission to waive height restrictions for towers located at institutional or governmental properties [where principal uses are allowed by right or special approval in R-1, R-2 or RM-1 Districts];

WECSS is accessory to a principal use or special approval use.

2. *Setback requirements.* WECSSs shall meet the following setback requirements:

a. *WECSSs General rules:* WECSSs, including mechanical shadow, may not encroach into setback requirements for uses for the zoning district in which they are to be located; nor shall a WECSS be located between the road/street side lot line and the front wall of principal buildings, unless specifically approved by the Planning Commission. On a waterfront lot, the 'shoreline setback' and/or waterfront setback provision(s) of this ordinance shall not prohibit the placement of a WECSS between the ordinary high-water mark (OHM) and the principal structure, subject to other provisions for WECSS (height, side yard setback, etc.) and this ordinance.

b. *WECSSs on towers:* WECSSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures.

c. *WECSS roof-mounted:* WECSSs shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

3. *Waiver of Setbacks* provisions for WECSS s if the following conditions are met:

When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements provided that the affected property owner(s) sign a waiver that sets forth the applicable setback provision(s) and the proposed changes. Said waiver(s) run with the land and shall not exceed the life of the WEST that is being installed at the time.

a. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system.

b. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Planning Department.

c. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or County property or public right-of-way provided that the participating landowner obtains an encroachment permit from the Huron County Road Commission or other appropriate agency.

4. *Number.* WECSSs may consist of one to five wind turbines, towers, or pedestals and associated control or conversion electronics

5. *Installation.* WECSSs may be mounted on towers, pedestals, or roof-mounted.

6. *Guy Wires.* Tower structures requiring guy wires are not permitted.

7. *Rotor Diameter.* Rotor diameter shall not exceed 24' (12' blades).

8. *Minimum lot size.* None.

B. AGE., BUS. & IN Districts., WECSs 80 feet or less in height, in all agricultural, general business and general industrial districts are a permitted accessory use subject to the following standards:

1. *Height.* WECSs shall meet the following height standards:

Tower installation: Height of WECSs mounted on towers shall not exceed 80 feet.

Roof-Mounted installation: Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

2. *Setback requirements.* WECSs shall meet the following setback requirements:

a. General rules for location on lot. WECSs, including mechanical shadow, may not encroach into setback requirements for principal uses for the zoning district in which they are to be located, nor shall they be located between the front lot line and the front wall of the principle buildings, unless specially specifically approved by the Planning Commission.

b. WECSs on towers. WECSs, including mechanical shadow, 60 feet or less in height may not encroach into setback areas for uses for the zoning district in which they are to be located; nor shall WECSs be located between the front lot line and the front wall of a principal building- WECSs, including mechanical shadow, exceeding a height of 60 feet shall be set back a distance equal to 110 percent of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

c. WECSs roof-mounted. Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

3. *Waiver of Setbacks provisions.* Setbacks may be waived if the following conditions are met: When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements on the participating landowner property and/or non-participating landowner property provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes:

a. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system.

b. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Huron County Register of Deeds with a copy of the recorded original returned to the Building & Zoning Department.

c. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner

property and/or County property or public right-of-way provided that the participating landowner receive an encroachment permit from the Huron County Road Commission.

4. *Number.* Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

5. *Installation.* Wind energy conversion systems may be mounted on towers, pedestals or roof-mounted.

6. *Rotor Diameter.* Rotor diameter is not limited.

7. *Minimum lot size.* None.

C. AGE., BUS., & IND. Districts with WECSs above 80 feet in height are a permitted use after special use approval in agricultural, general business & general industrial districts, subject to the following standards:

1. *Height.* Height of WECSs mounted on towers shall not exceed 150 feet.

2. *Setback requirements.* WECSs shall meet the following setback requirements:

a. WECSs may not encroach into setback requirements for principal uses for the zoning district in which they are to be located.

b. No part of WECS structures, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the site.

c. WECSs, including mechanical shadow, shall be set back a distance equal to 150 percent of the system height from all adjacent occupied structures and 110 percent of the system height from all property boundaries, public rights-of-way, utility lines or other wind energy conversion systems.

3. *Number.* Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

4. *Installation.* Wind energy conversion systems are mounted on towers.

5. *Rotor Diameter.* Rotor diameter is not limited.

6. *Minimum lot size.* 2.5 acres.

7. *Shadow Flicker.* The Planning Commission may require that the applicant conduct an analysis on potential shadow flicker at adjacent occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and describe measures that shall be taken to eliminate or mitigate the problems.

8. *Decommissioning.* The applicant shall submit a decommissioning plan. The plan shall include the anticipated life of the project, the estimated decommissioning costs, net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration

and the anticipated manner in which the project will be decommissioned and the site restored.

9. *Surety Agreement.* The Planning Commission may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the County must remove the wind energy conversion system, of an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned wind energy conversion systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

Article IV. AGE District:

Repeal current language in Section 4.02 (O)

Add new Sections 4.02 (O) [Principal Permitted Uses] & 4.03 (L) [Uses Approved After Special Approval]: WECSS subject to provisions of Section 14.29.

Article V. R-1 & R-2 Districts:

Add new Sections 5.02 (M) [Principal Permitted Uses] & 5.03 (K) [Uses After Special Approval]: WECSS subject to provisions of Section 14.29.

Article VI. RM-1 District:

Add new Sections 6.02 (G) [Principal Permitted Uses] & 6.03 (H) [Uses After Special Approval]: WECSS subject to provisions of Section 14.29.

Article VII. BUS Districts:

Add new Sections 7.02 (L) [Principal Permitted Uses] & 7.03 (T)[Uses After Special Approval]: WECSS subject to provisions of Section 14.29.

Article VII. IN Districts:

Add new Sections 8.02 (L) [Principal Permitted Uses] & 8.03 (G) [Uses After Special Approval]: WECSS subject to provisions of Section 14.29.