

OGEMAW COUNTY ZONING ORDINANCE

JULY, 1997

REVISED APRIL, 1999

REVISED FEBRUARY, 2001

REVISED MARCH, 2002

REVISED JANUARY, 2003

UPDATED AUGUST, 2007

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CHAPTER 1 DEFINITIONS

(CHAPTER 1 REVISED 9/24/08)

RULES APPLYING TO TEXT

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

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

DEFINITIONS

ACCESSORY BUILDING, OR STRUCTURE

A subordinate building or structure devoted to an accessory use; for example, a private free standing (unattached) garage, shed, pole barn or a mechanical equipment building for a swimming pool. (8/2007)

ACCESSORY USE, OR ACCESSORY

A use of a zoned lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use. (8/2007)

ADULT FOSTER CARE HOME

A building and land used to house patients who need some supervision and/or living assistance on a long term basis. (01/2009)

AGRICULTURE

Land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is also an agricultural activity.

ALTERATIONS

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

ANIMAL, DOMESTICATED

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

ANIMAL, EXOTIC

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

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.

BED AND BREAKFAST ESTABLISHMENT

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

BERM

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or sound screening purposes.

BREAK IN THE BANK

The point at which there is a sudden interruption in the topography of land in the proximity of a lake, river, or tributary thereof whereat the land commences to fall vertically toward the water at a rate of one (1) foot for every three (3) horizontal feet or greater.

BUFFER STRIP

A strip of land required between certain Districts and uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier. All plantings, fences, berms etc. for each required buffer strip shall be determined by the Planning Commission.

BUILDING

A combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. The term does not include a building incidental to the use for agricultural purposes of the land on which the building is located if it is not used in the business of retail trade. The term shall be construed as though followed by the words "or part or parts of the building and all equipment in the building" unless that context clearly requires a different meaning.

BUILDING CODE

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

BUILDING FOOTPRINT

The area of a building or structure measured to the outside of all foundation walls or supports, including attached decks or porches, etc. which are partially supported by the main structure and any habitable space that is supported by the foundation. Exterior stairs, mechanical units etc. and eaves less than thirty (30) inches are considered appurtenances and are not part of the building footprint.

BUILDING INSPECTOR

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

BUILDING LINE

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

BULK OIL, GASOLINE AND PROPANE STORAGE AND DISTRIBUTION FACILITIES

Any facility whose primary purpose is storage and/or distribution of flammable liquid fuels.

CERTIFICATE OF OCCUPANCY

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

CHILD CARE CENTER/DAY CARE CENTER

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

- (i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- (ii) A facility operated by a religious organization where children are in the religious organization's care for not more than three (3) hours while persons responsible for the children are attending religious services.
- (iii) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- (iv) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education

programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

COMMERCIAL STORAGE WAREHOUSE

A building or buildings used primarily as a commercial business for the storage of minimum, medium or high hazard goods and materials, having one or more individual storage space of six hundred (600) square feet or more that may include outdoor storage as described in the current Michigan Building Code.

CONVALESCENT OR NURSING HOME

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

COUNTY

County shall mean Ogemaw County, Michigan.

COUNTY BOARD

The Ogemaw County Board of Commissioners.

DECK

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

DISTRICT

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

DRAIN COMMISSION

The Ogemaw County Drain Commissioner.

DRIVE-THROUGH ESTABLISHMENT

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

DRIVEWAY

An improved or unimproved path or road extending from a public or private road or right-of-way or easement to two (2) or less parcels of land, intended to provide ingress and egress.

DWELLING, MULTIPLE-FAMILY

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

DWELLING, SINGLE FAMILY

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

DWELLING, TWO-FAMILY

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

DWELLING UNIT

A dwelling is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

ERECTED

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

ESSENTIAL PUBLIC SERVICES

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

EXCAVATION

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

FAMILY

One person residing in a household; or two (2) or more persons related by blood, marriage, adoption or legal arrangement, including foster children and servants residing together; or three (3) or fewer unrelated persons residing together as one housekeeping unit in a dwelling unit.

FAMILY CHILD CARE HOME

A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM

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

FLOOR AREA, USABLE (UFA)

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. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



FLOOR AREA

GRADE, AVERAGE

The average finished ground elevation at the center of all walls of a building 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 or structure being measured.

GROUP CHILD CARE HOME

A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

HABITABLE SPACE

A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage space or utility spaces and similar areas are not considered habitable spaces.

HEIGHT

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

HOME OCCUPATION

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Common examples include home offices, clothing alterations, hair styling, and electronics repair.

HOMELESS SHELTER/TRANSITIONAL HOUSING

A facility providing one or more of the following:

1. Emergency shelter and services for battered individuals and their children in a residential structure.
2. Shelter and services for individuals receiving one or more of the following: care, counseling, crisis support and similar activities including court-directed services.
3. Emergency shelter for individuals who are homeless.

HOUSING FOR THE ELDERLY

A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older, as licensed under current State of Michigan law.

INOPERATIVE VEHICLE

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

INTENSIVE LIVESTOCK OPERATIONS

Any feedlot, piggery, or other livestock raising, breeding, or feeding facility involving a population per acre of at least twenty (20) swine, or seven hundred (700) poultry, including any buildings, structures, or enclosed areas used for such activities, and any associated waste storage structures or areas.

JUNK

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

JUNK YARD/SCRAP YARD

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

KENNEL, COMMERCIAL

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

LOADING SPACE

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

LOT

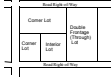
An individual parcel of land with a defined description, such as a lot in a subdivision, a meets and bounds description or a unit in a condominium project as regulated by State law designed and intended for separate ownership and use. All lots shall have permanent access to a public street or a private easement.

LOT, CORNER

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

LOT, INTERIOR

A lot other than a corner lot or through lot.



LOT, THROUGH

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

LOT AREA

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

LOT COVERAGE

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

LOT DEPTH

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

LOT LINES

The lines bounding a lot as defined herein:

A. FRONT LOT LINE

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

B. REAR LOT LINE

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

C. SIDE LOT LINE

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

LOT OF RECORD

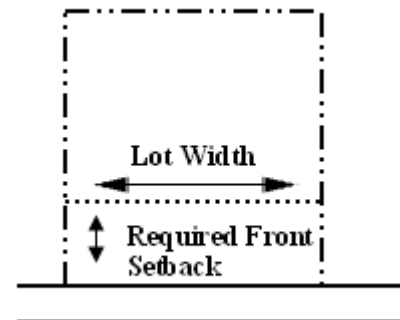
A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded as required by law.

LOT, WATERFRONT

A lot having a property line abutting a shoreline.

LOT WIDTH

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



MAIN BUILDING

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

MANUFACTURED HOME

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

MANUFACTURED HOME PARK

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

MINI STORAGE FACILITY

A facility including buildings and/or an exterior fenced in area including more than one half of the total building space being individual rental spaces of six hundred (600) square feet or less, which may be used for low hazard storage only, as described in the current Michigan Building Code.

MOTEL/HOTEL

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

MUNICIPAL BUILDING

A building or portion of a building used by the public or a government entity for providing essential public services, or to promote the general health, safety and welfare of the residents of the County. A municipal building shall not be used by an individual, company or corporation for commercial purposes.

NONCONFORMING BUILDING

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

NONCONFORMING USE

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

OFF-STREET PARKING LOT

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

OPEN AIR BUSINESS

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

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

PARCEL

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

PARKING SPACE

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

PERFORMANCE STANDARDS

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

PERSONAL SERVICE ESTABLISHMENT

A commercial business conducting services that are performed primarily on the premises.

PLANNED DEVELOPMENT

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

PLANNING COMMISSION, OR COMMISSION

The Ogemaw County Planning Commission.

PRINCIPAL USE

The primary use to which the premises is devoted.

PRIVATE ROAD

Any road which provides or is intended to provide a means of ingress and egress to three (3) or more parcels of land. If an existing driveway to two (2) parcels is extended to provide access to three (3) or more parcels, the entire driveway becomes a “private road” and the entire length shall become subject to the provisions of section 2.26 private roads.(8/2007)

PUBLIC UTILITY

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

RECREATIONAL VEHICLE OR EQUIPMENT

Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean: 1) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper; 2) Boats and trailers designed to transport boats; 3) Snowmobiles and trailers designed to transport snowmobiles; 4) Off-road vehicles and trailers designed to transport off-road vehicles; 5) Pop-up tent and camper trailers; 6) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RECYCLING CENTER

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

RELATIVES

Persons standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents.

REQUIRED YARD

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

RESIDENTIAL DISTRICT

CD, CE, A/RP, WF, R-1, R-2, R-3, and R-4 Districts, as described in this Ordinance.

RIGHT-OF-WAY

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

ROAD COMMISSION

The Ogemaw County Road Commission.

ROADSIDE STAND

A building used to market farm produce or products directly to the public on a farm. Ninety (90) percent of the produce or products sold at a roadside stand must be produced on the farm.

SATELLITE DISH ANTENNA, OR DISH ANTENNA

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

SCENERY LOFT

Any structure that exceeds the height restrictions of the ordinance that has windows on all walls, with no living, kitchen, bath or bedroom facilities used strictly for viewing purposes.

SETBACK

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

SHORELINE OR ORDINARY HIGH WATER MARK

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

SIGN

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

SIGNIFICANT NATURAL FEATURE

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

SOLAR ENERGY FARM

A collection or system of interconnected photovoltaic solar panels that work together to capture sunlight and turn it into electricity with a primary purpose of the sale of collected energy for commercial gain by distribution throughout the power grid

STORY

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

STORY, HALF

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

STREET OR ROAD

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

STRUCTURE

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

TEMPORARY DWELLING OR STRUCTURE

A dwelling not used for permanent residence and not occupied for more than six (6) months in each year; or any enclosure such as a recreational vehicle or a shed used exclusively as a temporary shelter but not a dwelling, including a work site office or job site storage unit etc.

TOWNHOUSE OR ROW HOUSE

A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two (2) sides.

TRUCK TERMINAL

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

VEHICLE REPAIR

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

VEHICLE SERVICE STATION

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

VEHICLE WASH ESTABLISHMENT

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

WASTE DUMPSTER

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

WATERWAY

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

YARDS

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

A. FRONT YARD

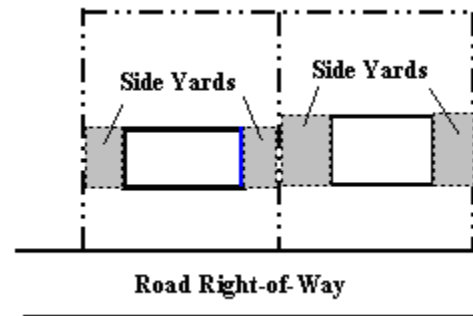
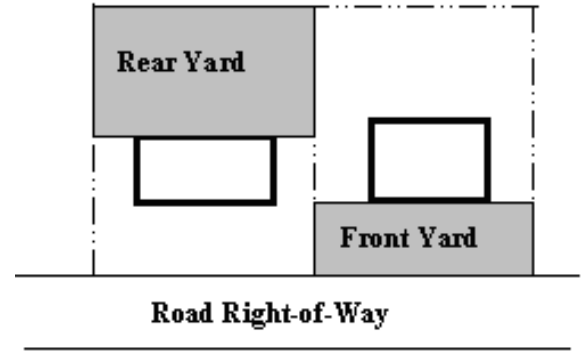
An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.

B. REAR YARD

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

C. SIDE YARD

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



ZONING ACT

The Michigan Zoning Enabling Act: ACT 110 of 2006, and all amendments thereof.

ZONING ADMINISTRATOR

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

ZONING BOARD OF APPEALS

The Zoning Board of Appeals of Ogemaw County.

**CHAPTER 2
GENERAL PROVISIONS**

SECTION 2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters lying outside the limits of incorporated cities and villages within Ogemaw County and Edwards Township. All buildings or structures erected hereinafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located. The provisions of this Chapter shall be applicable to all Districts and uses.

****WEST BRANCH TOWNSHIP ASSUMED THEIR OWN ZONING 12/16/05****

****OGEMAW COUNTY ASSUMED ZONING AUTHORITY FOR THE VILLAGE OF PRESCOTT ON 11/13/08****

SECTION 2.2 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS

A. Required Area or Space

A lot or lots owned by the same person, or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it nonconforming with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be further divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

B. Dwellings on More Than One (1) Lot

If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

C. Division of Lots

The division of a parcel of land into two (2) or more lots or parcels shall require the approval of the Zoning Administrator. The Zoning Administrator shall not approve such division of land unless it is determined that the proposed division complies with the requirements of this Ordinance, the Michigan Subdivision Control Act (Act 288 of the Michigan Public Acts of 1967, as amended), and all other applicable County ordinances. No lot split shall be recorded by Ogemaw County until it has been approved by the Zoning Administrator and the Township Board.

D. Height Exceptions

The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators, essential public service towers and poles, and television and radio reception and transmission antennas and towers which do not exceed one-hundred (100) feet in height.

SECTION 2.3 REQUIRED LOTS, YARDS, AND FRONTAGE

- A. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. All lots or parcels shall have at least thirty (30) feet of frontage upon a public or a private street and/or easement, meeting the requirements of this Ordinance.
- C. Lot areas shall not include land located within the street right-of-way for the purposes of computing minimum lot size or densities ; *except in the CD-Conservancy District, where the right-of-way shall be included in computing minimum lot size or densities(November, 2004).*
- D. All lots within the WF District shall have frontage on the body of water, measured along the shoreline, equal to or greater than the minimum lot width required by that District. All front yard requirements for accessory buildings, parking, fences, dish antennae, and other applicable provisions shall also be met.
- E. No lot or parcel shall be created which is greater than four (4) times deeper in length than its width.

SECTION 2.4 PRINCIPAL USES OR MAIN BUILDINGS ON A LOT

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

SECTION 2.5 DOUBLE FRONTAGE LOTS

- A. The front lot line of a corner lot shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the front lot line is not evident, then the Zoning Administrator shall determine the front lot line. The width of a corner lot shall be determined to be the entire dimension of that front lot line which is opposite the rear lot line.

- B. The required front setback shall be measured from the front lot line. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the front lot line.
- C. Buildings on lots having frontage on through lots shall comply with front yard requirements on both frontage streets.

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

The minimum lot width for a lot on a cul-de-sac shall be measured at the minimum building line and shall not be diminished throughout the rest of the lot. Such lots shall have a front lot line of at least thirty (30) feet and in no case shall the lot width within the required front yard be less than thirty (30) feet.

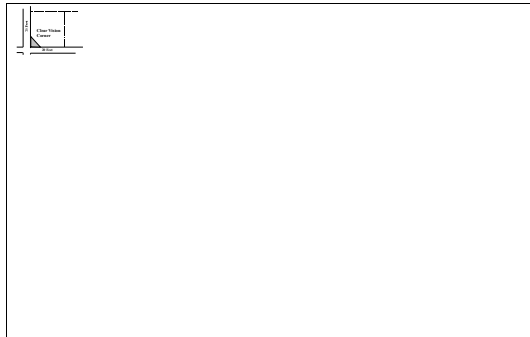
SECTION 2.7 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than three (3) feet into a required front, rear, or side yard.
- B. Uncovered stairs, landings, and fire escapes may project into any side yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.
- C. Except for water front lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning which is constructed above the average grade may project no further than ten (10) feet into a required front yard, no further than twenty (20) feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- D. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, or deck may be constructed within any front yard (that yard abutting the water), provided the following conditions are met:
 - 1. The height of such structure within the REQUIRED front yard shall not exceed the maximum height allowed by the BOCA Building Code adopted by the County for structures without protective hand rails, even if such a rail is provided.
 - 2. The height shall be measured from the average grade adjacent to the structure to the top of the floor or deck.

3. Any rail, fence or other enclosure constructed on that portion of the structure located within the REQUIRED front yard shall be substantially opaque, so as not to obstruct the view of the water from adjoining properties.
 4. No such structure shall be constructed within any REQUIRED side yard.
- E. Any porch, deck, balcony, terrace or similar structure which is covered by a roof shall not be permitted within the required setback area of any yard.

SECTION 2.8 CLEAR VISION CORNERS

On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight (8) feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty (20) feet from the intersection of the right-of-way lines.



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

Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located.

SECTION 2.10 TEMPORARY DWELLINGS, USES, OR STRUCTURES (8/2007)

- A. Temporary offices or storage yards
1. Upon application, the zoning administrator may issue zoning approval for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the zoning administrator for four (4) additional successive periods of six (6) calendar months or less at the same location and only if such building or yard is still incidental and necessary to construction at the site where it is located.

2. Upon application, the zoning administrator may issue zoning approval for a temporary sales office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than six (6) calendar months. The permit may be renewed by the zoning administrator for up to four (4) additional successive periods of six (6) calendar months or less. At the same location, if the zoning administrator determines that such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

B. Temporary dwellings

1. The zoning administrator may issue zoning approval to an individual to park and occupy a temporary dwelling in any residential district provided that the following conditions are met:

- A. The temporary dwelling will be used only as a temporary use on the lot while the property owner is constructing a permanent residence on that same lot, and further provided that:

1. A building permit has been issued for the construction of a permanent residence by the property owner applying for the temporary dwelling permit.
2. The temporary dwelling is connected to an approved well and septic system or be a self contained unit.
3. A temporary dwelling will be issued for a maximum of three hundred sixty-five (365) days. If necessary, the permit can be renewed with full payment.
4. The zoning administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met.
5. All temporary dwellings, buildings and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

C. Camping

1. Camping in a tent is allowed in any residential zoning district for a maximum of fourteen (14) days in any thirty (30) day period.
2. All camping vehicles must meet zoning district set back requirements for the lot.
3. No camping vehicle shall be used on any lot for camping for more than fourteen (14) days out of any thirty day period, and must be removed from the lot, for at least seven days, unless connected to onsite sewer and water facilities approved by the health department.

4. An unused camping vehicle that is in operational condition may be stored on a lot with a permanent dwelling within the side or rear setbacks; but shall not be stored in the required front yard.
5. A camping vehicle may remain on a lot for a maximum of two hundred seventy (270) days in any three hundred sixty-five (365) day period if connected to approved sewer and water facilities.
6. No more than three camping vehicles shall be stored or used on the same parcel for more than thirty consecutive days.

SECTION 2.11 ACCESSORY USES (8/2007)

A. In any District, accessory uses, incidental only to a Permitted Use or Special Land Use, are permitted when located on the same property; provided that such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations as regulated by Section 2.15, nor shall it exclude the operation of a garage or yard sale in any Residential District, provided that such sale is not operated for more than a total of five (5) days within any thirty (30) day period.

B. Gardening and the keeping of domestic animals, shall be considered customary to, and commonly associated with, the operation of any Permitted or Special Land Use.

SECTION 2.12 ACCESSORY BUILDINGS OR STRUCTURES (8/2007)

A. Accessory Buildings or Structures - General

1. An accessory building must be erected detached from the main building.
2. No accessory building or structure shall be erected in the required front yard, except as may be provided in Section 2.12, part D of this Ordinance.
3. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten (10) feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is less than ten (10) feet or connected by a breeze way, and shall meet all current building code requirements of the main building.
4. No accessory building shall include habitable space as defined in the current building code.

5. A storage building or garage may be permitted on a lot or parcel that is less than two acres, and does not contain a dwelling unit, provided the location of such building is approved by the zoning administrator, based on a scaled site plan that shows the proposed building location, setbacks from all property lines, a septic system approved by the health department, and available area for a future dwelling unit (minimum 720 sq .ft.). On parcels of land two (2) acres or larger, no septic permit is required if the proposed building does not include plumbing, and no space must be designated for a future dwelling. Should the proposed building site be on a substandard parcel, a permit may be issued, if the above restrictions are met.
6. On any lot where a septic permit is denied by the District Health Department #2, a permit for an accessory building may be issued.
7. On any residential lot less than six thousand (6,000) square feet, an accessory building may be constructed without an approved septic system or space for future dwelling, provided the location of building conforms with the regulations for that district. (May 2018)

B. Residential Accessory Buildings - Accessory buildings shall be permitted within Residential Districts or with any residential use provided the following restrictions are met:

1. No more than two (2) detached accessory buildings shall be permitted on any Waterfront, R-1, R-2, R-3 or R-4 zoned lot. No more that three (3) detached accessory buildings with a combined total square footage of eight thousand four hundred (8,400) square feet shall be permitted on any CD, CE or A/RP zoned lot over three (3) acres. Accessory buildings used in farming operations shall not be counted toward this total. For the purpose of calculating the total number of accessory buildings on a parcel, one accessory building that is one hundred (100) square feet or less shall not be counted.
2. On parcels of twenty thousand (20,000) square feet or less, the maximum size for a single accessory building, shall be one thousand eight hundred (1,800) square feet. On parcels over twenty thousand (20,000) square feet but less than three (3) acres, no more than two (2) detached accessory buildings with a combined total square footage of fifty six hundred (5600) square footage shall be allowed.
3. No residential accessory building shall exceed twenty-five (25) feet in height.
4. On Waterfront, R-1, R-2, R-3 or R-4 zoned lots the foundation of any accessory building located more than ten (10) feet from a principal building shall not be located closer to any side or rear lot line than one half (2) the required setback distance for a principal building. In addition, accessory buildings located in the rear yard shall not occupy more than thirty (30) percent of the required rear yard area.

5. On CD, CE or A/RP zoned lots all accessory buildings must meet standard district set backs.
 6. All accessory buildings constructed in platted subdivisions shall maintain an appearance compatible with structures located within a three hundred (300) foot radius within said subdivision.
- C. In B-1, B-2, B-3 or M-1 zoned lots - Accessory buildings shall be permitted provided that the following restrictions are met:
1. Accessory buildings shall meet all setback requirements for the District in which located.
 2. No accessory building shall exceed the permitted height for main buildings in the District in which it is located.
- D. In the WF District, one accessory building may be constructed within the required setback from the break in the bank or the ordinary high water mark, provided that it is no larger than twenty-four (24) square feet and eight (8) feet in height, which shall be counted toward the total number and square footage allowed for all accessory buildings. Any other accessory buildings or structures shall otherwise comply with the requirements of Section 2.12.

SECTION 2.13 FENCES

- A. Fences in any Residential District shall not exceed six (6) feet in height, or eight (8) feet in height in any Non-residential District, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, in which case such fence may be up to six (6) feet in height. Fences within the required front yard shall be of a type which is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line.
- C. Fences in Non-residential Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer that six (6) feet from the surface of the ground.

- D. Fences shall not be erected within any public right-of-way in any District.
- E. Fences shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting lines twenty (20) feet from the point of intersection.

SECTION 2.14 SWIMMING POOLS

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

SECTION 2.15 HOME OCCUPATIONS

- A. All home occupations shall be conducted entirely within the main building and only by a person or persons residing on the premises; except that not more than one (1) person may be employed who is not a resident of the premises.
- B. No motor other than electrically operated motors shall be used in conjunction with such home occupation. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
- C. There shall be no alteration in the residential character of the premises in connection with such home occupation and no more than twenty-five (25) percent of the living area of the dwelling shall be devoted to such home occupation.

- D. No merchandise or articles for sale shall be displayed for advertising purposes.
- E. Articles or materials used in connection with such home occupation shall be stored within an enclosed building.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.

SECTION 2.16 MECHANICAL APPURTENANCES

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

SECTION 2.17 DISH ANTENNA

- A. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the roof line of the building, including the mounting structure.
- B. Dish antennas mounted on the ground are permitted in all Districts upon approval of the Zoning Administrator, provided the setback requirements of Section 2.12 for detached accessory buildings are maintained and the following conditions satisfied:
 - 1. The antenna shall be permanently anchored to a foundation.
 - 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representation other than the manufacturer's name.
 - 3. No dish antenna shall exceed a height of fifteen (15) feet, including its mounting structure.
 - 4. No dish antenna shall be located in the required front yard or within thirty (30) feet of a shoreline.
- C. The Zoning Board of Appeals may approve antennas not meeting the above requirements of this Section provided that the applicant establishes to the satisfaction of the Board of Appeals that the receiving functions of the antenna would be restricted or blocked if constructed or placed in compliance with the requirements of this Section.

SECTION 2.18 ESSENTIAL SERVICE

- A. The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any use District, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance, except those which may be considered a danger to the community health, safety and welfare. (See definition, Sec. 1.6).

- B. Notwithstanding the exceptions contained above:
 - 1. Electrical substations, gas/oil well equipment, and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials, except through securable gates.

 - 2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.

 - 3. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 2.19 ILLEGAL DWELLINGS

- A. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities therein and which is to be located on a lot not served by public water and sanitary sewer facilities, unless on-site private water supply and/or sewage disposal facilities, as the case may be, are approved by the District No. 2 Health Department. Outdoor restrooms/outhouses shall not be permitted for any residential use.

- B. Any unfinished basement or finished basement without a direct outside access and at least one (1) exposed wall, shall not be considered as living area, for the calculation of required living area of a dwelling. Any dwelling without a full floor above grade shall be considered a basement dwelling.

- C. No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this Ordinance, the District No. 2 Health Department, and the adopted Building Code of Ogemaw County, except as otherwise permitted in this Ordinance.

SECTION 2.20 BASIS FOR DETERMINING FRONT YARD REQUIREMENTS

The required front yard shall be measured from the right-of-way line to an imaginary line across the width of the lot which represents the minimum required front setback distance for that District.

Where an existing setback line has been established by buildings occupying fifty (50) percent of more of the frontage within the same block or where unplatted, within two hundred (200) feet of the proposed building, such established setback shall apply.

In the instance where the lot abuts a shoreline, the above established referenced existing set back shall apply to both the front yard and rear yard. (*April 9, 2015*)

SECTION 2.21 MOVING OF BUILDING

No existing building or structure of any type shall be moved into the County or moved from one lot in the County to another lot in the County unless a Building Permit is issued by the Zoning Administrator. All such buildings shall meet the requirements of this Ordinance and the construction code as adopted by the County Board of Commissioners and obtaining such permits as may otherwise be required.

SECTION 2.22 NONCONFORMING USES, BUILDINGS OR STRUCTURES

A. Nonconforming Building or Structure

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

B. Nonconforming Uses

1. Continuation and Change of Use - Except as otherwise provided in this Ordinance:
 - a. A nonconforming use lawfully existing upon the effective date of this Ordinance may be continued. Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.
 - b. A nonconforming use may be changed only to a use of the same or more restricted classification, as determined by the Zoning Board of Appeals.

2. Expansion Prohibited

- a. A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- b. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.
- c. Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District, or another classification, the foregoing provisions also shall apply to any existing uses that become nonconforming as a result of the boundary changes.

C. Nonconforming Variance Permitted by Zoning Board of Appeals

The Zoning Board of Appeals may, in accordance with the provisions of Chapter 20, authorize upon appeals in specific cases such variance from the terms of this Section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Section will result in unnecessary hardship, and so that the spirit of this Section shall be observed and substantial justice done.

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

1. Whenever a nonconforming use has been discontinued for a period of twelve (12) consecutive months, such use shall not be re-established, and the use, thereafter, shall conform to the provisions of this Ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;

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

E. Substandard Lot

1. In all Districts which permit single family residences, only single family residences and buildings accessory thereto may be erected on nonconforming lots of record. The Zoning Administrator shall approve all applications for single family residence purposes on nonconforming lots of record, provided the owner or builder presents his plan and specifications to the Zoning Administrator and provided the following requirements are complied with:
 - a. The lot complies with front and rear yard requirements;
 - b. no side yard is less than five (5) feet;
 - c. the lot has a minimum lot area of six thousand (6,000) sq. ft.; and
 - d. subject to District No. 2 Health Department approval.
2. In the event the Zoning Administrator believes that the plan for construction on said lot does not comply with the requirements as set forth above, he/she shall submit the plans and specifications to the Zoning Board of Appeals for review.
3. The Zoning Board of Appeals, at its next regular meeting, shall review the plans and specifications and may reduce any or all of the area requirements, not including use regulations, it reasonably believes are necessary so as to allow construction of a single family residence on said lot; provided that such construction is not detrimental to the public health, safety, and general welfare of the County, and further that the Zoning Board of Appeals shall have the right to require conditions for said structure or construction as will secure substantial compliance with the intent of this Ordinance.
4. If two or more contiguous lots are under the same ownership, no waiver of the District requirements shall be granted. Such lots shall be combined to create one or more conforming lots.

F. Nonconformance Under Previous Zoning Ordinances

Any structures or uses which fail to conform to the previous Ogemaw County Zoning Ordinance or other law or ordinance, and were not permissible nonconforming uses or structures thereunder, or, which violate the provisions within this Ordinance, shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses subject to the applicable provisions of this Section and Chapter 21.

SECTION 2.23 RAISING AND KEEPING FOWL OR ANIMALS

- A. No more than three (3) adult dogs shall be kept or housed per each dwelling unit in any Residential District without first obtaining a kennel license.
- B. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of fowl or animals other than domesticated animals of an occupant of the premises, is prohibited in any Residential District.
- C. Where such activities are pursued or conducted in any CD, CE or A/RP District as it may be allowed, the following is permitted:
1. On lots of one-half (½) acre, but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family;
 2. On lots of one (1) acre, but less than five (5) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupants of the premises;
 3. On lots of five (5) acres, but less than ten (10) acres: the uses permitted by paragraph 2, above, plus one (1) horse or one (1) cow or one (1) pig per acre over five (5) acres, provided that any pig pen or building or structure housing farm animals shall be a minimum of fifty (50) feet from any property line.
 4. On lots of ten (10) acres or more: the above restrictions shall not apply.

**SECTION 2.24 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE
MANUFACTURED HOME PARKS** *(03.11.2011)*

- A. All dwelling units located outside of approved manufactured home parks shall comply with all of the following:
1. All dwelling units shall provide a minimum height between the floor and ceiling of seven (7) feet.
 2. The minimum width of any single family dwelling unit shall be fourteen (14) feet for the entire length of the building and shall meet the square footage requirements of the zoned District in which it is located. Single family homes shall have a minimum finished living area of at least seven hundred twenty (720) square feet.
 3. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
 4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling eighteen (18) inches in depth with a vapor barrier on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the County.
 5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the County, or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
 6. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
 7. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the District No. 2 Health Department.
 8. All dwellings shall provide steps and/or a landing where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
 9. All additions to existing dwellings shall meet all of the applicable requirements of this Ordinance.

- B. The foregoing shall not be construed to prohibit skirting or innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans (at least 1/4 " = 1 ft.), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- D. All manufactured homes shall be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or comply with the standards referenced in Sub-section E (below).
- E. Any used dwelling unit being moved into or within the County shall not be more that 20 years of age and meet the standards referenced in subsection D (if applicable) of this section and the dwelling must be found, on inspection by a County Code or Zoning Official to be in good condition and safe and fit for residential occupancy in accordance with the Ogemaw county Minimum Dwelling Unit Requirements (Appendix A) and the Ogemaw County Safety Inspection Checklist (Appendix B).

(SEE APPENDIX A & APPENDIX B, HEREIN INCORPORATED)

SECTION 2.25 RIPARIAN ACCESS

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

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

SECTION 2.26 PRIVATE ROADS (8/2007)

The County determines that it is in the best interest of the public health, safety and welfare to promote the construction of private roads having sufficient width, surface and grade to assure safe passage and maneuverability of both private vehicles and public safety vehicles.

- A. No building permit shall be issued to a property that does not border a county road until the following information is APPROVED by the ZONING ADMINISTRATOR.
 - 1. A site plan drawn by a licensed engineer, architect, or surveyor, which includes a legal description of a minimum 66 ft. wide easement, allowing for ingress and egress, and the installation of utilities to the property. The site plan must address all ditching and/or wetlands, and how they will be protected.
 - 2. A driveway permit issued by the Ogemaw County Road Commission for the easement, or a written statement from the road commission that a permit is not required.
 - 3. A soil erosion permit issued by the Building & Zoning department, when required and copies of any D.E.Q. permits issued for wetland or ditch crossings etc.
 - 4. A notarized statement from each land purchaser acknowledging that:
 - 1. The property does not border a county road.
 - 2. The developer or seller is not responsible for the construction or maintenance of the private road.
 - 3. The purchaser will be responsible for ingress and egress of all emergency service vehicles.

- B. In addition to the restrictions above, the private road:
 - 1. Shall not exceed 5,280 feet in length.
 - 2. Shall be registered with the Ogemaw County Emergency Management (911) office, prior to a building permit being issued.

- C. Any road that provides access to 10 or more parcels of land must be accepted and maintained by the Ogemaw County Road Commission.

SECTION 2.27 STORAGE AND REPAIR OF VEHICLES

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
 - 1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage. Only one such period shall be permitted within a single thirty (30) day period.
 - 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in a Residential District to permit the open storage or parking outside of a building of: mobile homes not used as dwellings (except as may be permitted in Section 2.10), semi-tractor trucks and/or semi-trailers (unless used by the occupant as part of their occupation), bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot. (May 2018)
- C. Only vehicles owned by the property owner or occupant of the premises shall be repaired, maintained, or stored on the premises.

SECTION 2.28 MAINTENANCE OF LANDSCAPING AND BUFFERS

The owner of the land on which landscaping or buffers have been required by this Ordinance or by action of the County pursuant to an approval granted by this Ordinance or other County ordinances shall initially plant or cause to be planted the landscaping and/or buffer and shall, thereafter, make and perform or cause to be made and performed all necessary maintenance and replacement for the landscaping and/or buffer. All trees or other landscape material required or used as part of the landscaping and/or buffer which is lost, dies, or is seriously damaged for any reason shall be replaced not later than the following planting season with equivalent landscape material.

SECTION 2.29 LEFT BLANK (08.23.09)

SECTION 2.30 OPEN SPACE PRESERVATION

- A. Purpose: The purpose of this Section is to adopt “open space preservation” provisions consistent with Sec. 506 of the Michigan Zoning Enabling Act, PA 110 of 2006 which requires qualifying counties to permit lands satisfying criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50%, that could otherwise be developed, under existing regulations, on the entire land area.
- B. Qualifying conditions: Land may be developed under the provisions of this Section only if all of the following conditions are satisfied:
1. The land shall be zoned in the CD, CE, or A/RP Zoning Districts.
 2. The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
 3. The development of land under this Section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this Section would also depend on such extension.
 4. The open space preservation option shall not have previously been exercised with respect to the same land.
- C. Permitted uses: Only dwelling units and non-dwelling unit structures (as described in Section 2.30 F.10) permitted by the zoning district in which the land is located shall be permitted on land developed, or used pursuant to the provisions of this Section.
- D. Application and Review Procedure: The application and review procedures for land proposed to be developed pursuant to this Section shall be those stated in Chapter 17 of this Ordinance, governing site development plans, except as otherwise provided in this Section. In addition to the application materials required by Section 17.4 of this Ordinance, an application for the development of land under the provisions of this Section shall include the following:
1. A Parallel Plan prepared for the purpose of demonstrating the number of dwelling units that could reasonably be developed on the land under its existing zoning if the open space preservation option were not exercised. The Parallel Plan may be conceptual in nature but shall include at least the following information:

- a. Date, north arrow and scale, which shall not be more than 1" = 100, and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed open space preservation development.
 - b. Location of street rights-of-way or easements.
 - c. Location of all lots, illustrating lot area and width to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - d. Required building setback lines on all lots to demonstrate the availability of sufficient buildable land to make the lot usable.
 - e. Location of all utilities that would be necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private road easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - f. If development under the Parallel Plan would require the use of septic tanks and drain fields, such Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the District #2 Health Department.
 - g. The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, slopes in excess of 20%, flood plains, or other features prohibiting development for residential purposes.
2. When reviewing an application submitted under the terms of this Section, the Planning Commission shall determine whether the Parallel Plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning. If the Planning Commission determines that the number of dwellings illustrated on the Parallel Plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, the applicant shall submit a revised site development plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.
 3. A copy of the conservation easement, plat dedication, restrictive covenants, or other leg instrument that would run with the land, and would have the legal effect of preserving the open space in perpetuity in an undeveloped state. Such legal instrument shall be reviewed by the county attorney prior to recording, and shall be subject to the approval of the County Board of Commissioners, consistent with the terms of this Section. The legal instrument shall:
 - a. Indicate the proposed permitted use(s) of the undeveloped open space.

- b. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park and playground equipment, agricultural structures or similar improvements that may be approved by the Planning Commission.
 - c. Require that the open space be maintained by parties who have an ownership interest in the property.
 - d. Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.
4. The site development plan for the open space preservation option shall include the following minimum information, in addition to that required by Section 17.4 of this Ordinance:
- a. Land proposed to remain in a perpetually undeveloped state and the portions of the land to be used for clustered development.
 - b. Total number of acres of land proposed to remain in a perpetually undeveloped state, the total number of acres of land proposed to be used for clustered development, and that are contained within rights-of-way or easements for streets. The percentage of each, as compared to the total site acreage, shall be indicated.
 - c. Lots and proposed building envelopes and indicate the lot area and width of each lot. The number of lots on the site development plan shall not exceed the number of lots on the Parallel Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Section 2.30 F.11.
 - d. Location and type of all proposed structures or improvements that are not dwellings.
 - e. Location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location of each lot has been approved by the District #2 Health Department.
5. If the development is to be served by public streets, proof that the Ogemaw County Road Commission has approved the design, layout and construction of the streets.
- E. If a site development plan satisfies all standards of Section 17.5 and 2.30 F.2 of this Ordinance, all requirements of this Section, and all conditions of approval imposed by the Planning Commission, the Planning Commission shall approve the site development plan. The Planning Commission may require performance guarantees, in accordance with Section 21.2.

F. Development requirements:

1. Required Open Space. At least 50% of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., “open space”), as provided in Section 2.30 D.3. The following areas shall not constitute open space:
 - a. The area within all public street rights-of-way.
 - b. The area within all private road easements.
 - c. Any easement for overhead utility lines, unless adjacent to open space.
 - d. The area within a platted lot or site condominium unit.
 - e. Off street parking areas.
 - f. Detention and retention ponds.
 - g. Community drain fields.
 - h. Areas devoted to community water supply or sanitary sewer treatment systems.
 - i. Marinas.
 - j. Club houses and swimming pools.

2. Standards for Open Space. The following standards shall apply to the open space required pursuant this Section:
 - a. The open space shall not include a golf course.
 - b. The open space may include a recreational trail, picnic area, children’s play area, greenway, linear park, natural area, agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - c. The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably usable by such residents for passive recreation such as hiking and picnicking. The open space may be, but is not required to be, dedicated to the use of the public.
 - d. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
 - e. A portion of the open space shall be located along the perimeter street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - f. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

- g. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
3. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if such would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use. However, club houses, swimming pools, golf courses, marinas, and similar recreational amenities shall not be permitted within the designated open space.
 4. Underlying - Zoning District. The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and lot area requirements that must be adjusted to allow the clustering option permitted herein.
 5. Uniform Lot Size. Lots shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
 6. Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
 7. Required Frontage. Each lot shall be a minimum of 30 feet of frontage measured at the street right of way or easement line. All dwelling lots shall be accessed from an interior street within the development and shall meet the minimum frontage requirement on such interior street.
 8. Lot Width. Each lot shall have a minimum width equal to no less than one-half ($\frac{1}{2}$) the minimum lot width specified for the zoning district in which the land is located.
 9. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Parallel Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structured, if any, as described in Section 2.30 F.11.

10. Non-Dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this Section applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other County ordinances applicable to the type of structure proposed.

11. Reduction in Lots for Non-Dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted to be developed shall be reduced as follows:
 - a. The area occupied by non-dwelling structures, shall be divided by the average area of dwelling lots that could be situated in the clustered development if the non-dwelling structures were not included, based on the approved Parallel Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - b. The number calculated under subsection “a” shall be subtracted from the number of dwelling lots that could be permitted in the clustered development, as determined from the approved Parallel Plan.

12. Perimeter Lots. Notwithstanding any other provision of this Section, the Planning Commission may require that the open space preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).

13. Grading. Grading within the development shall comply with the following requirements:
 - a. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
 - b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
 - c. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

14. Private Roads. Private roads within a open space preservation development shall conform to the private road requirements of Section 2.26 of this Ordinance.
15. Other Laws. The development of land under this Section is subject to all other applicable County ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

G. Amendments to an Approved Site Plan:

1. An approved open space preservation development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
2. Changes to an approved development plan shall be permitted only under the following circumstances.
 - b. The holder of an approved plan shall notify the Zoning Administrator of any desired change.
 - c. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the open space development, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - ii Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
 - ii Internal rearrangement of a Parking Lot which does not affect the number of parking spaces or alter access locations or design;
 - iii. Changes required or requested by County or other State or Federal regulatory agency in order to conform to other laws or regulations.
 - iv. Change of phases or sequence of phases if all phases have been approved.

H. Time Limitation on Development:

1. Each development permitted pursuant to this Section shall be under construction within one year after the date of approval of the open space preservation plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant no more than one extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.
2. If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this Section in order to exercise the clustering option

<p>CHAPTER 3 MAPPED DISTRICTS</p>

SECTION 3.1 DISTRICTS

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

LETTER	DISTRICT NAME	ORDINANCE CHAPTER
CD	Conservancy District	Chapter 4
CE	Country Estate District	Chapter 5
A/RP	Agricultural/Rural Preservation District	Chapter 6
WF	Waterfront District	Chapter 7
R-1	Low Density Residential District	Chapter 8
R-2	Medium Density Residential District	Chapter 9
R-3	High Density Residential District	Chapter 10
R-4	Manufactured Home Park District	Chapter 11
B-1	Local Business District	Chapter 12
B-2	General Business District	Chapter 13
B-3	Highway Business District	Chapter 14
M-1	Industrial District	Chapter 15

SECTION 3.2 ZONING MAP

- A. The locations and boundaries of the Zoning Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Ogemaw County Zoning Map" which accompanies and is hereby made a part of this Ordinance.

- B. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply.
 - 1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

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

 - 3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.

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

SECTION 3.3 AREAS NOT INCLUDED WITHIN A DISTRICT

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

CHAPTER 4
CD - CONSERVANCY DISTRICT

SECTION 4.1 PURPOSE

This District is intended to provide a degree of protection for sensitive natural features and open spaces within Ogemaw County. While a variety of uses are permitted, the intensity of development is limited in order to protect the natural character and abundant resources that are found within the District, as well as due to the lack of existing or planned public facilities. The District is to be applied to lands that: must be kept open for highway interchanges and airports; are subject to periodic flooding; are adjacent to sources of water supply; contain unstable soils; or contain significant animal habitats or environmental features.

SECTION 4.2 USES PERMITTED BY RIGHT

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

- A. Single family dwellings.
- B. Family day care.
- C. Agriculture.
- D. Forestry.
- E. Accessory buildings and uses.
- F. Home occupations, as defined in Section 2.15.
- G. *Two family dwellings.(August, 2007)*

SECTION 4.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks.
- B. Commercial removal and processing of soil, sand, gravel, or other mineral resources.
- C. Public or private campgrounds.
- D. Public or private boat launches.
- E. Intensive livestock operations.
- F. Roadside stands.
- G. Group day care.
- H. Radio, television, or telephone transmission towers.
- I. Planned Unit Development.
- J. Municipal buildings (not including outdoor storage of materials or vehicles).
- K. Airport, airfields, and runways.

- L. Contractor storage buildings (not including outdoor storage).
- M. *Child Care Center (November, 2004).*

SECTION 4.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be ten (10) acres.
- B. Width: The minimum lot width in this District shall be three hundred thirty (330) ft, provided that in no case shall the lot width be less than one-fourth (1/4) of the lot depth.
- C. Front Yard: The minimum front yard setback in this District shall be seventy-five (75) ft.
- D. Rear Yard: The minimum rear yard setback in this District shall be fifty (50) ft.
- E. Side Yard: The minimum side yard setback in this District shall be fifty (50) ft.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of ten (10) percent of the parcel size.
- H. Floor Area: The minimum floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor unless otherwise specifically provided.

SECTION 4.5 OTHER PROVISIONS

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

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 17 Site Plan Review
- Chapter 18 Parking and Signs

CHAPTER 5
CE - COUNTRY ESTATE DISTRICT

SECTION 5.1 PURPOSE

The Country Estate District is established to provide for large home site development outside the Agricultural/Rural Preservation and Conservancy Districts in areas which do not contain public utility services. The District provides for the orderly transition of land from agricultural to low density residential use and is intended to relieve unwanted development pressures on the A/RP and CD Districts by providing a suitable residential environment in rural areas of the County.

SECTION 5.2 USES PERMITTED BY RIGHT

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

- A. Single family dwellings.
- B. Family day care.
- C. Agriculture, excluding the raising or keeping of livestock, except as otherwise provided herein.
- D. Accessory buildings and uses.
- E. Home occupations, as defined in Section 2.15.
- F. *Two family dwellings. (August 2007)*

SECTION 5.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Private stables, accessory to and on the same parcel with a principal dwelling.
- B. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks.
- C. Roadside stands.
- D. Commercial removal and processing of soil, sand, gravel, or other mineral resources.
- E. Planned Unit Development.
- F. Group day care.
- G. Bed and breakfast establishments.
- H. Schools, churches, libraries, parks, playgrounds, and community center buildings.
- I. Radio, television, or telephone transmission towers.
- J. Municipal buildings (not including outdoor storage of materials or vehicles).
- K. Airports, airfields and runways.
- L. Contractor storage building (not including outdoor storage).
- M. *Child Care Center (November, 2004).*

SECTION 5.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be five (5) acres.
- B. Width: The minimum lot width in this District shall be three hundred (300) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft.
- D. Rear Yard: The minimum rear yard setback in this District shall be fifty (50) ft.
- E. Side Yard: The minimum side yard setback in this District shall be fifty (50) ft.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of twenty (20) percent of the parcel size.
- H. Floor Area: The minimum total floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor, unless otherwise specifically provided.

SECTION 5.5 OTHER PROVISIONS

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

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 17 Site Plan Review
- Chapter 18 Parking and Signs

CHAPTER 6
A/RP - AGRICULTURAL/RURAL PRESERVATION DISTRICT

SECTION 6.1 PURPOSE

This District is intended to preserve, enhance and stabilize areas within the County which are presently being used for feed, fiber or food production or are primarily rural. It is the purpose of the regulations for this District to promote the orderly, harmonious development of Ogemaw County by preserving predominantly rural lands from inappropriate development and to preserve the essential characteristics and economic value of these areas as agricultural and open lands. All uses permitted within this District shall be conducted with due consideration for the potential effects that may result from the authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

SECTION 6.2 USES PERMITTED BY RIGHT

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

- A. Agriculture
- B. Single family dwellings.
- C. Publicly owned parks, playgrounds, play fields, and similar public open space recreational uses, not including campgrounds.
- D. Family day care homes.
- E. Accessory buildings and uses.
- F. Home occupations, as defined in Sec. 2.15.
- G. Roadside Stands.
- H. Greenhouses and nurseries.
- I. *Two family dwellings. (August 2007)*

SECTION 6.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Intensive livestock operations.
- B. Country clubs, golf courses, riding stables, and gun clubs.
- C. Commercial removal and processing of soil, sand, gravel, or other mineral resources.
- D. Public or private campgrounds.
- E. Group day care.
- F. Junk or salvage yards.
- G. K-12 schools.

- H. Churches.
- I. Kennels and veterinary clinics.
- J. Raising of fur bearing animals or game birds.
- K. Bed and breakfast establishments.
- L. Cemeteries.
- M. Public or private boat launches.
- N. Radio, television, or telephone transmission towers.
- O. One detached single family dwelling for relatives when located on the same parcel as the principal farm dwelling.
- P. Mini storage facility.
- Q. Planned Unit Development.
- R. Municipal buildings (not including outdoor storage of materials or vehicles).
- S. Airport, airfields and runways.
- T. Contractor storage buildings (not including outdoor storage).
- U. *Child Care Center (November, 2004).*
- V. *Vehicle Repair and Vehicle Service Station (October, 2005)*
- W. *Bulk oil, gasoline and propane storage and distribution facilities. (June, 2008)*
- X. *Adult Foster Care Home (January, 2009)*

SECTION 6.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be one (1) acre.
- B. Width: The minimum lot width in this District shall be two hundred (200) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft. *In case of a waterfront lot, the setback to the water shall be 50 feet also (November, 2004).*
- D. Rear Yard: The minimum rear yard setback in this District shall be twenty-five (25) ft.
- E. Side Yard: The minimum side yard setback in this District shall be ten (10) ft.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of twenty (20) percent of the parcel size.
- H. Floor Area: The minimum total floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor, unless otherwise specifically provided.

SECTION 6.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

CHAPTER 7
WF - WATERFRONT DISTRICT

SECTION 7.1 PURPOSE

Lands contained within this District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines within Ogemaw County. The purpose of this District is to recognize the unique physical, economic, and social attributes of waterfront properties and to ensure that the uses within the District are compatible with those attributes.

SECTION 7.2 USES PERMITTED BY RIGHT

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

- A. Detached single family dwellings.
- B. Family day care.
- C. Accessory buildings and uses, as defined in Section 2.11 and 2.12.
- D. Home occupations, as defined in Section 2.15.

SECTION 7.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Commercial storage of recreational vehicles or equipment.
- B. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks.
- C. Roadside stands.
- D. Commercial removal of soil, sand, gravel, or other mineral resources, but not including processing.
- E. Public and private campgrounds.
- F. Planned Unit Development.
- G. Public or private boat launches.
- H. Bed and breakfast establishments.
- I. Schools, churches, libraries, parks, playgrounds, and community center buildings.
- J. *Child Care Center (November, 2004).*
- K. *Group Day Care (November, 2004).*

SECTION 7.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be twenty thousand (20,000) sq. ft, provided that if the lot is served by both public water and sanitary sewer, the minimum lot size may be reduced to ten thousand (10,000) sq. ft.
- B. Width: The minimum lot width in this District shall be eighty (80) ft., provided that if the lot is served by both public water and sanitary sewer, the minimum lot width may be reduced to seventy-five (75) ft.
- C. Front Yard: The minimum front yard setback in this District shall be twenty-five (25) feet. In the case of waterfront lots, minimum front yard setback shall be fifty (50) feet. (Yard abutting the water shall be considered the front yard.)
- D. Rear Yard: The minimum rear yard setback in this District shall be twenty-five (25) ft.
- E. Side Yard: The minimum side yard setback in this District shall be ten (10) ft.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. Floor Area: The minimum floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor unless otherwise specifically provided.

SECTION 7.5 OTHER PROVISIONS

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

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 17 Site Plan Review
- Chapter 18 Parking and Signs

CHAPTER 8
R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 8.1 PURPOSE

The regulation of the R-1 District are intended to provide for a stable and sound family residential environment with its appropriate neighborhood related urban utilities, facilities, and service. Through this District, relatively low density urban residential development will be permitted through the construction and occupancy of one-family dwelling on a relatively large urban lots.

SECTION 8.2 USES PERMITTED BY RIGHT

- A. Detached single family dwellings.
- B. Publicly owned parks, playgrounds, play fields, and similar public open space for recreational uses, not including campgrounds.
- C. Family day care.
- D. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.
- E. Home occupations, as defined in Sec. 2.15.

SECTION 8.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Schools, churches, and libraries.
- B. Municipal buildings, not including outdoor storage of materials or vehicles.
- C. Public utility or service buildings, not requiring outdoor storage or materials.
- D. Hospitals, nursing homes, and housing for the elderly, but not including institutions for mentally retarded, drug or alcoholic patients, or correctional facilities.
- E. Group day care homes.
- F. Golf courses or country clubs.
- G. Cemeteries.
- H. Bed and breakfast establishments.
- I. Planned Unit Development.
- J. *Child Care Center (November, 2004).*

SECTION 8.4 DISTRICT REGULATIONS

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

- A. Area: The Minimum lot size in this district shall be twenty thousand (20,000) square feet; if the lot is served with both public water and sanitary sewer, the lot size may be reduced to ten thousand (10,000) square feet. (May, 2018)
- B. Width: The minimum lot width in this District shall be eighty (80) ft., if the lot is served with both public water and sanitary sewer, the minimum lot width may be reduced to seventy-five (75) ft.
- C. Front Yard: The minimum front yard setback in this District shall be twenty-five (25) ft. *In case of a water front lot the setback shall be 50 feet: The front being the waterside* (November 2004).
- D. Rear Yard: The minimum rear yard setback in this District shall be twenty-five (25) ft.
- E. Side Yard: The minimum side yard setback in this District shall be ten (10) ft; however, in the case of lots less than one hundred (100) ft. in width, the minimum side yard setback shall be equivalent to ten (10) percent of lot width.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. Floor Area: The minimum floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor unless otherwise specifically provided.

SECTION 8.5 OTHER PROVISIONS

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

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 17 Site Plan Review
- Chapter 18 Parking and Signs

CHAPTER 9
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 9.1 PURPOSE

This District is intended to preserve and achieve the character and living environment as provided in the R-1 district with the difference being that a slightly higher density of population is permitted through the construction of dwellings on smaller lots.

SECTION 9.2 USES PERMITTED BY RIGHT

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

- A. Any use permitted By Right in the R-1 District.

SECTION 9.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Any use permitted with Special Approval in the R-1 District.

SECTION 9.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be twenty thousand (20,000) sq. ft.; if the lot is served with both public water and sanitary sewer, the lot size may be reduced to seven thousand five hundred (7,500) sq. ft. (May, 2018)
- B. Width: The minimum lot width in this District shall be sixty (60) ft.
- C. Front Yard: The minimum front yard setback in this District shall be twenty-five (25) ft. *In case of a water front lot the setback shall be 50 feet: The front being the waterside* (November, 2004).
- D. Rear Yard: The minimum rear yard setback in this District shall be twenty-five (25) ft.
- E. Side Yard: The minimum side yard setback in this District shall be ten (10) ft; however, in the case of lots less than one hundred (100) ft. in width, the minimum side yard setback shall be equivalent to ten (10) percent of lot width.

- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. Floor Area: The minimum floor area for any dwelling constructed in this District shall be seven hundred twenty (720) square feet on the ground floor unless otherwise specifically provided.

SECTION 9.5 OTHER PROVISIONS

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

- Chapter 1 Definitions
- Chapter 2 General Provisions
- Chapter 17 Site Plan Review
- Chapter 18 Parking and Signs

CHAPTER 10
R-3 HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 10.1 PURPOSE

This District is intended primarily for multiple family residential uses together with certain institutional or other compatible uses under specified conditions. There is no intent to promote by these regulations, a residential district of lower quality or livability than any other residential district within the County. It is the express purpose of these regulations to provide sites for multiple family dwellings of a low rise, moderate to high density character where adequate public services and facilities are available to accommodate higher population concentrations.

SECTION 10.2 USES PERMITTED BY RIGHT

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

- A. Single family dwellings (May, 2018)
- B. Two family dwellings.
- C. Townhouses or rowhouses (attached single family).
- D. Multiple family dwellings.
- E. Public parks, playgrounds, play fields, and similar public open space recreational uses, not including campgrounds.
- F. Family day care.
- G. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.
- F. Home occupations, as defined in Sec. 2.15.

SECTION 10.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Any use permitted with Special Approval in the R-1 District.

SECTION 10.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be as follows:
 - 1. Single family: The minimum lot size in the district shall be twenty thousand (20,000) sq. ft.; if the lot is served with both public water and sanitary sewer, the lot size may be reduced to seven thousand five hundred (7,500) sq. ft.(May, 2018)

2. Two family: The minimum lot size in the district shall be twenty thousand (20,000) sq. ft.; if the lot is served with both public water and sanitary sewer, the lot size may be reduced to fifteen thousand (15,000) sq. ft. (May, 2018)
 3. Multi-family: This parcel must be service by public water and sanitary sewer, minimum one (1) acre with at least five thousand (5,000) sq. ft. per unit. (May, 2018)
- B. Width: The minimum lot width in this District shall be as follows:
1. Single family: sixty (60) ft.
 2. Two family: eighty (80) ft.
 3. Multi-family: no minimum
- C. Front Yard: The minimum front yard setback in this District shall be twenty (20) ft. *In case of a waterfront lot the setback shall be 50 feet: The front being the waterside* (November, 2004).
- D. Rear Yard: The minimum rear yard setback in this District shall be twenty (20) ft.
- E. Side Yard: The minimum side yard setback in this District shall be twenty (20) ft. There shall also be a minimum of twenty (20) feet between the ends of contiguous buildings.
- F. Height: No principal building in this District shall exceed a height of thirty-five (35) ft. or two and one-half (2 1/2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty (30) percent of the parcel size.
- H. Floor Area: The minimum total floor area for any dwelling constructed in this District shall be as follows:
1. Single family: seven hundred twenty (720) sq. ft. on the ground floor.
 2. Two family: seven hundred twenty (720) sq. ft. per unit.
 3. Multi-family:
 - a. efficiency: five hundred (500) sq. ft. per unit
 - b. one bedroom: six hundred (600) sq. ft. per unit
 - c. two bedroom: seven hundred twenty (720) sq. ft. per unit
 - d. three or more bedrooms: eight hundred twenty (820) sq. ft. plus one hundred (100) sq. ft. per each bedroom more than three (3)

SECTION 10.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

CHAPTER 11
R-4 MANUFACTURED HOME PARK DISTRICT

SECTION 11.1 PURPOSE

This District is intended to provide suitable areas for manufactured housing developments within Ogemaw County. Public sewer and water facilities shall be provided for each such development. The District No. 2 Health Department, however, may permit the use of a lagoon or mechanical treatment system meeting all State and County regulations if public sewer facilities are not available. Connection shall be made to public sewer and water within one (1) year after same shall become available within five hundred (500) feet of the boundaries of such development. This type of development is to be located near essential community services and abutting paved public roads. All manufactured home parks shall comply with the applicable requirements of Public Act 419 of 1976, as amended, and Public Act 96 of 1987, as amended, and all other applicable local, county, or state regulations.

SECTION 11.2 USES PERMITTED BY RIGHT

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

- A. Manufactured homes when located within an approved manufactured home park.
- B. Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.
- C. Family day care.
- D. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.
- E. Home occupations, as defined in Sec. 2.15.

SECTION 11.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Any use permitted with Special Approval in the R-3 District.

SECTION 11.4 DISTRICT REGULATIONS AND OTHER PROVISIONS

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

CHAPTER 12
B-1 LOCAL BUSINESS DISTRICT

SECTION 12.1PURPOSE

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the County. In order to promote good business development s afar as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is to encourage the concentration of business uses, to the mutual advantage of both the consumers and merchants.

SECTION 12.2USES PERMITTED BY RIGHT

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

- A. Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises.
- B. Other retail businesses of a neighborhood character such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores which supply commodities on the premises.
- C. Restaurants, not including drive-through facilities.
- D. Professional and business offices.
- E. Medical offices including clinics.
- F. Banks, credit unions, and similar financial institutions, not containing drive-in facilities.
- G. Personal service establishments which perform services on the premises, including barber and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- H. Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- I. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.

SECTION 12.3SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Drive-through establishments including banks, dry cleaners, pharmacies, and similar personal services with drive-through service.
- B. Drive-through restaurants.
- C. Mortuaries and funeral homes.
- D. Vehicle service stations.
- E. Vehicle wash establishments.
- F. Child care center (Commercial).
- G. Motels.
- H. Commercial recreation including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.
- I. Planned Unit Development.
- J. Open Air Business.
- K. Mini Storage Facility.
- L. Adult Foster Care Home (January, 2009)
- M. Assembly buildings including dance halls, auditoriums, churches, and private clubs. (08.23.09)
- N. Solar Energy Farms. (12.2017)

SECTION 12.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be ten thousand (10,000) sq. ft.
- B. Width: The minimum lot width in this District shall be eighty (80) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft.
- D. Rear Yard: The minimum rear yard setback in this District shall be thirty (30) ft.; provided that where a rear yard abuts any Residential District, a minimum of twenty (20) ft. of such setback area shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. Side Yard: No side yard setback shall be required; provided that where a side yard abuts any Residential District, a minimum side yard of twenty (20) ft. shall be provided and shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. Height: No principal building in this District shall exceed a height of thirty (30) ft. or two (2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.
- H. Floor Area: No minimum floor area is required in this District.

SECTION 12.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

CHAPTER 13
B-2 GENERAL BUSINESS DISTRICT

SECTION 13.1 PURPOSE

This District is intended to provide for the general community and area-wide commercial and service needs of Ogemaw County and for the orderly development and concentration of such uses. The District should be established along major County roads which can satisfactorily accommodate the large volumes of vehicular traffic typically associated with such commercial concentrations.

SECTION 13.2 USES PERMITTED BY RIGHT

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

- A. Any use permitted By Right in the B-1 District.
- B. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- C. Service establishments, including printing, publishing, photo reproduction, blueprinting, and related trades or arts.
- D. Public buildings and service installations.
- E. Health and physical fitness establishments.
- F. Restaurants, clubs, and other drinking establishments, not including drive-through facilities.
- G. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.

SECTION 13.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Drive-through establishments.
- B. Open air businesses.
- C. Vehicle service stations.
- D. Vehicle wash establishments.
- E. Mortuaries and funeral homes.
- F. Commercial recreation facilities including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.
- G. Child care center (Commercial).
- H. Veterinary hospitals, clinics, and kennels.
- I. Assembly buildings including dance halls, auditoriums, churches, and private clubs.
- J. Marinas.
- K. Planned Unit Development.
- L. Bulk oil, gasoline and propane storage and distribution facilities. (June,2008)
- M. Adult Foster Care Home (January 2009)
- N. Solar Energy Farms. (12.2017)

SECTION 13.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be fifteen thousand (15,000) sq. ft.
- B. Width: The minimum lot width in this District shall be eighty (80) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft.
- D. Rear Yard: The minimum rear yard setback in this District shall be thirty (30) ft.; provided that where a rear yard abuts any Residential District, a minimum of twenty (20) ft. of such setback area shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. Side Yard: No side yard setback shall be required; provided that where a rear yard abuts any Residential District, a minimum side yard of twenty (20) ft. shall be provided and shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. Height: No principal building in this District shall exceed a height of thirty (30) ft. or two (2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.
- H. Floor Area: No minimum floor area is required in this District.

SECTION 13.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

CHAPTER 14
B-3 HIGHWAY BUSINESS DISTRICT

SECTION 14.1 PURPOSE

The Highway Business District is intended to provide areas for commercial establishments which cater primarily to the needs of the motoring public. Typical uses offer accommodations and services to motorists, specialized retail outlets and commercial amusement enterprises. The requirements of this District are developed to minimize traffic hazards and interference with other related uses in the vicinity. These uses are thus encouraged to locate near major highways and interchange areas where their heavy traffic and other characteristics will not prove detrimental or incompatible.

SECTION 14.2 USES PERMITTED BY RIGHT

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

- A. Any use permitted By Right in the B-2 District.
- B. Motels.
- C. Vehicle service stations.
- D. Vehicle wash establishments.
- E. Drive-through establishments.
- F. Accessory uses and buildings, as defined in Sec. 2.11 and 2.12.

SECTION 14.3 SPECIAL APPROVAL USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Vehicle repair establishments.
- B. Mortuaries and funeral homes.
- C. Commercial recreation facilities including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.
- D. Child care center (Commercial).
- E. Veterinary hospitals, clinics, and kennels.
- F. Building supply and equipment establishments.
- G. Open air businesses.
- H. Amusement parks.
- I. Mini-storage garages.
- J. Commercial enterprises producing merchandise to be sold at retail on the premises
- K. Planned Unit Development.
- L. Adult Foster Care Home (January, 2009)
- M. Assembly buildings including dance halls, auditoriums, churches, and private clubs. (08.23.09)
- N. Solar Energy Farms. (12.2017)
- O. Homeless Shelter/Transitional Housing (12.2017)

SECTION 14.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be forty thousand (40,000) sq. ft.
- B. Width: The minimum lot width in this District shall be one hundred (100) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft. No parking area, except for driveways, shall be located within twenty (20) ft. of the right-of-way line. This required parking setback area shall be planted and maintained as a landscaped yard.
- D. Rear Yard: The minimum rear yard setback in this District shall be thirty (30) ft.; provided that where a rear yard abuts any Residential District, a minimum of twenty (20) ft. of such setback area shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. Side Yard: No side yard setback shall be required; provided that where a side yard abuts any Residential District, a minimum side yard of twenty (20) ft. shall be provided and shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. Height: No principal building in this District shall exceed a height of thirty (30) ft. or two (2) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.
- H. Floor Area: No minimum floor area is required in this District.

SECTION 14.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

CHAPTER 15
M-1 INDUSTRIAL DISTRICT

SECTION 15.1 PURPOSE

This District permits most primary industrial uses. By providing a separate location for such uses, these essential facilities are kept from encroaching in areas or Districts where they would be incompatible. The M-1 District should be located only in areas where public utilities and adequate highway access are available and which are compatible with the adjacent and surrounding land uses.

SECTION 15.2 USES PERMITTED BY RIGHT

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

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

- B. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
 - 1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
 - 2. Apparel and other finished products including clothing, leather goods, and canvas products;
 - 3. Lumber and wood products including mill work, prefabricated structural work products and containers;
 - 4. Paper and paperboard containers and products;
 - 5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations;
 - 6. Glass products;

7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusements, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays;
 8. Pottery and figurines and other ceramic products using only previously pulverized clay; and
 9. Fabricated metal products, except the production of heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment , drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
 - D. Warehousing, including refrigerated and general storage.
 - E. Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
 - F. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
 - G. Research and development facilities, including production activities, which shall be limited to fifty (50) percent of the floor area of the building.
 - H. Trade or industrial schools.
 - I. New building materials sales and storage, including building trade contractors and related storage yards.
 - J. Body shops.
 - K. Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and televisions and radio towers.
 - L. Utility and public service buildings, including storage yards.
 - M. Accessory buildings and uses, as defined in Sec. 2.11 and 2.12.

SECTION 15.3 SPECIAL APPROVED USES

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter 19 are met.

- A. Truck and freight terminals, and maintenance facilities.
- B. *Bulk oil, gasoline and propane storage and distribution facilities. (June, 2008)*
- C. Junkyards.
- D. Waste treatment facilities.
- E. Water supply and treatment facilities.
- F. Waste disposal facilities, including incinerators and sanitary landfills.
- G. Restaurants, not including drive-through establishments.
- H. Heating and electric power generating plants.

- I. Removal and processing of soil, sand, gravel, or other mineral resources.
- J. Tool and die metal working shops.
- K. Slaughter houses, meat packing plants and stock yards.
- L. Solar Energy Farms. (12.2017)

SECTION 15.4 DISTRICT REGULATIONS

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

- A. Area: The minimum lot size in this District shall be one (1) acre.
- B. Width: The minimum lot width in this District shall be one hundred (100) ft.
- C. Front Yard: The minimum front yard setback in this District shall be fifty (50) ft. No parking area, except for driveways, shall be located within twenty (20) ft. of the right-of-way line. This required parking setback area shall be planted and maintained as a landscaped yard.
- D. Rear Yard: The minimum rear yard setback in this District shall be thirty (30) ft.; provided that where a rear yard abuts any Residential District, a minimum of twenty (20) ft. of such setback area shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- E. Side Yard: No side yard setback shall be required; provided that where a side yard abuts any Residential District, a minimum side yard of twenty (20) ft. shall be provided and shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- F. Height: No principal building in this District shall exceed a height of forty-five (45) ft. or three (3) stories, whichever is less.
- G. Lot Coverage: The total area of all buildings on the parcel shall not exceed a maximum of thirty-five (35) percent of the parcel size.
- H. Floor Area: No minimum floor area is required in this District.

SECTION 15.5 OTHER PROVISIONS

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

Chapter 1	Definitions
Chapter 2	General Provisions
Chapter 17	Site Plan Review
Chapter 18	Parking and Signs

ZONING DISTRICTS	MINIMUM LOT SIZE		MINIMUM SETBACKS			MAXIMUM HEIGHT (stories/ft.)	MAXIMUM LOT COVERAGE (%)	MINIMUM FLOOR AREA (sq. ft.)
	Area	Width	Front	Rear	Side			
CD - Conservancy	10 acres	330 ft. ⁽¹⁾	75 ft.	50 ft.	50 ft.	2 ½ / 35	10%	720 ⁽¹²⁾
CE - Country Estate	5 acres	300 ft.	50 ft.	50 ft.	50 ft.	2 ½ / 35	20%	720 ⁽¹²⁾
A/RP - Agricultural/ Rural Preservation	1 acre	200 ft.	50 ft.	25 ft.	10 ft.	2 ½ / 35	20%	720 ⁽¹²⁾
WF - Waterfront	20,000 sq. ft. ⁽²⁾	80 ft. ⁽⁴⁾	25 ft./ 50 ft. ⁽⁴⁾	25 ft.	10 ft.	2 ½ / 35	30%	720 ⁽¹²⁾
R-1 - Low Density Residential	20,000 sq. ft. ⁽²⁾	80 ft. ⁽⁴⁾	25 ft. ⁽⁵⁾	25 ft.	10 ft. / 10 % of width	2 ½ / 35	30%	720 ⁽¹²⁾
R-2 - Medium Density Residential	20,000 sq. ft. ⁽²⁾	60 ft.	25 ft. ⁽⁵⁾	25 ft.	10 ft. / 10 % of width	2 ½ / 35	30%	720 ⁽¹²⁾
R-3 - High Density Residential ⁽⁶⁾	(7)	(7)	20 ft. ⁽⁵⁾	20 ft.	20 ft.	2 ½ / 35	30%	(8)
[1] R-4 Manufactured Home Park ⁽⁹⁾								
B-1 - Local Business	10,000 sq. ft.	80 ft.	50 ft. ⁽¹¹⁾	30 ft. ⁽¹⁰⁾	0 ⁽¹⁰⁾	2 / 30	35%	
B-2 - General Business	15,000 sq. ft.	80 ft.	50 ft. ⁽¹¹⁾	30 ft. ⁽¹⁰⁾	0 ⁽¹⁰⁾	2 / 30	35%	
B-3 - Highway Business	40,000 sq. ft.	100 ft.	50 ft. ⁽¹¹⁾	30 ft. ⁽¹⁰⁾	0 ⁽¹⁰⁾	2 / 30	35%	
M-1 - Industrial	1 acre	100 ft.	50 ft. ⁽¹¹⁾	30 ft. ⁽¹⁰⁾	20 ft. ⁽¹⁰⁾	3 / 45	35%	

Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule. It should also be noted that other provisions of the Zoning Ordinance may be applicable, as well.

FOOTNOTES TO THE SCHEDULE OF DISTRICT REGULATIONS

- 1 In no case, shall the minimum lot width be less than one-fourth of the lot depth.
- 2 If the lot is served by both public water and sanitary sewer, the minimum lot size may be reduced to 10,000 sq. ft.
- 3 If the lot is served by both public water and sanitary sewer, the minimum lot size may be reduced to 7,500 sq. ft.
- 4 If the lot is served by both public water and sanitary sewer, the minimum lot width may be reduced to 75 ft.
- 5 Note that waterfront lots shall have a minimum front yard setback of fifty (50) ft., that yard abutting the water is the front yard.
- 6 Lots in this District may be required to be served by public water and sanitary sewer.
- 7 Minimum required lot areas and widths by type of dwelling are as follows:
 - single family - 20,000 sq. ft., 60 ft. wide
 - two family - 20,000 sq. ft., 80 ft. wide
 - multi family - one (1) acre with a minimum lot area per unit of 5,000 sq. ft., no minimum width.
- 8 Minimum floor area requirements in this District shall be as follows:
 - single family - 720 sq. ft. on the ground floor
 - two family - 720 sq. ft. per unit
 - multi family - 600 sq. ft. for efficiency units
 - 720 sq. ft. for one bedroom units
 - 820 sq. ft. for three or more bedrooms, plus 100 sq. ft. for each additional bedroom over three
- 9 Specific regulations for Manufactured Home Parks shall be as adopted by the State Mobile Home Code Commission.
- 10 Where a side or rear yard abuts a Residential District, there shall be a minimum yard of twenty (20) ft. which shall contain a landscaped buffer composed of evergreen trees or a fence suitable to provide visual screening from the adjacent property and shall not be paved or used for parking, loading, vehicle maneuvering, or storage.
- 11 No parking area, except for entry drives, shall be located within twenty (20) ft. of the right-of-way line. This required setback area shall be planted and maintained as a landscaped yard.
- 12 Minimum floor area shall be provided on the main floor.

CHAPTER 16A ADULT USES

Section 16A.1 PURPOSE AND INTENT

1. It is the purpose of this ordinance to regulate Adult-Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of Ogemaw County and to establish reasonable and uniform regulations to:
 - A. Prevent additional criminality within the County.
 - B. Prevent deterioration of neighborhoods and its consequent adverse effect on real estate value of properties within the neighborhood.
 - C. To locate Adult-Oriented Businesses away from residential areas, schools, churches, parks and playgrounds.
 - D. Prevent concentration of Adult-Oriented Businesses within certain areas of the County.
2. The provisions of this ordinance have neither the purpose, nor the effect, of imposing a limitation or restriction on the content of any communicative material, including adult-oriented materials. Similarly, it is not the intent, nor the effect, of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment of the United States Constitution or the Michigan Constitution, or to deny access by distributors and exhibitors of adult-oriented material and entertainment to their intended market.

Section 16A.2 DEFINITIONS AS USED IN THIS CHAPTER

1. **Adult Book and/or Media Store.** An establishment which has a substantial portion (at least 25% of utilized showroom floor area) of its stock in trade or stock on display books, magazines, films, video tapes, or other media which are characterized by their emphasis on matter depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas.
2. **Adult Cabaret.** An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of specified sexual activities or specified anatomical areas.
3. **Adult Establishment.** Any business which offers its patrons services, entertainment, or the same of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but

without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses, adult product warehouses and other adult establishments.

4. Adult Hotel or Motel. A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
5. Adult Modeling Studio. A business, which excludes minors from all or part of the establishment, whose major activity is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
6. Adult Mini-Motion Picture Theater. 1) A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons which is used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. 2) Any business, from which minors are excluded from all or part of the establishment, which presents motion pictures including films and videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for viewing on the premises, including but not limited to private booths, viewing by means of coin operated or other mechanical devices, and the viewing of excerpts of motion pictures offered for sale or rent.
7. Adult Motion Picture Arcade. Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
8. Adult Motion Picture Theater. A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons which is used for presenting live entertainment or motion pictures, including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting,

describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

9. Adult Novelty Business. A business, from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulations.
10. Adult-Oriented Business. Any of the activities and businesses described below constitute “adult oriented businesses” which are subject to the regulation of this code section: Adult Book and/or Media Store, Adult Cabaret, Adult Establishment, Adult Hotel or Motel, Adult Modeling Studio, Adult Mini-Motion Picture Theater, Adult Motion Picture Arcade, Adult Motion Picture Theater, Adult Novelty Business, or Adult Sauna.
11. Adult Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing; utilizing steam or hot air as a cleaning , relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.
12. Appeal. An application for the review of an order, requirement, decision, determination, or interpretation of this ordinance made by an administrative office in the application and/or enforcement of this ordinance.
13. Specified Anatomical Areas. Human genitals, pubic region, or pubic hair; buttock; and/or the female breast below a point immediately above the top of the areola, less than completely and opaquely covered, as well as human male genitals in a discernible turgid state, even if opaquely covered.
14. Specified Sexual Activities. Any of the following:
 - A. An act of sexual intercourse, normal or perverted, actual or stimulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
 - B. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
 - C. Masturbation or lewd exhibitions of the genitals including any explicit close-up representation of a human genital organ clothed or unclothed.
 - D. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the

breasts of a female, whether alone or between numbers of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Section 16A.3 APPLICATION

1. Except as specifically provided for in this ordinance, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose nor in any manner that is not in conformity with this ordinance.
2. No Adult-Oriented Business or building owner shall engage in or allow any activity or conduct, or permit any other person to engage in or to conduct any activity in or about the establishment which is prohibited by this ordinance, the laws of the State of Michigan, or United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including, but not limited to, statutes or ordinances prohibiting the exhibition, sale, or distribution of obscene material generally, or the exhibition, sale, or distribution of specified materials to minors.
3. No Adult-Oriented Business shall be permitted on the same parcel of property as any other commercial use.

Section 16A.4 LOCATION

1. Adult-Oriented Businesses shall be permitted by Special Land Use Approval in any B1, B2, or B3 zoning district when all applicable standards in this Chapter and Chapter 19 are met.
2. During the term of this ordinance, no Adult-Oriented Business shall be located less than 1,000 feet from any existing residence, nor less than 1,000 feet from any church, synagogue, mosque or temple, nursery school, preschool, elementary school, intermediate school, middle school, junior high school, high school, vocational school, secondary school, special education school, junior college or university site, day care site, park or playground site, child-oriented commercial business or another Adult-Oriented Business site to the nearest boundary of the proposed Adult-Oriented Business site.

Section 16A.5 HOURS OF OPERATION

1. No Adult-Oriented Business site shall be open to the public from the hours of 2:00 a.m. to 9:00 a.m.

Section 16A.6 OPERATION

1. Off-site Viewing. An establishment operating as an Adult-Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of any State of Michigan statute or applicable Federal statute or local ordinance.
2. Entrances. All entrances to the business, with the exception of emergency fire exits which shall not be usable by patrons to enter the business, shall be visible from a public right-of-way.
3. Layout. The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the business can observe all patrons while they have access to any merchandise offered for sale or viewing including, but not limited to books, magazines, photographs, video tapes, or any other material.
4. Illumination. Illumination of the premises' exterior shall be adequate to observe the location and activities of all persons on the premises' exterior.
5. Signs. Signs for Adult-Oriented Businesses shall comply with the sign restrictions addressed in this Ordinance in Chapter 18, and in addition, signs for Adult-Oriented Businesses shall not contain any graphics, flashing lights, moving parts or representational depiction of an adult nature or graphic descriptions of the adult theme of the operation.

Section 16A.7 CONSUMPTION OF ALCOHOLIC BEVERAGES

1. Adult-Oriented Businesses shall not be located on the same parcel as or on a parcel adjacent to or within 500 feet of an establishment that serves alcoholic beverages. Sale and consumption of alcoholic beverages on a parcel containing and adult use is prohibited.

Section 16A.8 SPECIAL LAND USE PERMITS

1. Special Land Use Permit Required. All establishments intending to operate an Adult Oriented Business, shall apply for and obtain a Special Land Use Permit from the Ogemaw County Planning Commission. A person is in violation of this ordinance if he or she operates an Adult-Oriented Business without a valid Special Land Use Permit issued by the Ogemaw County Planning Commission.

Section 16A.9 APPLICATIONS

1. An application for a Special Land Use Permit must be made on a form provided by the Ogemaw County Planning Commission.

2. The application must be accompanied by a scaled drawing showing the configuration of the premises, including a statement of the total floor space occupied by the business. The drawing need not be professionally prepared for an existing building, but must be drawn to a designated scale and drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus 12 inches. All new construction requires a engineer sealed site plan and drawings.
3. The applicant must be qualified according to the provisions of this Section and the premises must be inspected and found to be in compliance with the appropriate State, County and Local law and codes by the health official, fire marshal, and building official.
4. Application for a Special Land Use Permit shall contain the following:
 - a. Address and legal description of the property to be used.
 - b. The names, address, phone numbers, birth dates of the owners, lessees (if any), the operator, and all employees.
 - c. The names, addresses, and phone numbers of two persons, who shall be residents of the State of Michigan, and who may be called upon to attest to the applicant's, manager, or operator's character.
 - d. Whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense, and, if so, complete and accurate information detailing the disposition thereof.
 - e. The names and addresses of all creditors of the applicant, owner, lessee, or manager regarding credit which has been extended for the purpose of constructing, equipping, maintaining, operating, furnishing, or acquiring the premises, personal effects, equipment, or anything incidental to the establishment, maintenance, and operation of the business.
5. If the application is made on behalf of the corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application accurate and complete business records showing the names, address, and birth dates of all individuals having an interest in the business, including partners, officers, owners, and creditors furnishing credit for the establishment, acquisition, maintenance, and furnishings of said business. In the case of a corporation, the names, addresses, and birth dates of all officers, general managers, members of the board of directors, as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishings of the establishment, including the purchase of acquisition of any items of personal property for use in said operation.
6. All applicants shall furnish to the Ogemaw County Planning Commission, along with their applications, complete and accurate documentation establishing the interests of the applicant and any other person having an interest in the premises

upon which the building is proposed to be located of the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition, or maintenance of the enterprise.

7. Application / Applicant Disqualification. Any one of the following items shall invalidate the application or disqualify the applicant from submitting and application.
 - a. The application fee required by this Ordinance has not been paid.
 - b. An applicant has been convicted of a crime involving any one of the following offenses:
 - i. Any sex crimes as defined by Michigan Compiled Laws 750.520a through 750.520n inclusive, or Michigan Compiled Laws 750.142, 750.143, 750.745, 750.335a, 750.10, 333.7401a or as defined by any ordinance or statute in conformity therewith;
 - ii. Any obscenity crime as defined by Michigan Compiled Laws 722.675 through 722.678 inclusive, or as defined by any ordinance or statute in conformity therewith for which:
 - a. Less than two years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction whichever is the later date, if the conviction is a misdemeanor offense,
 - b. Less than five years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction whichever is the later date, if the conviction is a felony offense, or
 - c. Less than five years have elapsed since the date of the conviction or the date of release from confinement imposed for the last conviction whichever is the later date, if the conviction is a two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within any 24 hour period.
 - iii. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or the applicant's spouse.
8. Requalification. An applicant who has been convicted of an offense listed in Section 7(b) (above), may qualify for an Adult-Oriented Business Special Land Use Permit only after the time period required by the ordinance has elapsed.

9. Posting. The Special Land Use Permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult-Oriented Business. The Special Land Use Permit shall be posted in a conspicuous location near the entrance to the Adult-Oriented Business so that it may be easily read at any time.
10. The Ogemaw County Planning Commission shall act to approve or disapprove the Special Land Use Permit application within 60 days from the date the application is submitted, provided that the application contains all of the information required by this ordinance. If the application is deficient, the Commission shall act on the application within 60 days from the date that the deficiency has been corrected. The Ogemaw County Planning Commission clerk shall notify the applicant of the deficiencies in the application within ten working days from the date of submission.
11. Appeals. Within 90 days after a decision by the Board, the applicant may appeal to the Ogemaw County Zoning Board of Appeals by filing a properly completed application with the Ogemaw County Planning Commission clerk. Any appeal from the Ogemaw County Zoning Board of Appeals may be made as provided by law to the Circuit Court.

Section 16A.10 INVESTIGATION AND ISSUANCE

1. The Ogemaw County Planning Commission shall direct the Ogemaw County Sheriff Department to investigate all facts set forth in the application. An advance deposit of \$1,000.00 shall be submitted with the application to defray the County's costs and expenses associated with the background investigation and other costs associated with the application. After the background investigation has been completed and all information required by the application has been submitted to the Ogemaw County Planning Commission, the Commission shall determine whether to grant or to deny the Special Land Use Permit application. A detailed invoice of all costs will be provided to the applicant, with any unused portion of the deposit being returned to the applicant after the Planning Commission has reached its decision as to the application.

Section 16A.11 SPECIAL LAND USE PERMIT APPLICATION FEES

1. Fees shall be established by the Ogemaw County Board of Commissioners resolution on the fee structure.

Section 16A.12 INSPECTION

1. Access. An applicant or Special Land Use Permit holder shall permit health officials, representatives of the police department, zoning administrator and building inspection division, county sheriff's office, and fire department, to inspect the premises of an Adult-Oriented Business for the purpose of ensuring compliance with the law and County ordinances at any time it is occupied or open for business.
2. Refusal to Permit Inspections. A person who operates an Adult-Oriented Business or his agent or employee commits an offense if he or she refuses to permit a lawful inspection of the premises by health officials, representatives of the police department, zoning administrator and building inspection division, county sheriff's office, and fire department at any time it is occupied or open for business. Refusal to permit inspections may result in the revocation of the Special Land Use Permit as provided for in Section 19.5 of this ordinance.

Section 16A.13 EXPIRATION AND RENEWAL

1. Expiration. Each Special Land Use Permit shall expire as provided in Section 19.4 of this ordinance.

Section 16A.14 SUSPENSION OF SPECIAL LAND USE PERMIT

1. Causes of Suspension. The Ogemaw County Planning Commission may suspend a Special Land Use Permit for a period not to exceed 30 days if it determines that a holder or an employee of a holder has:
 - a. Violated or is not in compliance with any provision of this ordinance.
 - b. Engaged in the use of alcoholic beverages while on the Adult-Oriented Business premises.
 - c. Refused to allow an inspection of the Adult-Oriented Business premise as authorized by this Ordinance.
 - d. Knowingly permitted gambling by any person on the Adult-Oriented Business premises.
 - e. Demonstrated the inability to operate or manage an Adult-Oriented Business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.
2. Notice. A suspension by the Ogemaw County Planning Commission shall be preceded by written notice to the Special Land Use Permit holder and before a hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the Special Land Use Permit holder. The notice may be served upon the Special Land Use Permit holder personally, or by leaving the same at the permit holder's business premises with the person in charge thereof.

3. The Ogemaw County Planning Commission is not required allow any specified correction time as provided elsewhere in this ordinance for a cause specified in Section 16A.14(1).

Section 16A.15 REVOCATION

1. Suspended Special Land Use Permits. The County may revoke an Adult Use Special Land Use Permit if a cause of suspension in Section 16A.13 occurs and the Special Land Use Permit has been suspended within the preceding twelve (12) months.

2. Causes of Revocation. The Ogemaw County Planning Commission shall revoke a Special Land Use Permit if it determines that:

- a. A Special Land Use Permit holder gave false or misleading information in the materials submitted to the County during the application process.
- b. A Special Land Use Permit holder or an employee knowingly allowed possession, use, or sale of controlled substances on the premises.
- c. A Special Land Use Permit holder or an employee has knowingly allowed prostitution on the premises.
- d. A Special Land Use Permit holder or an employee knowingly operated the Adult-Oriented Business during a period of time when the Special Land Use Permit was suspended.
- e. A Special Land Use Permit holder has been convicted of an offense listed in Section 16A.9(7)(b), for which the time period required in Section 16A.9(7)(b)(ii), has not elapsed.
- f. On two or more occasions within a twelve (12) month period, a person or persons committed an offense occurring in or on the permitted premises of a crime listed in Section 16A.9(7)(b) for which a conviction has been obtained, and the person or persons were employees of the Adult-Oriented Business at the time the offenses were committed.
- g. A Special Land Use Permit holder or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, or masturbation to occur in or on the licensed premises.

- h. A Special Land Use Permit holder has allowed the sale and/or consumption of alcoholic beverages at the Adult-Oriented Business for which a Special Land Use Permit has been issued herein.
- 3. Appeals. The fact that a conviction is being appealed shall have no effect on the revocation of the Special Land Use Permit.
- 4. Granting a Special Land Use Permit after Revocation. When the Ogemaw County Planning Commission revokes a Special Land Use Permit, the revocation shall continue for one year, and the Special Land Use Permit holder shall not be issued an Adult-Oriented Business Special Land Use Permit for one year from the date that the revocation became effective. If, subsequent to revocation, the Ogemaw County Planning Commission finds that the basis for the revocation has been corrected or abated, the applicant may be granted a Special Land Use Permit if at least ninety (90) days have elapsed since the date the revocation became effective. If the Special Land Use Permit was revoked under Section 16A.14(2), an applicant may not be granted another Special Land Use Permit until the appropriate number of years required under Section 16A.8(7)(b)(ii), have elapsed and a new properly completed application and fee has been submitted to the Planning Commission.
- 5. Notice. A revocation by the Ogemaw County Planning Commission shall be preceded by written notice to the Special Land Use Permit holder and a public hearing. The notice shall give at least ten (10) days notice of the time and place of the hearing and shall state the nature of the charges against the Special Land Use Permit holder. The notice may be served upon the permit holder personally, or by leaving the same at the permit holder's business premises with the person in charge thereof.

Section 16A.16 TRANSFER OF ADULT USE SPECIAL LAND USE PERMIT

- 1. An Adult Use Special Land Use Permit holder shall not transfer this Adult Use Special Land Use Permit to another, nor shall an Adult Use Special Land Use Permit holder operate an Adult-Oriented Business under the authority of an Adult Use Special Land Use Permit at any place other than the address designated in the application.

Section 16A.17 SEVERABILITY.

1. Every provision or part of this section of the county ordinance, or any permit issued under this section, is declared severable from every other provision or part thereof, to the extent that if any provision or part of this section or any permit issued pursuant to it shall be held invalid by a court of competent jurisdiction it shall not invalidate any other provision or part thereof.

CHAPTER 17
SITE PLAN REVIEW

SECTION 17.1 PURPOSE

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

SECTION 17.2 SITE PLANS REVIEWED

- A. No principal use shall be established on a parcel until a site plan has been reviewed and approved by the Planning Commission under the following circumstances:
1. Permitted Uses in the R-3 and R-4 Districts, except farms, single family dwellings, state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings and uses.
 2. Permitted Uses in the Commercial and Industrial Districts.
 3. Special Approval Uses in any District.
 4. Expansions, alterations, and addition to Permitted Uses and Special Approval Uses allowed by this Ordinance and otherwise requiring site plan review.
 5. As otherwise might be required in this Ordinance.
- B. All commercial site plans shall be reviewed by the zoning administrator. If the “use” is a “use permitted by right”, and all plan details meet the ordinance requirement, the administrator may approve the site plan. If the “use” is not clearly a “use permitted by right” or there are any questions as to conformance with the ordinance, the zoning administrator shall forward the site plan to the planning commission for consideration.(9.24.08)
- C. Review of a site plan for Planned Unit Developments and private roads is also required in accordance with the procedures noted in this Ordinance.

SECTION 17.3 APPLICATION PROCEDURES

- A. An application for Site Plan Review shall be submitted to the Zoning Administrator who will review all plans for conformance to the review standards of Sec. 17.5.
- B. An application for Site Plan Review shall consist of the following:
 - 1. Three (3) copies of the Site Plan and nine (9) copies shall be provided in conjunction with a Special Approval request.
 - 2. A completed application form, as provided by the County.
 - 3. Payment of a fee, in accordance with a fee schedule, as determined by the County Board from time to time.
 - 4. A legal description of the entire property which is the subject of the Site Plan Review.
 - 5. Other materials as may be required by the Planning Commission.
- C. A site plan submitted in conjunction with a Special Approval request shall be reviewed by the Planning Commission.

SECTION 17.4 SITE PLAN REVIEW

- A. The Zoning Administrator, or in the case of Special Approval request, the Planning Commission shall approve, deny, or approve with conditions, the Site Plan, based on the purposes, objectives, and requirements of this Ordinance and specifically the considerations listed in Section 17.5.
- B. The site plan shall be clear, accurate, to scale and bear a statement of accuracy signed by the owner or developer and include the following information, unless deemed unnecessary by the Zoning Administrator and Planning Chairman or Designee. *(12.24.09)*
 - 1. Legal description of the property.
 - 2. Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area.

3. The site plan shall be presented at a scale not to exceed one (1) inch equals one hundred (100) feet for property over three (3) acres in size and not less than one (1) inch equals twenty (20) feet for those of three acres or less. The following items shall be shown on the plan:
 - a. Date of preparation/revision.
 - b. Name and address of the preparer.
 - c. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - d. Existing structures.
 - e. Adjacent street rights-of-way and proposed streets, driveways, and sidewalks. All driveways or access points within one-hundred (100) feet of the property lines of the subject property shall also be shown.
 - f. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, lakes, floodplains, hills, and similar natural assets both on the subject property and within one-hundred (100) feet of the property lines.
 - g. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - h. Location and type of fences, landscaping, buffer strips, and screening.
 - i. Location and type of signs and on-site lighting.
 - j. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 18.
 - k. Easements, if any.
 - l. Dimensions and number of proposed lots.

- C. The reviewer, prior to granting approval of a site plan, may request from the applicant any additional graphic or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impact studies; impact on significant natural features and drainage; soil tests; and other pertinent information.

SECTION 17.5 SITE PLAN REVIEW STANDARDS

- A. The reviewer shall review the Plans and approve, approve with conditions, or deny the Site Plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 1. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

2. Safe, convenient, un-congested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points. Shared driveways, cross-access agreements, and similar access management techniques shall be employed wherever possible.
3. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by Public Safety Departments.
7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
9. Off-street parking and loading areas shall be provided, as required, with particular attention to noise, glare and odor effects on adjoining properties and properties in the proposed development.
10. The plan conforms to all minimum setback, parking, and other dimensional and use requirements of the zoning district and this ordinance.

SECTION 17.6 APPROVED SITE PLANS

- A. Upon approval of the Site Plan, the Zoning Administrator or, in the case of a review in conjunction with a Special Approval request, the Chairperson or Secretary of the Planning Commission shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the County's files; one (1) shall be forwarded to the Building Inspector for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- B. Time limits on site plans.
1. Each development shall be substantially under construction within one (1) year after the date of approval of the Site Plan.
 2. The reviewer may grant one (1) extension of up to one (1) additional year, provided the applicant applies for such extension prior to the date of the expiration of the Site Plan.
 3. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant.
 4. If construction has not commenced within the applicable period, the Site Plan approval shall be null and void.
- C. Amendments to an approved site plan may occur only under the following circumstances:
1. The holder of a valid site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan. If the original plan was approved by the Planning Commission, the following shall apply:
 - a. Minor changes may be approved by the Zoning Administrator provided the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In making such a determination, the Zoning Administrator shall consider the following to be a minor change:
 1. Reduction of the size of any building and/or sign.
 2. Movement of buildings and/or signs by no more than ten (10) feet.
 3. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 4. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 5. Changes in floor plans which do not alter the character of the use, nor increase its size.

6. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 7. Changes required or requested by the County for safety reasons shall be considered a minor change.
 - b. The Zoning Administrator shall inform the Planning Commission in writing of any approved minor change to a site plan.
2. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

CHAPTER 18
DISTRICT REGULATIONS - PARKING AND SIGNS

SECTION 18.1 PARKING - GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential Districts and uses shall be either on the same lot or within *five hundred (500)* feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
1. In cases where there are more than one use in a single structure the following off-street parking regulation may apply:
 - For 2 use per structure, 80% of the otherwise combined required parking
 - For 3 uses, 75%
 - For 4 uses, 70%
 - For 5 or more uses, 65%, in no case shall less than 65% be allowed
 2. Two or more businesses may count the same parking space if the primary time of doing business is staggered (e.g. weekday vs. weekend or daytime vs. evening). (January, 2011)
- C. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or Portland cement binder, graveled, or compacted earth so as to provide a durable and dustless surface, and shall occupy no greater than thirty-three (33) percent of the required front yard.
- D. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- E. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- F. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- G. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Each alteration shall require the approval of the Zoning

administrator of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

- 3. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.

- H. Overnight parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half (1½) tons shall be prohibited in any Residential District.

SECTION 18.2 PARKING LOT DESIGN STANDARDS

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

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

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

SECTION 18.3 OFF-STREET PARKING REQUIREMENTS

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

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Multiple family dwellings	Two (2) for each dwelling unit
Housing for the elderly	One (1) space for each two (2) dwelling units, plus one (1) for each employee, plus one (1) space for each five (5) dwelling units to be marked as visitor spaces
Institutional	
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew or bench length
Hospitals	Two (2) spaces per bed
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash (self service)	One (1) space for each five (5) stalls
Vehicle wash (automatic)	One (1) space per each employee, plus stacking space for ten (10) vehicles
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants without drive-through facilities	One (1) space for each one-hundred (100) square feet of usable floor area or 1 space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial, continued	
Restaurants with drive-through facilities	One (1) space for each seventy-five (75) square feet of usable floor area or 1 space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island, plus requirements for convenience store, car wash, or other uses, as applicable
Convenience store	One (1) space per two hundred (200) square feet of usable floor area
Personal service establishments (not otherwise provided for herein)	One (1) space for each three hundred (300) square feet of usable floor area
Retail furniture, appliance and household good	1 space for each eight hundred (800) square feet of usable floor area
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Open air businesses	One (1) space for each two-hundred (200) square feet of indoor usable floor area plus one (1) space for each one-thousand (1000) square feet of outdoor display area
Retail stores not otherwise specified	One (1) space for each two-hundred (200) square feet of gross floor area
Boat launch sites	Fifty (50) percent of the total area devoted to the launch site shall be devoted to parking, in accordance with the requirements of Section 19.7.Y.
Marinas	One and one-half (1½) space per boat slip or rack storage bin, plus required spaces for any accessory uses
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one-hundred (100) square feet of usable floor area plus one (1) space for the maximum number of employees on the premises at any one time
Office	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each two hundred (200) square feet of usable floor area plus three (3) stacking spaces per drive-through window

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Office, continued	
Offices not otherwise specified	One (1) space for each three-hundred (300) square feet of usable floor area
Medical and dental offices and clinics	One (1) space for each seventy-five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments	One (1) space for each one-thousand (1000) square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two-thousand (2000) square feet of gross floor area plus those spaces required for offices located on the premises

SECTION 18.4 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the Commercial/Business Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial District
 - 1. In the M-1 District at least one (1) loading space shall be provided for each use. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

SECTION 18.5 TRAFFIC VISIBILITY

No obstruction such as structures, parking or vegetation between the heights of two and one-half (2 ½) feet and ten (10) feet above the plane through the mean curb grades shall be permitted in any District within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of twenty (20) feet from their intersection.

SECTION 18.6 DRIVEWAYS

All driveway openings installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet all applicable requirements of the Ogemaw County Road Commission and Michigan Department of Transportation.

SECTION 18.7 SIGNS - INTENT

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

SECTION 18.8 SIGNS - DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.

- I. Government Sign: A temporary or permanent sign erected by Ogemaw County, or township, city, village, state or federal government.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- K. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- L. Marquee Sign: A sign affixed flat against the surface of a marquee.
- M. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- N. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- O. Political Sign: A temporary sign used in connection with an official city, village, township, school district, county, state, or federal election, referendum, or public issue.
- P. Portable sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- Q. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.
- R. Reader Board: A portion of a sign on which copy is changed manually.
- S. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- T. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- U. Roof Sign: A sign erected above the roof line of a building.
- V. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- W. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- X. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.
- Y. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

SECTION 18.9 GENERAL SIGN PROVISIONS

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted in Section 18.9 B and 18.10.
- B. The following signs shall not require a sign permit:
 - 1. Directional signs of six (6) square feet in size or less.
 - 2. Government signs.
 - 3. Placards.
 - 4. Temporary sale signs of four (4) square feet in size or less.
 - 5. Window signs.
 - 6. Political signs.
 - 7. Special event signs.
- C. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage has occurred.
- D. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- E. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- F. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- G. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- H. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- I. No commercial vehicles, which, in the opinion of the Zoning Administrator, has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light which in the judgement of the Zoning Administrator will constitute a traffic hazard or nuisance to adjoining residential properties.

- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- M. No sign shall be erected above the roof line of a building.
- N. No obscene message or profanity, as determined by the Zoning Administrator, shall be displayed on any sign.

SECTION 18.10 EXEMPTED SIGNS

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

SECTION 18.11 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.

- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

SECTION 18.12 SIGNS - UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

SECTION 18.13 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. The following sign regulations are applicable to all Districts:
 - 1. All ground, wall and freestanding signs may include reader boards.
 - 2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
 - 3. Political signs shall be removed by the candidate or candidate's designee within ten (10) days after the official election or referendum to which such sign pertains.
 - 4. Real estate signs shall be removed within (30) days after completion of the sale or lease of the property.
 - 5. Construction signs are permitted within any District, subject to the following restrictions:
 - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.

- b. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - c. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
6. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
- a. No more than five (5) such signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
 - b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
 - d. Such signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
7. Directional signs are permitted subject to the following restrictions:
- a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 - c. Directional signs shall be limited to traffic control functions only.
8. Garage, yard, basement, estate sale, and similar signs are permitted subject to the following restrictions:
- a. One sign per premises is permitted, located on the premises on which such sale is being conducted, and set back a minimum of five (5) feet from any property line.
 - b. Such sign shall not exceed six (6) square feet in area.
 - c. Such sign shall be erected no more than 10 days prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale.
9. Temporary and portable signs are permitted subject to the following restrictions:
- a. No more than one (1) such sign shall be displayed on the premises. Any such sign shall be located on the same lot as the business to which the sign pertains.

- b. The display of such signs shall be limited to seven (7) days in any thirty (30) day period and no more than fourteen (14) days in any six (6) month period.
- c. Such signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of six (6) feet and shall be set back from any property line a minimum of fifteen (15) feet.
- d. Such signs shall not be located in any required parking space or located so as to interfere with the vision of motorists or pedestrians, as determined by the Zoning Administrator.

SECTION 18.14 DISTRICT SIGN REGULATIONS

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

CD, CE, A/RP, WF, R-1, R-2, R-3, and R-4 DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, private road entrances to public streets when serving more than three (3) dwelling units, manufactured home parks, multiple family complexes, farms, schools, or other non-residential uses allowed in the District	
Number	One (1) per major entrance
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
Wall signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than four (4) square feet
Location	On wall of house facing street

CD, CE, A/RP, WF, R-1, R-2, R-3, and R-4 DISTRICTS - PERMITTED SIGNS, con't	
Wall signs for non-residential uses	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed (not exceeding a maximum area of thirty-two square feet)
Location	On wall of building facing street
Political signs	
Size	No greater than six (6) square feet, except in the A/RP, CE, and CD districts such signs may be no greater than thirty-two (32) square feet.
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
Real estate signs	
Number	One (1) per lot or parcel; plus one (1) for the waterfront side of lots with waterfront frontage
Size	No greater than six (6) square feet for unoccupied properties or lots; sixteen (16) square feet for vacant lots or parcels over one (1) acre
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
B-1, B-2, and B-3 COMMERCIAL DISTRICTS - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of ten (10) feet from any property line and separated from any other sign by a minimum of ten (10) feet
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than ten (10) percent of the wall area facing the street (not exceeding a maximum sign area of two hundred square feet)
Location	On wall of building facing street
Political signs	
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet

B-1, B-2, and B-3 COMMERCIAL DISTRICTS - PERMITTED SIGNS, con't	
Real estate signs	
Number	One (1) per street frontage
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet any property line
Height	No higher than eight (8) feet
Freestanding signs	
Number	One (1) per lot or parcel
Size	Maximum of one-hundred (100) square feet
Location	Minimum of five (5) feet from any property line and separated from any other sign by a minimum of ten (10) feet
Height	No higher than twenty (20) feet
M-1 INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Ground signs for individual uses, and entrances to industrial parks or subdivisions	
Number	One (1) per lot or parcel; except for entrances to industrial parks or subdivisions, which shall be permitted an additional sign at the entrance to the park or subdivision
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than five (5) percent of the wall area to which the sign is affixed (not exceeding a maximum sign area of one hundred fifty (150) square feet)
Location	On wall of building facing street
Political signs	
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet
Real estate signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from any property line
Height	No higher than eight (8) feet

SECTION 18.15 BILLBOARDS

Billboards shall be permitted only as provided for in the Highway Advertising Act, being Act 106 of 1972, as amended.

CHAPTER 19
SPECIAL LAND USES

SECTION 19.1 PURPOSE

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or locational qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

SECTION 19.2 APPLICATION AND REVIEW PROCEDURES

- A. An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1. Applications for a Special Land Use shall be submitted to the Planning Commission through the Zoning Administrator who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
 2. An application for a Special Land Use approval shall consist of the following:
 - a. Ten (10) copies of a Final Site Plan meeting the requirements of Section 17.4.
 - b. A completed application form, as provided by the County.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the County Board of Commissioners from time to time; to be paid upon authorization for advertising for a public hearing.
 - d. A legal description of the entire property which is the subject of the Special Land Use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 19.3, A 1-4, and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
 - f. Other materials as may be required by the Planning Commission.

B. Public Hearing

1. Upon receipt of an application for a Special Land Use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. Notice of the public hearing shall be as required by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
3. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
4. If denied, the reasons for such denial shall be stated in the minutes of the Planning Commission meeting and the applicant shall be provided a copy or a written explanation.

SECTION 19.3 BASIS OF DETERMINATION

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

A. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The Special Land Use shall not change the essential character of the surrounding area.
3. The Special Land Use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, dust, fumes or glare.
4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

- B. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to insure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.
- C. If, after the establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, said use shall have sixty (60) days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 19.5 shall be initiated.

SECTION 19.4 APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval shall be valid for two (2) years from the date of approval, with up to one (1) year extension, unless approval is revoked as provided in Section 19.5, or the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid, and any building permit shall be revoked.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land, and shall be recorded with the Ogemaw County Register of Deeds.
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.

SECTION 19.5 REVOCATION OF SPECIAL LAND USE APPROVAL

The Planning Commission may revoke any Special Land Use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission, or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 19.2 B.

SECTION 19.6 EXISTING SPECIAL EXCEPTIONS

Uses of land and/or development projects granted special exception status by the County prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the special exception are met.

SECTION 19.7 SPECIFIC SPECIAL LAND USE STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. Country clubs, golf courses, riding stables, gun clubs, and publicly-owned athletic grounds and parks, outdoor commercial recreation, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Planned Unit Developments.
- F. Group and commercial day care homes and facilities.
- G. Funeral homes and mortuary establishments.
- H. Hotels and motels.
- I. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- J. Restaurants with drive-through facilities.
- K. Vehicle service stations, with or without body shops.
- L. Vehicle wash establishments, either self-serve or automatic.
- M. Open air businesses.
- N. Veterinary hospitals, animal clinics, and commercial kennels.
- O. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- P. Body shops.
- Q. Lumber and planing mills.
- R. Metal plating, buffing, and polishing.
- S. Commercial storage warehouses.
- T. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- U. Junk yards/salvage yards.
- V. Public or private boat launches.
- W. Marinas.
- X. *(TEXT DELETED 8/2007)*.
- Y. Bed and breakfast establishments.

- Z. Schools, churches, libraries, parks, playgrounds, and community center buildings.
- AA. Intensive livestock operations.
- BB. Single family dwellings for relatives.
- CC. Airports, airfields and runways.
- DD. Bulk oil, gasoline and propane storage and distribution facilities. (June, 2008)
- EE. Homeless Shelter/Transitional housing (12/2017)
- FF. Solar Energy Farms (12/2017)

A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, outdoor commercial recreation, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any Residential District.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

B. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

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

The Planning Commission shall not approve such use until the following information is provided and the Commission finds that the proposed use will not adversely impact surrounding properties and the County in general, in accordance with the following.

1. The size of the property from which such topsoil, sand, gravel or other such materials are to be removed;
2. The amount of topsoil, sand, gravel or other such materials which is to be removed;
3. The purpose of such removal;
4. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of two hundred (200) feet from any adjoining Residential District or use.
5. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table;
6. The potential for such removal to cause the creation of sand blows, stagnant water pools, or swampy areas;
7. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources;
8. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed;
9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition;
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the District in which the extraction activity is located;
11. No storage or truck parking shall be located within two hundred (200) feet of any adjacent residence or within fifty (50) feet of any other adjacent property;
12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to a Residential District or use or occupied property;

13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings;
14. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible;
15. The Planning Commission may require such performance guarantee as deemed necessary to insure that requirements are fulfilled, in accordance with the provisions of Section 21.2, and may revoke permission to operate at any time specified conditions are not maintained;
16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot; and
17. The applicant shall secure all necessary permits from County and State authorities.

D. Public or private campgrounds.

1. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
2. The applicant shall secure all necessary permits from County and State authorities.
3. Minimum lot area shall be ten (10) acres.
4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than five (5) percent of the lot for building and parking areas.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
 - c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.

E. Planned Unit Developments (PUD).

1. Description and purpose.
 - a. The purpose of a PUD is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote more efficient use of land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space.
 - b. These PUD provisions are not intended as a device for circumventing the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning.

2. Qualifying conditions.
 - a. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
 - b. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
 - c. To be considered as a PUD the proposed development must fulfill one of the following conditions:
 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings; or
 2. The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan; or
 3. The PUD is designed to preserve at least thirty-five (35) percent of the total area of the site in woods, water features, or other designated open space.

3. Review procedures.
 - a. Preliminary Sketch Plan
 1. To be considered as a PUD, the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
 2. Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
 - b. Written documentation that the proposal meets the standards of Section 19.7 E, 6.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses, identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Nine (9) copies of a site plan showing property boundaries, proposed uses, vehicular access and circulation, uses and zoning within three hundred (300) feet, and natural features (water bodies, wetlands, streams, floodplains, and woods).
4. The Planning Commission shall either deny, approve, or approve with conditions, the sketch plan.
5. Changes in the sketch plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

b. Final Site Plan Approval

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one (1) year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one or more phases. Site plan approval shall be conducted in accordance with the requirements of Section 17.4.
3. Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
4. The Planning Commission shall either deny, approve, or approve with conditions, the final site plan.
5. Changes in the final site plan shall be submitted to the Planning Commission pursuant to the procedures of Section 19.7 E. 3 b.

4. Permitted uses. The following uses shall be permitted in accordance with the applicable PUD requirements:
 - a. Single-family dwellings
 - b. Two-family dwellings
 - c. Multiple-family dwellings
 - d. Permitted Uses in the B-1 District, subject to the standards noted for non-residential uses in the PUD
 - e. Site condominiums
 - f. Golf courses, tennis courts, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants, and such uses which are clearly subordinate to the main use.
 - g. Any use permitted By Right or special approval in the B-1 District, subject to all applicable requirements for use in accordance with Section 19.7 E, 5 b.

5. Site development requirements.
 - a. Residential Uses: The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use may be established by the Planning Commission, subject to the following considerations:
 1. Character of the neighborhood in which the development is proposed.
 2. The proximity of other Residential Districts or uses.
 3. Unique site conditions, such as the presence of drainage ways, significant natural features, soil conditions, etc.

 - b. Non-Residential Uses
 1. All non-residential uses allowed in the PUD shall occupy no more than ten (10) percent of the PUD project's developable area. This provision shall not apply to golf courses or marinas.
 2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 3. Such uses shall be permitted only if they will not materially alter the existing character of the neighborhood and/or the PUD.
 4. All merchandise for display, sale or lease shall be entirely within an enclosed building.

5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five (75) percent of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than twenty (20) dwelling units, fifty (50) percent of these units shall be constructed prior to the construction of any non-residential use.
 - c. Open Space: The amount of open space set aside for common use of the PUD shall be determined by the Planning Commission subject to the following considerations and requirements:
 1. Open space may be established to separate use areas within the PUD.
 2. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access such that all properties within the entire PUD may utilize the available open space, but not necessarily at the same time.
 3. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the County of the future maintenance thereof.
 4. Open space will be provided where natural features may be preserved and/or be used for passive or active recreation.
 - d. All electric and telephone transmission wires shall be placed underground.
 - e. Parking is required in accordance with Chapter 18.
 - f. Signs are permitted in accordance with the requirements of Chapter 18. The least intensive District in which the use is permitted shall be used in determining sign requirements.
6. Approval standards: The Planning Commission shall consider and find that the standards noted below have each been satisfied before granting approval of any PUD.
 - a. The standards of Section 17.5.
 - b. The standards of Section 19.3 A, 1-4.

F. Group and commercial day care homes and facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one-thousand two-hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

G. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or any other driveway.

H. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

I. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
2. Main buildings shall be set back a minimum of one-hundred (100) feet from any residential property line.
3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

J. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.

K. Vehicle service stations, with or without body shops.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two-hundred and fifty (250) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Storage of vehicles awaiting repair, vehicle components and parts, trash, supplies, tires, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use, as required by Section 18.3.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of fifteen (15) feet above the average grade.
7. Access driveways shall be located no less than fifty (50) feet from the right-of-way line of any intersecting street or twenty-five (25) feet from any other driveway.
8. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

L. Vehicle wash establishments, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one-hundred (100) feet from any Residential District. Wash bays for self-service establishments shall be located at least fifty (50) feet from any Residential District.
3. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or driveway.
4. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

M. Open air businesses.

1. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any adjacent property.
5. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

N. Veterinary hospitals, animal clinics, and commercial kennels.

1. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back one-hundred (100) feet from any property line.

O. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the District in which it is located.

P. Body shops.

1. The principal and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Inoperative vehicles left on the site shall, within forty-eight (48) hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
6. Access driveways shall be located no less than twenty-five (25) feet from the centerline of the intersection of any street or driveway.
7. Where adjoining a Residential District, a solid fence or wall, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

Q. Lumber and planning mills.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.

R. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.

S. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family dwelling in the R-2 District.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 - d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

T. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

1. The principal and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District.

U. Junk yards/salvage yards.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two-hundred (200) feet of any Residential District, fifty (50) feet of any other property line, or within one hundred (100) feet of any public street right-of-way line, nor shall it be located within one-thousand (1,000) feet of any body of water.
4. Any outdoor storage area shall be completely enclosed by a fence, wall, or dense evergreen planting strip at least six (6) feet, but no more than eight (8) feet, in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The screen enclosure shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition.
5. Stored materials shall not be placed outside the required fenced or screened area and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or screen.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements in the front yard.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.

8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
13. The property shall be a minimum of at least six (6) acres in area.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
15. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the County. These conditions may include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

V. Public or private boat launches.

1. No building, structure, dock, or parking area which is part of a boat launch site shall be located nearer than thirty-five (35) feet to any Residential District.
2. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
3. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.

W. Marinas.

1. Storage provisions for gasoline, fuel oil, or other flammable liquids or gases shall be approved by the Building and Mechanical Inspectors and the State Fire Marshall.
2. No building, structure, dock, or parking area which is part of a marina shall be located nearer than thirty-five (35) feet to any lot in a Residential District.
3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
5. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

X. *(TEXT DELETED 8/2007)*

Y. Bed and breakfast establishments.

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the District No. 2 Health Department.
2. The establishment shall be located on property with direct access to a public street.
3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single family dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a maximum of seven (7) guest rooms in any case.

7. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign, or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size, or six (6) feet in height, and must be set back at least five (5) feet from all property lines. A wall sign shall not exceed five (5) percent of the wall area to which it is attached. Neither sign may be illuminated.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

Z. Schools, churches, libraries, parks, playgrounds, and community center buildings.

1. Such uses shall require a minimum lot size of two (2) acres, except for parks and playgrounds, which shall meet the minimum lot requirement of the District in which it is located.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or driveway.
3. The principal and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District.
4. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District.

AA. Intensive livestock operations (ILO).

1. All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other materials associated with an ILO shall be located at least two-hundred (200) feet from any lot line.
2. ILOs shall be established on a lot or lots totaling at least twenty (20) contiguous acres.
3. All buildings, structures, enclosed areas, or storage areas for wastes, feed, or other materials associated with an ILO shall be located at least five-hundred (500) feet from any water body or floodplain.
4. The ILO shall comply at all times with any applicable federal, or state regulation.

BB. Single family dwellings for relatives.

1. Such dwelling shall only be permitted in the A/RP District in connection with a bona fide, family-operated farm.
2. The farm shall contain at least one hundred (100) acres of contiguous property.
3. The dwelling shall meet all floor area requirements for a principal dwelling on the site.
4. The dwelling shall be so located on the property to ensure that it will conform to all minimum setback requirements for the A/RP District and that in the event the property is split into a separate parcel the dwelling will not become nonconforming.
5. The dwelling shall only be occupied by relatives of the owner of the farm who shall also be the occupant of the principal dwelling.

CC. Airports, airfields, and runways.

1. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the Ogemaw County Planning Commission. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be established after consultation with appropriate aeronautical agencies.

2. Yard and Placement Requirements:
 - b. No building or structure or part thereof, shall be erected closer than fifty (50) feet from any property line.
 - c. 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 Residential.

2. 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.

2. Off-street Parking Requirements:

- b. One (1) parking space shall be required for every three (3) airplanes stored on-site.
- c. All off-street parking shall be paved and constructed to the standards shown in Section 18.3.

DD. Bulk oil, gasoline, and propane storage and distribution facilities (June, 2008)

1. Allowed in the B-2, A/RP and M-1 Zoning District.
2. Minimum lot size of three (3) acres.
3. Not to be located with ½ mile of similar facility.
4. Fully surrounded by chain link fence six (6) feet in height, topped with two rows of barbed wire.
5. Not to be located within two hundred fifty (250) feet of a dwelling.
6. Storage tanks shall not exceed sixteen (16) feet above ground.

EE. Homeless Shelter/Transitional Housing (12/2017)

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the District No. 2 Health Department.
2. The establishment must comply with all applicable Uniform Building and Fire Codes. Smoke detectors must be provided in all sleeping areas.

3. The establishment must provide a food preparation area, restrooms and showers, laundry facilities and a secure area to store resident belongings for use by residents.
4. A designated location shall be provided for waste receptacles and such receptacles shall be screened from view.
5. The establishment shall be located on property with direct access to a public street.
6. No such use shall be permitted in any property where there exists more than one other Homeless Shelter/Transitional Housing establishment within one thousand (1,000) feet, measured between the closest property lines.
7. The maximum number of residents shall not exceed 25 at any given time.
8. The length of stay of an individual shall not exceed 120 days within a 365 day period. Days of stay need not be consecutive.
9. Lighting shall be sufficient to provide illumination and clear visibility to all outdoor areas. Lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible/comparable with the neighborhood.
10. Adequate management, support staff and security must be present during the hours of operation of the establishment. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Management must make best efforts to ensure that loitering does not occur on the property and must ensure that clients are not creating a nuisance to the neighborhood.
11. The Operator of the facility shall have a written management plan including, as applicable, staffing levels, provisions for staff and volunteer training, neighborhood outreach, length of stay of residents, hours of operation, crime prevention, security, screening of residents to insure compatibility, ongoing housing assistance program on the premises to place the residents into permanent housing and the mission of service provided at the facility. The management plan shall establish a maximum length of time which clients may be accommodated.
12. The Operator shall maintain a list of all persons residing at the facility.
13. Parking requirements would be determined by the Planning Commission or Planning Administrator based on the intensity of the operation described in the management plan.
14. The establishment shall not be located within one thousand (1,000) feet of a Pre-Kindergarten through Grade 12 School or a Public Park.

FF. Solar Energy Farms (12/2017)

1. The construction and operation of all Solar Energy Farms shall be consistent with all applicable local, state and federal requirements. All buildings and fixtures forming part of a utility-scale solar installation shall be constructed in accordance with the Michigan Building Code.
2. No Solar Energy Farms shall be constructed, installed or modified as provided in this section without first obtaining all applicable permits.
3. No Solar Energy Farms shall be installed until evidence has been given to the planning commission that the applicant has been approved by the authorized utility company to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
4. Standards for Solar Energy Farms
 - a. Setbacks
 - i. Front Yard: Solar Energy Farms shall be set back at least fifty (50) feet from the road right-of-way line.
 - ii. Each side yard shall be at least twenty-five (25) feet. Where Solar Energy Farms abut a residentially-zoned or used lot, the side yard shall not be less than fifty (50) ft.
 - iii. The rear yard shall be at least twenty-five (25) feet. Where Solar Energy Farms abut a residentially-zoned or used lot, the rear-yard shall not be less than fifty (50) feet.
 - b. Height: solar energy farms shall conform to the maximum height standards of the zoning district in which it is located.
 - c. Minimum Lot Area: Minimum lot area for a solar energy farm shall be five (5) acres.
 - d. Lighting: Lighting shall be limited to that required for safety and operational purposes, and shall be directed downward and shielded from abutting properties.
 - e. Signage: Signs shall comply with the requirements described in Chapter 18. Further, solar energy farm installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy farm.
 - f. Utility Connections: All utility connections from the solar energy farm shall be placed underground, depending on site conditions and any requirements of the utility provider.
 - g. Screening: When a solar energy farm is adjacent to a residentially zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or

roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional to address this issue.

5. Other Conditional Use Permit Requirements for Solar Energy Farm

- a. Site Control: The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed installation.
- b. Operation and Maintenance Plan: The applicant shall submit a plan for the operation and maintenance of the solar energy farm, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation.
- c. Emergency Services: Upon request by Ogemaw County, the owner/operator of the solar energy farm shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy farm shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- d. Maintenance: The solar energy farm owner/operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergent response personnel. The owner/operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s).
- e. Site Clearing: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation.

6. Abandonment or Decommissioning

- a. Any solar energy farm which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site to its original condition. The owner/operator shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations. The owner/operator shall notify the County of Ogemaw and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- b. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy farm shall be considered abandoned when it fails to operate for more than one year. If the owner/operator fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment of the proposed date

of decommissioning, Ogemaw County is permitted to enter the property and physically remove the installation.

c. Decommissioning shall consist of:

- i. Physical removal of all solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion.

7. Ancillary Solar Equipment: Where feasible, ancillary solar equipment shall be located inside the building or be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

8. Financial Surety: The applicant for a solar energy farm shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event Ogemaw County must remove the installation, in 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. 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 calculating increased removal costs due to inflation.

CHAPTER 20
ZONING BOARD OF APPEALS

SECTION 20.1 CREATION AND MEMBERSHIP

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. Membership
1. The County Zoning Board of Appeals shall consist of not less than three (3) and not more than seven (7) members. The terms of each member shall be three (3) years, except that the first board appointed shall be divided as nearly as possible into three equal groups with the terms of office for each group as follows: One group for one year, one group for two years, and one group for three years. All members of said Board of Appeals shall be chosen from electors residing in the unincorporated area of the County. No elected officer of the County or employee of the Board of Commissioners may serve simultaneously as a member or as an employee of the Board of Appeals. One (1) member shall be a member of the County Planning Commission. The total amount allowed any member of said Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of his/her duty shall not exceed a reasonable sum, which sum shall be provided annually by the Board of Commissioners. A majority of the total membership of the Board of Appeals shall comprise a quorum.
 2. Vacancies of the Board for unexpired terms shall be filled for the remainder of the term.
 3. Members of the Board may be removed by the County Board for misconduct or nonperformance in office upon written notice and hearing.
- C. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- D. A member of the Zoning Board of Appeals shall be disqualified from a vote in which that member has a conflict of interest.
- E. The Zoning Board of Appeals shall not conduct business unless a majority of the membership of the Zoning Board of Appeals is present.

SECTION 20.2 ORGANIZATION AND PROCEDURES

- A. Rules of Procedure - The Zoning Board of Appeals shall adopt its own rules of procedure to ensure proper conduct of its meetings.
- B. Majority Vote - The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. Meetings - Meetings shall be open to the public and be held at the call of the Chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules or procedure. The Board shall choose its own chairperson and, in his/her absence, an acting chairperson.
- D. Records - Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds for every determination shall be stated in the minutes, together with the reasons for the appeal. Such minutes shall be attached to the application for appeal and become part of the Zoning Board of Appeals permanent record. Such minutes shall become a public record and shall be filed in the office of the County Clerk. A copy of the decision shall be sent promptly to the applicant or appellant to the Zoning Administrator, and to the supervisor of the Township in which the property subjected to appeal is located.
- E. Secretary and Counsel - The Administrator of the Building and Zoning Department shall be responsible for the appointment of a recording secretary, who will provide secretarial services and keep a record of all Zoning Board of Appeals proceedings. The Ogemaw County Board of Commissioners shall appoint legal counsel to represent and advise the Zoning Board of Appeals on issues brought before the Board. Legal counsel may also be present at designated meetings, at the request of the Zoning Board of Appeals, with authorization of the Chairperson of the Board of Commissioners.
- F. Hearings - When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, and to the property owner if not the one making the appeal, at least ten (10) day prior to the date of the scheduled hearing. The Zoning Board of Appeals shall also give notice by mail to the supervisor of the Township in which the property subject to appeal is located and all adjacent property owners, at least ten (10) days prior to the hearing. All notices shall be sent to addresses given in the last assessment roll. The Zoning Board of Appeals may recess such hearing from time to time, and if the time and place of the continued hearing by publicly announced at the adjournment, no further notice shall be

required. A rehearing may be permitted upon approval of the Board if technical irregularities are discovered in Board actions on a previous decision. The same procedures that apply to a hearing shall apply to a rehearing.

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

SECTION 20.3 APPEALS, HOW TAKEN

- A. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department or Board of the County.
- B. Time Limit - Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator within ten (10) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The decision of the Zoning Administrator shall be any written documentation of a policy, interpretation, judgement, permit, or application of the Ordinance. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for appeal.
- C. Stay - An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him/her that, for reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order issued by the Circuit Court.
- D. Representation - Any party may appear in person or by agent at a hearing considering his/her request or appeal.
- E. Application - An application to the Zoning Board of Appeals shall be submitted in accordance with the following procedures:
 - 1. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit it to the Zoning Board of Appeals along with all materials constituting the record upon which the action appealed from was taken. Applications not meeting the requirements shall be returned to the applicant for completion.

2. A valid application to the Zoning Board of Appeals shall consist of the following:
 - a. Nine (9) copies of a site plan drawn to scale which is sufficient to describe the nature of the request; provided that if the drawing size is 8 ½ x 14 inches or less, only one (1) copy shall be required.
 - b. A completed application form, as provided by the County.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the County Board from time to time.
 - d. A legal description of the entire property which is the subject of the request.
 - e. A statement with regard to compliance with the review standards as set forth in Section 20.4, A, 3.
 - f. Other materials as may be required by the Zoning Board of Appeals.

SECTION 20.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

- A. The County Zoning Board of Appeals shall have the following specified duties and powers:
 1. Review - Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.
 2. Interpretation - Shall have the power to:
 - a. Hear and decide upon requests for the interpretation of the provisions of this Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision regarding said subject made by the Zoning Administrator.
 - c. Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
 3. Variances - the Zoning Board of Appeals shall have the power to authorize upon appeal specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.
 - a. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.

- b. Shall not permit the establishment within a Zoning District of any use which is not permitted by right or special approval within that District.
 - c. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the County.
 - d. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
 - e. Relates only to property that is under control of the applicant.
 - f. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act or omission of the applicant.
 - g. Must be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.
4. Rules - In addition to the foregoing conditions, the following rules shall be applied in the granting of variances.
- a. In granting variance, the Zoning Board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgement, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of last denial, except on grounds of newly discovered evidence or proof of changed condition determined by the Board to be valid.
 - c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within twelve (12) months after the granting of a variance.

CHAPTER 21
ADMINISTRATION AND ENFORCEMENT

SECTION 21.1 ENFORCEMENT

A. Violation a Nuisance:

1. Violation and Penalties - Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.
2. Inspection of Violation - The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.
3. Correction Period - All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator or as such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the Ogemaw County Prosecuting Attorney who shall initiate prosecution procedures.
4. Penalties -
 - a. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used; or any use of a lot or land which is begun, maintained, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.
 - b. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in the violation of this Ordinance, shall be guilty of a civil infraction, subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. The civil fine for a first offense is fifty dollars (\$50.00). The civil fine for the first repeat offense is two hundred and fifty dollars (\$250.00). The civil fine for the second repeat offense is five hundred dollars (\$500.00). The County shall also be entitled to equitable relief to abate the violation and to such relief as may be available to the County pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended.
 - c. Each and every day during which any violation continues shall be deemed a separate offense.

5. Stop Work Orders -

- a. Upon notice from the Zoning Administrator, Building Inspector, or other such person as designated by resolution of the County Board of Commissioners, that any use is being conducted or that any work on any building or structure is being executed contrary to the provisions of this Ordinance or in an unsafe and dangerous manner, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and posted on the subject property and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions, if any, under which the work or use will be permitted to resume.
- b. Any person who shall continue to work in or about the structure or building or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this Ordinance.

6. Procedure -

- a. The County Board of Commissioners may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 21.2 PERFORMANCE GUARANTEES

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

SECTION 21.3 ADMINISTRATION AND PERMIT PROCEDURE

- A. The provisions of this Ordinance shall be administered by the County Planning Commission and the County Board of Commissioners in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

- B. The Board of County Commissioners shall employ a Zoning Administrator to act as its officer to ensure and effect the proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his/her authority to enforce this Ordinance, and the rate of compensation shall be established by the Board of County Commissioners.

- C. Duties - the Zoning Administrator shall:
 - 1. Review all applications for building permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
 - 2. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission with recommendations; and notify the applicant in writing of any decision of the Planning Commission.
 - 3. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations of the Zoning Board of Appeals for determination.
 - 4. Receive all applications for amendments to this Ordinance; conduct field inspections, and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
 - 5. Maintain the official map or maps showing the current zoning classifications of all land in the county.
 - 6. Maintain written records of all actions taken by the Zoning Administrator.
 - 7. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning Commission, Board of Commissioners, or Zoning Board of Appeals, as required by this Ordinance, and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the County Board of Commissioners, Planning Commission, and Zoning Board of Appeals.

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

SECTION 21.4 SPECIAL USE PERMITS

Applications for Special Use Permits shall be submitted in accordance with the procedures specified in Section 19.2.

SECTION 21.5 CERTIFICATE OF OCCUPANCY

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

SECTION 21.6 AMENDMENTS

- A. The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by ordinance of the County Board of Commissioners.
- B. Proposals for amendments, supplements, or changes may be initiated by the County Board of Commissioners on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.
- C. Procedure for Initiating and Processing Amendments:
 - 1. Each petition by one or more persons for an amendment shall be submitted in application to the County Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee to be established annually by the Board of Commissioners to cover administrative and publication costs. No part of such fee shall be returnable to the petitioner.
 - 2. When a request for amendment is initiated, the Zoning Administrator shall notify the County Board of Commissioners and the supervisor of the Township in which the subject property is located of the request for an amendment at the same time he/she transmits the zoning amendment request to the Planning Commission.
 - 3. The criteria in Section 21.7 and 21.8 shall be considered as applicable, by the Planning Commission in evaluating any map or text amendment.
 - 4. After deliberation on any proposal, the Planning Commission shall conduct at least one public hearing, notice of the time and place of which shall be given by two publications in a newspaper of general circulation in the County; the first to be printed not more than thirty (30) days nor less than twenty (20) days, and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by mail to each public utility company and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.
 - 5. The County Planning Commission shall maintain a file of proof of service of mailing for each mailing made under this Section. If an individual property, or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least twenty (20) days prior to the hearing.
 - 6. After the public hearing, the County Planning Commission shall submit a summary of the comments received at the public hearing, together with recommendations on the proposed amendment to the County Board of Commissioners. The County Board of Commissioners shall hold an additional public hearing for any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing. Notice of a public hearing held by the County Board of Commissioners shall be published in a newspaper which circulates in the County. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the

hearing. After receiving the Planning Commission recommendations, the County Board of Commissioners, at a regular meeting or at a special meeting called for a purpose, shall consider the recommendations and vote upon the adoption of the proposed amendment. Any amendments shall be approved only by a majority vote of the members of the County Board of Commissioners.

7. The County Board of Commissioners shall not make a change or departure from the proposed amendment as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advise or suggestions. The Planning Commission shall have thirty (30) days from and after receipt of the proposed change or departure to send its report to the County Board of Commissioners. Following adoption of an amendment to the Ordinance by the County Board of Commissioners, such amendment, signed by the Chairperson of the County Board and certified by the County Clerk, shall be submitted to the Department of Natural Resources for approval. Such approval shall be presumed unless the Department of Natural Resources notifies the County within thirty (30) days of its disapproval.
8. No application for a rezoning which has been denied by the County Board of Commissioners shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions presented to and found by the County Board of Commissioners to be valid.
9. Any amendment to this Ordinance and/or to the district Zoning Maps of Ogemaw County approved by roll call vote of a majority of the Ogemaw County Board of Commissioners shall become effective on the day following the date of approval thereof by the Department of Natural Resources.
10. Within fifteen (15) days after approval of an amendment by the Department of Natural Resources, one notice of adoption must be published in a newspaper of general circulation in the County. The notice of adoption shall include the following information:
 - a. A summary of the regulatory effect of the amendment, including the geographic area affected, or the text, or the amendment;
 - b. The effective date of the amendatory ordinance; and
 - c. The place and time where a copy of the amendatory ordinance may be purchased or inspected.
11. A copy of the notice of adoption shall be maintained with the file on the amendment.

SECTION 21.7 CRITERIA FOR AMENDING THE OFFICIAL ZONING MAP

- A. The following standards shall be considered by the Planning Commission and County Board of Commissioners in relation to any request to rezone property within Ogemaw County.
1. Consistency with the goals, policies, and future land use recommendations of any adopted master land use plan or similar planning document encompassing the subject parcel.
 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed Zoning District.
 3. Evidence the applicant cannot reasonably use the property for one (1) or more of the uses permitted under the current zoning.
 4. The compatibility of ALL the permitted uses in the proposed Zoning District with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 5. The capacity of utilities and services sufficient to accommodate the uses permitted in the requested District within compromising the health, safety, and welfare of the community.
 6. The capability of the street system to safely and efficiently accommodate the expected traffic generate by uses permitted in the requested Zoning District.
 7. The apparent demand for the types of uses permitted in the requested Zoning District in relation to the amount of land currently zoned and available to accommodate the demand.
 8. The boundaries of the proposed Zoning District in relation to the surroundings and the ability of the site to satisfy the dimensional regulations of the Ordinance for ALL of the permitted uses within the District.
 9. If a rezoning is appropriate, the requested Zoning District is considered to be more appropriate from the County's perspective than another Zoning District.
 10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current District to allow the use?
 11. The requested rezoning will not create an isolated and unplanned spot zone.
 12. The request has not previously been submitted within the past twelve (12) months, unless conditions have changed or new information has been provided.
 13. Other factors deemed appropriate by the Planning Commission or County Board.

SECTION 21.8 CRITERIA FOR TEXT AMENDMENTS

- A. The Planning Commission and County Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the Ordinance text.
1. The proposed amendment would correct an error in the Ordinance.
 2. The proposed amendment would clarify the intent of the Ordinance.
 3. Documentation has been provided from County staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
 4. The proposed amendments would address changes to state legislation.
 5. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
 6. The proposed amendment would promote compliance with changes in other County Ordinances and/or State and/or Federal regulations.
 7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
 8. Other criteria as determined by the Planning Commission or County Board of Commissioners which would protect the health, safety, and welfare of the public, protect public and private investment in the County, and enhance the overall quality of life in Ogemaw County.

SECTION 21.9 BUILDING PERMITS

A. Except as otherwise provided, no building or structure of any kind, including signs, shall be erected or demolished or any restricted use undertaken until a permit has been issued by the Zoning Administrator. Once it has been determined by the Zoning Administrator that the proposed building, structure, demolition, or use is in conformance with all the provisions of this Ordinance and appropriate fees are paid, a Zoning Permit may be issued. The Zoning Permit shall be non-transferable and shall remain valid for one (1) year from the date of issuance. A Zoning Permit must be obtained prior to the approval of a building or demolition permit.

B. Excavation for any building or structure shall not be commenced; the erection, addition to, alteration of, or moving of any building or structure shall not be undertaken; and no land shall be used until a permit for such has been secured from the County Building Inspector. Except upon a written order of the County Zoning Board of Appeals, no such activities shall be permitted where the construction, addition, or alternation or use thereof would be in violation of any of the provisions of this Ordinance. In addition to the requirements of this Zoning Ordinance, all building activity shall conform to the applicable building codes adopted by Ogemaw County.

CHAPTER 22
TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 22.1 TITLE

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

SECTION 22.2 PURPOSE

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

SECTION 22.3 SCOPE

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

SECTION 22.4 LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Said Act is hereby referenced and made a part of this Ordinance.

SECTION 22.5 REPEAL

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

SECTION 22.6 SEVERABILITY

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

SECTION 22.7 EFFECTIVE DATE

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

CHAPTER 23
OGEMAW COUNTY WIND ENERGY CONVERSION FACILITY

SECTION 23.1 PURPOSE AND INTENT

The purpose of this chapter is to provide a regulatory scheme for the location, construction and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) in Ogemaw County, to protect the health, welfare, safety and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

SECTION 23.2 DEFINITIONS

As used in this chapter, the following terms shall be the meaning indicated:

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

Commission shall mean the Ogemaw County Planning Commission.

County shall mean the County of Ogemaw.

FAA shall mean the Federal Aviation Administration.

Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the top of the blade extended to its highest point.

MET Tower shall mean a meteorological tower used for 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 chapter by reference.

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.

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.

Shadow Flicker means the visible flicker effect when rotating turbine blades cast shadows in the ground and nearby structures causing the repeating pattern of light and shadow.

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. It includes substations, MET towers, cables and wires and other building accessory to such facility.

Wind Energy Facility Site Special Use Permit is a permit issued upon compliance with standards of this chapter.

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

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 chapter if it both has a total height greater than 150 feet and nameplate capacity of greater than 100 kilowatts.

SECTION 23.3 REGULATORY FRAMEWORK

A. Zoning A Wind Energy Facility may be constructed on land that is zoned A/RP Agricultural/Rural Preservation District , subject to provisions and standards of Section 23.5 Wind Energy Facility Site Plan Review of this chapter.

B. Principal or Accessory Use A 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 this installation of a Wind Energy Facility or part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this chapter 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 23.5 of this chapter.

SECTION 23.4 APPLICABILITY

A Wind Energy Conversion Facility (WECF) or Wind Energy Facility (WEF) shall be permitted in the A/RP Agricultural/Rural Preservation District. Wind Energy Facility Site Plan Review standards shall be used when reviewing an application for wind energy facility special use permit.

SECTION 23.5 WIND ENERGY FACILITIES SITE PLAN REVIEW PROCEDURE

The following process shall be utilized when reviewing a application for a Wind Energy Facility Special Use Permit: Within the A/RP Agricultural/Rural Preservation District, a Wind Energy Facility Shall be created based on “attributes” and “limitations” identified in the Ogemaw County Master Plan. It is the intent of this ordinance 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.

A. Site Plan Review Required: Wind Energy Conversion Facilities shall not be located, constructed, erected, altered or used without first obtaining a Wind Energy Facilities Special Use Permit pursuant to this chapter. The Wind Energy Facilities Site Plan must be reviewed and approved by the Ogemaw County Planning Commission pursuant to standards contained herein. 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, road (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 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 6 feet;
5. Anticipated construction schedule; and
6. Description of operations, including anticipated regular and unscheduled maintenance.

B. Application fee: An applicant for a Wind Energy Facility Special Use Permit shall remit a per unit application fee to the County in the amount specified in the fee schedule adopted by resolution of the Ogemaw County Board of Commissioners. This schedule shall be based on the cost to the county of the review which may be adjusted from time to time.

C. 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 Special Use Permit.

1. **Avian Analysis.** The applicant shall not interfere with critical flyways.
2. **Visual Appearance; Lighting; Power Lines.** The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

a) 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.

b) 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.

c) 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.

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

e) The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. 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.

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

a) Inhabited structure: On a participating parcel each wind turbine shall be set back from the nearest inhabited structure a distance of no less than the total of the total height (of the wind turbine) plus 10%. Where a wind energy facility is proposed in the vicinity of a non-participating parcel, each wind turbine shall be set back from the nearest residence, school, hospital, church or public library on a non-participating parcel a distance no less than 1320 feet. Where a turbine within a Wind Energy Facility is located in the vicinity of a city or village, a setback of 1320 feet from the city/village limits shall be required.

b) Property line setbacks: Excepting locations of public roads (see below), drain rights-of-way and parcels with inhabited structures, wind turbines shall be subject to a property line setback of the total of the total height (of the wind turbine) plus 10%. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity, and therefore, the location of towers and access routes is encouraged along internal property lines.

c) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or the total of the total height (of the wind turbine) plus

10%, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

d) 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 400 feet or the total of the total height (of the wind turbine) plus 10%, whichever is greater, determined from the existing power line or telephone line.

e) Tower separation: Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendations and 3) the characteristics [prevailing wind, topography, etc.] of the particular site location. The Wind Energy Facility shall be designed to minimize disruption to farmland activity. Documents shall be submitted by the developer/manufacturer and engineer confirming specifications for turbine/tower separation.

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

4. Wind Turbine/Tower Height (Total Height): The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its heights point. 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.

5. Noise:

a) On any non-participation parcel, audible noise or the sound pressure level from the operation of the Wind Energy Facility (WEF) shall not exceed 45 dBA, or the ambient sound pressure level plus 5 dBA, whichever is greater, for more that ten percent of any hour, measured at the non participation parcel boundary. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the Wind Energy Facility to demonstrate compliance with this standard.

b) In the event audible noise from the operation of the Wind Energy Facility contains a steady pure tone, the standards for audible noise set forth in subparagraph a) if this subsection shall be reduced by 5 dBA. A pure tone is defined to exist if the 1/3 octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the 2 contiguous 1/3 octave bands by 5 dBA for center frequencies of 500 Hz and above, by 8 dBA for center frequencies between 160 Hz and 400 Hz, or by 15 dBA for center frequencies less than or equal to 125 Hz.

c) The ambient noise level absent any and all turbine noise shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded 90% of an hour, as a function of wind speed. Ambient noise levels shall be measured at a

building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements shall be preformed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed 30 mph at the ambient noise measurement location.

d) Any noise level falling between two whole decibels shall be the lower of the two.

6. 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.

7. 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, 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.

8. Safety:

a) All collection system wiring shall comply with all applicable safety and stray voltage standards.

b) Wind Turbine towers shall not be climbable on the exterior.

c) All access doors to wind turbine towers and electrical equipment shall be lockable.

d) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.

9. Shadow flicker: The Planning Commission may require that the applicant conduct an analysis of 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.

SECTION 23.6 INSPECTIONS. The applicant (owner/operator) shall submit annual reports to the Planning Commission or its designated office confirming continued compliance with applicable county codes or ordinances. These requirements 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.

SECTION 23.7 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 12 months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm that project's compliance with provisions of this code as well as all other all applicable laws and conformity with wind industry practices.

SECTION 23.8 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 County will develop 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 23.9 DECOMMISSIONING. The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities 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 the respect to tower removal, site restoration, etc.) The bond shall be in favor of Ogemaw County and may be provided jointly as a single instrument within a single wind farm, provided that any such single instrument shall be in an amount of at least \$75,000.00 per tower and shall contain a replenishment obligation.

SECTION 23.10 MAINTENANCE. The Wind Turbines must be kept and maintained in good repair and condition at all times. If a Wind Turbine is not maintained in operational and reasonable condition or poses a potential safety hazard, the System Owner shall take expeditious action to correct the situation or remove the Wind Turbine. The County may require documentation of proper maintenance.

SECTION 23.11 INSPECTION. The County may require testing of any Wind Turbine to ensure proper operation and compliance with the requirements of this section. Any necessary repair shall be required to comply with the requirements of this section and shall be completed within 45 days of the test or the Wind Turbine shall be ordered to be removed. Failure to remove a Wind Turbine within 45 days shall be grounds for the

County to remove the Wind Turbine at the System Owner's and/or land owner's expense. The County may order repair or removal sooner where there is an immediate safety hazard.

SECTION 23.12 ABANDONMENT Any Wind Turbine that has not produced electricity for a period of six successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed within 45 days of receiving an abandonment notification from the County. Failure to remove an abandoned Wind Turbine within 45 days shall be grounds for the County to remove the Wind Turbine at the System Owner's and/or land owner's expense. The ground must be restored to its condition prior to the installation of the Wind Turbine within 60 days of receiving the abandonment notification.

CHAPTER 24

ON-SITE WIND ENERGY CONVERSION SYSTEMS

SECTION 24.1 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 24.2 SCOPE OF REGULATIONS.

On-site wind energy conversions systems (WECSs) may be erected, relocated, enlarged, structurally changed or altered in accordance with the provisions of this chapter

SECTION 24.3 DEFINITIONS.

Certain words and phrases used in this chapter shall have the meaning set forth in this section. Words and phrases not defined in this section but defined in Chapter 1 or Chapter 23 of the Ogemaw County Zoning Ordinance shall be given the meanings set forth in those chapters. 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.

Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the top of the blade extended to its highest point.

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, office and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption (“WECS”). 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 wire 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 in the ground and nearby structures causing the repeating pattern of light and shadow.

System Operator means the persons who have 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 24.4 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 plan 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 WECS's specifications, including manufacturer and model, rotor diameter, tower height where applicable; tower type (freestanding, guyed, building or roof mounted), total system heights (i.e., measured from natural grade at the point of installation to the tip of the rotor blade or assemble at its highest point or blade-tip height).
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. Identify any known wetland or county drain (or drain easements) located on the property.

d. Insurance. Proof of applicant's liability insurance which includes coverage for off-site damage or loss to persons or property.

e. Sound pressure level. A copy of the modeling and analysis report from the manufacturer of the WECSs.

f. 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.

g. 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 interconnected customer-owned generator (interconnection and parallel operating agreement). Off-grid systems are exempt from this requirement.

B. Construction and Design.

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.

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 unit (lowest projection of blade/rotor or moving part) and ground at the base shall be 15 feet. The minimum clearance between the unit 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 feet 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 a height of at least six feet above the guy 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.

8. Maintenance. The WECS must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the System Owner shall take expeditious action to correct the situation or remove the WECS. The County may require documentation of proper maintenance.

9. Inspection. The County may require testing of any WECS to ensure proper operation and compliance with the requirements of this section. Any necessary repair shall be required to comply with the requirements of this section and shall be completed within 45 days of the test or the WECS shall be ordered to be removed. Failure to remove a WECS within 45 days shall be grounds for the County to remove the WECS at the System Owner's and/or land owner's expense. The County may order repair or removal sooner where there is an immediate safety hazard.

10. Abandonment. Any WECS that has not produced electricity for a period of six successive months or longer shall be deemed to be abandoned and shall be promptly

dismantled and removed from the property. All above and below ground materials must be removed within 45 days of receiving an abandonment notification from the County. Failure to remove an abandoned WECS within 45 days shall be grounds for the County to remove the WECS at the System Owner's and/or land owner's expense. The ground must be restored to its condition prior to the installation of the WECS within 60 days of receiving the abandonment notification.

11. Signal Interference. WECSs shall not materially interfere with communication systems such as, but not limited to radio, telephone, television, satellite or emergency communication.

**SECTION 24.5 SPECIFIC STANDARDS FOR WIND ENERGY
CONVERSION SYSTEMS.**

A. R-1, R-2 and R-3 Districts. WECSs in the R-1 Low Density Residential District, R-2 Medium Density Residential District and R-3 High Density Residential Districts are permitted as 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. Heights of WECSs that are roof-mounted may exceed the height of the tallest part of the roof in which it is attached by no more that 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 R-3 districts; WECSs is accessory to a principal use or special approval use].

2. Setback requirements. All WECSs shall meet shall be set back a distance equal to the total of the total tower height plus 10%.

3. Number: WECSs may consist of one to five wind turbines, towers or pedestal and associated control or conversion electronics.

4. Installation: WECSs may be mounted on towers, pedestals or roof-mounted.

5. Guy Wires: Roof mounted WECSs guy wires shall be painted so as to be clearly visible to a height of at least six feet above the guy wire anchors.

6. Rotor Diameter: Rotor diameter shall not exceed 24 feet (12 feet blades).

B. CD, CE, A/RP B-1, B-2, B-3 and M-1 Districts: WECSs 80 feet or less in heights, in all Conservancy, Country Estate, Agricultural/Rural Preservation, Local

Business, General Business, Highway Business and Industrial districts are 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 80 feet.
- b. Height of WECSs that are roof-mounted may exceed the height of the tallest part of the roof in which it is attached by no more than 20 feet.

2. Setback requirements. All WECSs shall be set back a distance equal to the total of the total height (of the wind turbine) plus 10%.

3. Number: WECSs may consist of one to five wind turbines, towers or pedestal and associated control or conversion electronics.

4. Installation: WECSs may be mounted on towers, pedestals or roof-mounted.

5. Guy Wires: Roof mounted WECSs guy wires shall be painted so as to be clearly visible to a height of at least six feet above the guy wire anchors.

6. Rotor Diameter: Rotor Diameter is not limited.

7. Minimum Lot Size: None

C. CD,CE,A/RP B-1, B-2, B-3 and M-1 Districts: WECSs over 80 feet in height, in all Conservancy, Country Estate, Agricultural/Rural Preservation, Local Business, General Business, Highway Business and Industrial districts are 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 100 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 which they are to be located.

b. No part of WECSs, structures, including guy wire anchors, may extend closer than 10 feet to the property boundaries of the site.

c. WECSs shall be set back a distance equal to total height of the tower plus 50% from all adjacent occupied structures and total height of tower plus 10% from all property boundaries, public rights-of way, utility lines or other wind energy conversions 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.

SECTION 24.6 SHADOW FLICKER.

The Planning Commission may require that the applicant conduct an analysis of 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.

SECTION 24.7 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.

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

1. Purpose. The purpose of this ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunication towers and antennas for use in providing personal wireless services, and the legitimate interest of the County of Ogemaw in regulating local zoning. The goals of this ordinance are to protect residential areas and land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the County of Ogemaw shall give due consideration to the Ogemaw County Zoning Ordinance, Zoning Map, and existing land uses and environmentally sensitive areas in approving sites for the location of towers and antennas.
2. Definitions. As used in this ordinance, the following terms shall have the meanings set forth herein:
 - a. Alternative Tower Structure: Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.
 - b. Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.
 - c. Backhaul Network: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
 - d. Collocation: The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.
 - e. FAA: Federal Aviation Administration.
 - f. FCC: Federal Communications Commission.
 - g. Height: When referring to a tower or other structure, the distance measured from finished grade to the highest point on the tower or other structure, including the base pad.
 - h. Preexisting Towers/Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance.

- i. Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
3. Applicability.
 - a. New Towers and Antennas: All new towers or antennas in the County of Ogemaw shall be subject to these regulations, except as provided in Sections 3(b) and 3(c).
 - b. Amateur Radio Station Operators/Receive Only Antennas: This ordinance shall not govern any tower, or the installation of any antenna, that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
 - c. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 5(b).
4. Permit Required. No tower or antenna shall be installed unless a permit is first obtained by the owner or his agent from the Building Department. The following shall be required as part of the application:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Building Department to be necessary to assess compliance with this ordinance;
 - b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties and unplatted residentially zoned properties;
 - c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the County of Ogemaw, or within three miles of the border thereof, including specific information about the location, height, and design of each tower;
 - d. Landscape plan showing specific plant materials;
 - e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening;
 - f. Description of compliance with Section 5.

5. General Requirements. In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:
- a. **Building Codes/Safety Standards:** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - b. **State or Federal Requirements:** All towers and antennas shall meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the county, state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owner of a tower and antenna governed by this ordinance shall bring such tower and antenna into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling county, state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - c. **Collocation:** A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
 - d. **Height:** Tower height shall be in compliance with the provisions set forth in Section 2.2.D of the Ogemaw County Zoning Ordinance.
 - e. **Setbacks:** A tower shall be located not closer than a distance equal to 100% of the height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.
 - f. **Separation Between Land Uses:** Tower separation shall be measured from the base of the tower to the lot line of the off-site use and/or designated area as specified herein.

Land Use/Designated Area**Separation Distance**

Single family or two-family homes, including modular homes or mobile homes used for living purposes or vacant land zoned for residential use.

200 feet or 100% of tower height, whichever is greater.

Land zoned for business and manufacturing use, or nonresidential uses.

No separation requirement. Tower siting subject to zoning district setback requirements.

1. Aesthetics: Towers shall maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where an antenna is installed on a structure other than a tower, the antenna and appurtenant equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
2. Signs: No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
3. Lighting: Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.
4. Fencing: A tower shall be enclosed by security fencing not less than six (6) feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
5. Landscaping: A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five (5) feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as tower sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
6. Applicant will provide the Ogemaw County Planning Commission with an annual report identifying owner and co-locators, due by January 1st of each calendar year.

7. Appurtenant Equipment and Buildings: Antennas mounted on structures or rooftops - The equipment cabinet or structure used in association with an antenna may be located on a roof provided that such equipment or structure is placed as unobtrusively as possible. Equipment storage buildings or cabinets shall comply with all applicable building and zoning code requirements.
8. Antennas mounted on utility poles, light poles or towers - The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable vegetation, except where the use of non-vegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.
9. Permitted Uses:
 - a. Municipal Sites: Antennas installed on a structure other than a new communication tower or antennas installed on an existing communication tower shall be permitted where located on property owned, leased or otherwise controlled by the County of Ogemaw, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna or tower has been approved by the County.
 - b. Antennas or Towers on Existing Structures: An antenna or tower situated on the roof of a commercial, industrial, professional, or institutional structure may be allowed, provided that such device is installed and maintained in accordance with applicable state or local building codes, and complies with current standards of the FAA, FCC and any other agency of the county, state or federal government with the authority to regulate antennas.
 - c. Antennas on Existing Towers: The attachment of a new antenna on an existing tower may be allowed and is encouraged, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that:
 - i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole.
 - ii. An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on-site within fifty (50) feet of its existing location, but the relocation may only occur one time per communication tower.
 - iii. After a tower is rebuilt to accommodate collocation, only one tower may remain on the site.

- iv. On-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the County Planning Commission.
 - v. Alternative Tower Structure: The use of an alternative tower structure may be permitted, where such use would be consistent with the goals set forth in Section 1 of this ordinance, as determined by the Zoning Administrator.
 - vi. Cable Microcell Network: The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.
10. Special Uses: The installation of towers or antennas, including the placement of appurtenant equipment or buildings, may be allowed by special use permit in the CD, CE and A/RP zoning districts. An application for a special use permit shall be subject to the procedures and requirements of Chapter 19 of the Ogemaw County Zoning Ordinance. In addition, a special use permit proposal shall include plans, specifications and other pertinent information and materials to demonstrate compliance with this ordinance.
11. Removal of Abandoned Antennas and Towers: An antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the County of Ogemaw notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
12. Nonconforming Uses:
- a. Not Expansion of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - b. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

SPECIAL USE REQUIREMENTS:

1. Wireless Telecommunication Towers and Antennas
 - a. Availability of Suitable Existing Towers, Other Structures or Alternative Technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the (Zoning Administrator) that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Each proposed new tower request will be forwarded to an engineer, on retainer by Ogemaw County, for review. The total cost for review to be incurred by applicant. Evidence submitted to the Zoning Administrator to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of the following:
 - i. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitter/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

OGEMAW COUNTY MINIMUM DWELLING UNIT REQUIREMENTS

At the least, a dwelling unit must be 720 sq feet and have a living room, kitchen, bathroom and one sleeping room for every two family members. These rooms must have:

- A ceiling that is in good condition
- Walls that are in good condition
- Floors that are in good condition
 - Not acceptable are large cracks or holes that allow drafts, severe bulging, large amounts of loose or falling surface material; missing or warped floor boards or coverings that could cause someone to trip.
- At least one window per room; all of which must be in good condition, except bathroom may have working exhaust fan instead. Bedroom must have egress window.
 - Not acceptable are window with badly cracked, broken or missing panes, and windows that do not shut or, when shut, do not keep out the weather.
- At least two electric outlets and one permanent overhead light fixture.
 - Not acceptable are broken or frayed wiring, light fixtures hanging from wire with no firm support (such as a chain) missing cover plates on switches or outlets, badly cracked outlets, or extension cords.
- The kitchen must have a food preparation area, serving area, working refrigerator, sink with hot and cold running water, and working stove and oven.
- The bathroom must have a flush toilet that works. A working tub or shower and sink with hot and cold running water.

The building must have:

- A roof in good condition that does not leak. Gutters and downspouts are not required but, if present, are in good condition and securely attached to the building.
- Secure handrails on any extended length of stairs (e.g., generally four or more steps) and any porches, balconies, or decks which are 30 inches or more above the ground.
- Exterior walls that are in good condition, with no large holes or cracks that would let a great amount of air get inside.
- A foundation in good condition that has no serious leaks, and proper attachment of the dwelling. Manufactured homes must have tie downs and be placed on the site on a stable manner and be free from hazards such as sliding and wind damage.
- A plumbing system and sewage system that is served by an approvable public or private system, and complete distributing and soil pipes with no leaks and in good repair.
- A chimney with no serious leaning or defects.
- Minimal cracking, peeling or chipping of paint.
- A water heater located, equipped and installed in a safe manner.
- Enough heating equipment so that the unit can be made comfortably warm during cold months.
 - Not acceptable are space heaters (or room heaters) that burn oil, kerosene, or gas and are not vented to a chimney.
- At least one working hard wired or 5 year lithium smoke detector on each level of the unit, and one in each bedroom and one outside of the bedrooms.

OGEMAW COUNTY

SAFETY INSPECTION CHECKLIST

TYPE OF DWELLING UNIT:

HUD HOME _____ STATE APPROVED HOME _____ SITE BUILD HOME _____

- EXTERIOR SIDING--INTACT _____
- ROOFING--INTACT _____
- WINDOWS--INTACT _____
- DOORS--INTACT _____
- FLOORING--INTACT _____ SUB FLOOR-- SOLID _____
- BATHROOM--INTACT _____ TOILET _____ TUB _____ SHOWER _____ SINK _____
- KITCHEN--INTACT _____ CABINETS _____ SINK _____ DISHWASHER _____ COUNTERS _____
- ELECTRICAL-- INTACT _____ PANEL _____ BREAKERS _____ PLUGS _____ SWITCHES _____
LIGHT FIXTURES _____ SMOKE DETECTORS _____
- FURNACE-- INTACT _____ CORRECT APPLIANCE FOR DWELLING UNIT _____
- WALLS-- INTACT _____
- CEILING-- INTACT _____
- WATER HEATER-- INTACT _____ CORRECT APPLIANCE FOR DWELLING UNIT _____

NOTES:

APPROVED _____
DENIED _____

INSPECTED BY _____ DATE _____