

**Ordinance No. 07-07-02**

**ORDINANCE  
of  
THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of Commissioners of the County of Michigan held at 4:00 P.M. on July 19, 2007, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald Cole, J. Michael Fuja, Jack Johnson, Jaime F. Pavlica, Dan Stewart, Kim Van Pelt, and Henrietta Sparkes. Commissioner Fuja, seconded by Commissioner Van Pelt, moved to adopt the following text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment change to Ordinance language; specifically to Section 18.3.2. (Procedures on Appeals).

**WHEREAS:** The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on June 27, 2007; and,

**WHEREAS:** Notification of said text amendment was mailed to the 14 townships under the jurisdiction of the Shiawassee County Zoning Ordinance on April 9, 2007; and,

**WHEREAS:** The report from the Shiawassee County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Zoning Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments made at the Planning Commission public hearing of June 27, 2007, and the findings made by the County Planning Commission ordains to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended, by changing Section 18.3.2. to read as follows (bold is text language change):

A notice of appeal shall be filed by the appellant with the Zoning Administrator. Such petition shall state the reasons for the appeal and the order or ruling appealed from. When applicable, the legal description of the property involved shall be stated in the notice of appeal. **Such appeal shall be made within 21 days of the action of the order or ruling appealed from.** Before such an appeal shall be processed, the fees for an appeal as hereinafter set forth shall be paid to the

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Zoning Administrator who shall deliver same to the County Treasurer to be credited to the appropriate fund of the County. (A. and B. text language remains as printed.)

The above-mentioned text amendment is to be known as **Amendment No. 07-07-02** to the Shiawassee County Zoning Ordinance.

**THOSE VOTING AYE: Commissioners Cole, Fuja, Johnson, Pavlica, Stewart, Van pelt, and Sparkes.**

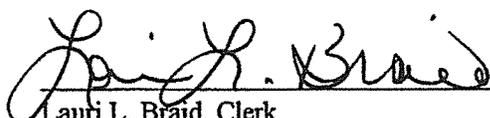
**THOSE VOTING NAY: None.**

**ABSENT: None.**

**Amendment #07-07-02 to the 1999 Shiawassee County Zoning Ordinance, as amended, was officially adopted.**

  
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**Henrietta Sparkes, Chairman**  
**Board of Commissioners, Shiawassee County, Michigan**

I do hereby certify that the above Ordinance to amend the 1999 Shiawassee County Ordinance, as amended, is a true and correct copy of that recorded in the official minutes of the July 19, 2007, Shiawassee County Board of Commissioners' meeting.

  
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**Lauri L. Braid, Clerk**  
**Shiawassee County, Michigan**

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this** 30 **day of** August **, 2007.**

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on December 20, 2007, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald Cole, J. Michael Fuja, Jack Johnson, Jaime Pavlica, Dan Stewart, Kim Van Pelt, and Henrietta Sparkes. Commissioner Fuja moved, supported by Commissioner Stewart, to adopt the following text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment change to Ordinance language; specifically to Section 6.5. (Private Road Development).

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on June 27, 2007 and August 22, 2007; and,

**WHEREAS:** Notification of said text amendment was mailed to the 14 townships under the jurisdiction of the Shiawassee County Zoning Ordinance on June 11, 2007; and,

**WHEREAS:** The report from the Shiawassee County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommended approval on the following proposed text amendment:

**Language:** Proposed text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, for public hearing and recommendation to the Board of Commissioners, Section 6.4 Public Street Standards. Proposed is to amend Section 6.4 and include language for a shared driveway development and the elimination of private road development (Section 6.5) within Article 6.

**Motion:** Charles Holland moved to recommend moving this on to the Board of Commissioners for recommendation to accept the wording as presented. Support: Glenn Love Jr. Roll Call Vote: Ayes: Glenn Love Jr., Charles Holland, Fred Junger. Nays: John Griffin and Don Dickmann.

**Motion:** Don Dickmann moved to recommend to the Board of Commissioners to work with the Road Commission on adopting some form of flexibility with rural road developments and abandon the curb and-gutter standards. Support: John Griffin. Roll Call Vote: Ayes: Don Dickmann, John Griffin, Glenn Love Jr., and Fred Junger. Nays: Charles Holland.

**WHEREAS:** The Board of Commissioners of the County of Shiawassee, Michigan, held a public hearing on July 19, 2007; and, having considered the recommendation of the Shiawassee County Planning Commission, the comments made at the Planning Commission public hearing of June 27, 2007, and the findings made by the County Planning Commission entered a motion to forward it back to the County Planning Commission for consideration of the following:

**Motion:** It was moved by Commissioner Fuja, seconded by Commissioner Pavlica, to authorize the return of the issue of private roads to the Shiawassee County Planning Commission with consideration given to the following:

- a. Private roads will remain in the Shiawassee county Zoning Ordinance, as amended, with the following additions:
- b. Road base, width, and right of way of all private roads will conform to the Shiawassee County Road Commission Standards.
- c. A qualified entity will be contracted with (via an RFP process) to supply oversight, and testing if necessary, to assure that those standards are maintained.
- d. That language be added to assure that the cost of said oversight be covered by user fees to the developer.
- e. That language be drafted to add shared driveways for up to two building lots.
- f. And finally that this issue will be reviewed three years after it is adopted into the ordinance.

Motion carried.

**WHEREAS:** The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on August 22, 2007; and,

**WHEREAS:** Notification of said text amendment proposal and recommended changes were mailed to the 14 townships under the jurisdiction of the Shiawassee County Zoning Ordinance on August 3, 2007; and,

**WHEREAS:** The report from the Shiawassee County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, entered the following recommendation on August 22, 2007:

**Motion:** Henry Martin moved to recommend that the Planning Commission stand by their original recommendation of June 27, 2007. **Support:** Glenn Love Jr. **Roll Call Vote:** **Ayes:** Fred Junger, Charles Holland, Glenn Love Jr., and Henry Martin. **Nays:** Don Dickmann and John Griffin.

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments made at both of the Planning Commission public hearings (June 27, 2007 and August 22, 2007), and the findings made by the County Planning Commission ordains to override the recommendations and move to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended, by changing Section 6.5 (Private Road Development) to read as follows:

**Section 6.5 PRIVATE ROAD DEVELOPMENT**

**6.5.1. Intent:** The purpose of this Section is to provide for the general location, character, and extent of private roads in Shiawassee County. Lot orientation and other development circumstances also are regulated herein. The private road development section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

**6.5.2. Uses Regulated:** Any development resulting in the use by one or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any zoning permits are issued. In the case of a private road that is part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Site Plan Review Committee shall require the same information as in this Article for private road approval and shall use the same standards for approval as contained in this Article.

6.5.3. Preliminary Conference with Zoning

Administrator: The applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed development, in order to ensure it will be compatible with County Ordinances. There is no extra fee for the preliminary conference.

6.5.4. Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator, pay the required filing fee and request placement of the request on the Planning Commission agenda.

B. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).

C. A qualified entity will be contracted with (via an RFP process) to supply oversight, and testing if necessary, to assure that the Road Commission Standards (less paving and curb and gutter) are maintained.

D. The applicant/developer will cover the cost of said oversight to the Community Development Department by a user fee. Said fee established by the Shiawassee County Board of Commissioners.

6.5.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least ninety (90) days prior to a Planning Commission meeting to allow for the township review period established in Article 12 for developments requiring a Special Use Permit and for the review by the Zoning Administrator. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over 12%.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, easements for future utilities, if any.
9. Future divisions, if any.

10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.
11. Proposed private road maintenance agreement and proposed private road easement agreement.
12. Proposed street name.

**6.5.6. Road Commission & County Prosecutor Review:** A copy of the private road site plan and all attachments shall be transmitted by the Zoning Administrator to the Shiawassee County Road Commission for review and comment. The Zoning Administrator shall send the proposed road maintenance agreement and road easement agreement to the County Prosecutor for review and comment. At least fourteen (14) days shall be provided for their review and comment. A reply shall be provided to the Zoning Administrator. If no response is received, it shall be conclusively presumed that the agency has no objection.

**6.5.7 Standards for Approval:** The following criteria represent minimum standards for approval of private roads. The approving body shall determine if unusual conditions exist that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

A. All private roads shall have a minimum sixty-six (66) foot wide right-of-way and be built to Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction"; except private roads that serve six (6) or fewer lots shall meet all the requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" with the following modifications and exceptions:

1. Paving is not required for roads serving less than 7 lots.
  2. Road base, width, and right-of-way of all private roads will conform to the Shiawassee County Road Commission Standards (less paving and curb and gutter).
  3. The minimum depth of road-side ditch is two (2) feet below the adjacent road shoulder.
- B. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement.
- C. Private roads shall be planned and so constructed in relation to land contours and obstructions as to provide safe, adequate, ingress and egress by private driveway for each parcel.
- D. Road layout shall fit the general pattern established by adjacent roads and streets. All intersections shall be at ninety (90) degree angles.
- E. Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public streets or another private road.
- F. Rights-of-way shall connect the private road system of the proposed development to any road or right-of-way of existing abutting developments or subdivisions where an existing road or right-of-way terminates at the boundaries of the proposed development. This requirement may be waived by the Planning Commission for private roads serving more than six (6) lots, or the Site Plan Review Committee for private roads serving six (6) or fewer lots. The waiver may be granted if findings in the record of the approving body show that natural barriers, pre-existing man-made barriers, or other factors result in a practical difficulty which is greater than the public safety and traffic efficiency benefits to be gained by the connection.
- G. A private road legal description shall grant easements for installation and maintenance of public utilities.
- H. The layout of roads shall provide a continuous circuit of travel. This requirement may be waived by the Planning

Commission for private roads serving more than six (6) lots, or the Site Plan Review Committee for private roads serving six (6) or fewer lots. The waiver may be granted upon making finding in the record of the approving body that the lands to be developed are limited in area by purpose or by natural barrier. Granting of the waiver allows the road to terminate in an approved cul-de-sac that meets the design requirements in the Shiawassee County Road Commission specifications, as outlined in their publication "Standards and Specifications for Plat Development and Street Construction" as modified by this Ordinance, provided a right-of-way is established extending from the end of the cul-de-sac to the development boundary. Road rights-of-way or easements created for this purpose shall be nonexclusive and shall prohibit the construction or placement of buildings or structures within the right-of-way. Where a natural barrier exists or a future tie-in with an existing road in an adjoining development or subdivision is not feasible, this rights-of-way requirement may be also be waived.

I. All private roads shall be named by the applicant and the name approved by the Shiawassee County Road Commission in accordance with established standards, and directives and street signs shall be erected at the cost of the applicant, in the same manner and method, and in accordance with the requirements of the Road Commission.

J. The road maintenance agreement signed by applicant/owner(s) to be recorded with the County Clerk and County Register of Deeds shall provide for:

1. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
2. A workable method of apportioning the costs of maintenance and improvements to current and future properties served by the private road.
3. A notice that if repairs and maintenance are not made, the County may bring the road up to established County Road Commission Standards for public roads (curb, gutter, asphalt/paving) and assess owners of parcels on the private road for the improvements, plus an administrative fee in an amount not to exceed twenty-five (25) percent of total costs.
4. A notice that no public funds of the County of Shiawassee are to be used to build, repair, or maintain the private road.

K. Road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
2. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.

L. Spacing of Private Roads: No more than one (1) private road may be established for each parcel of land existing at the time of the effective date of this amendment to the ordinance; which, has at least 66 feet of frontage on a public road. Parcels, which are created after the effective date of this amendment to the ordinance, must observe 600 feet of separation between private roads as measured along the centerline of the public street between the center lines of the private roads.

M. Private Roads which create four (4) or more lots; or that are located in the A-2 District or in Residential Enclaves may reduce the required minimum lot frontage to one-hundred sixty-five (165) feet for the lots fronting on the private road.

N. Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision.

O. Failure to maintain the private road in compliance with the standards for horizontal and vertical clearance, ditching, road and shoulder grading, and the other dimensional requirements of Figure 6.1 shall constitute a violation of this ordinance.

P. The plan requirements of the County Road Commission publication "Standards and Specifications for Plat Development and Street Constructions" shall be followed in addition to the site plan requirements of Section 14.4.2 of this Ordinance. Plans shall be prepared and endorsed by a Michigan Register Civil Engineer. As built plans are required and shall contain the engineer's certification that all specifications have been complied with during construction and that the plans are a true representation of the actual construction. The following standards in Table 6-1 apply to all private roads created after the effective date of the amendment adding this section.

6.5.8. Application Review and Approval or Rejection:

A. The private road shall be reviewed as part of the review of the development proposal served by the proposed road. Said review may be conducted as part of a site plan review process, or at the applicant's discretion, separately if no other development approvals from the County are needed.

B. If the private road plans are approved by the Site Plan Review Committee, construction authorization will be issued by the Zoning Administrator. One copy of the approved plan shall be returned to the applicant. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

6.5.9 Issuance of Permit for Structures Served by Private Roads:

A. No building or Certificate of Zoning Compliance shall be issued for a structure or use provided access by a private road until such private road is approved pursuant to the requirements of Section 6.5.7.

B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit.

6.5.10 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the County subject to any changes made herein or subject to any changes made by the County Road

Commission, Planning Commission or County Board of Commissioners in its standards and specifications for road construction and development.

6.5.11 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: "This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed." This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.

**Table 6-1  
PRIVATE ROAD STANDARDS**

Section 6.5.7. P

Number of Lots Proposed in a Non-Act 178 Option or Conservation Design Development*	Type of Zoning Approval*	Width of Right-of-Way Minimum	Construction Standards	Paving Required
2-6 *	SUP*	66 feet	The written standards of the Shiawassee County Road Commission for Gravel Roads	No
7-12*	SUP*	66 feet	The written standards of the Shiawassee County Road Commission	Yes
12-25	SUP	66 feet	The written Road Commission	Yes
>25	SPR	66 feet	and/or Township Plat Standards	

**NOTES:**

SUP means permitted by special use permit

SPR means permitted by site plan review

\*In an Act 178 Development (see Section 2.7.2 B.) or a Conservation Design Development of less than 12 lots (see Section 4.3.20), a Special Use Permit is not required and paving shall be required for roads serving 7-12 lots at the option of the Site Plan Review Committee

**Section 6.5.12. Shared Driveway Development:**

A. **Spacing of Shared Driveways:** No more than one (1) shared driveway may be established for each parcel of land existing at the time of the effective date of this amendment to the ordinance; which has at least 66 feet of frontage on a public road.

1. A shared driveway cannot be created that will have access across a platted lot or across a lot that has been approved by special land use permit which fronts on a private road development.
2. A shared driveway will not be considered for approval if it is creating a flag lot, which is prohibited as outlined in Section 6.2. Minimum Frontage and Access.
3. A shared driveway will not serve more than two parcels unless a private and/or public road has been constructed and approved as outlined above.

B. Application for Zoning Permit for a Shared Driveway:

1. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a shared drive zoning permit with the Zoning Administrator and pay the required filing fee.
2. The applicant must provide proof of ownership or written consent of the property owner to make the application, along with the address of the applicant and owner (if different).
3. Shiawassee County shall adopt a schedule of review fees. All applications for shared drives shall be accompanied by review and inspection fees. The fees shall be imposed to cover County Administrative costs as well as engineering review, field inspection, planning review, legal and other professional services. The County also reserves the right to require escrow fees for field inspection. The balance of any escrow amount shall be refunded to the applicant upon final approval. Should the County's cost exceed the fees submitted and/or the escrow amount, the applicant shall be responsible for payment of those amounts prior to the issuance of the Certificate of Completion.

C. Shared Driveway Zoning Permit Application Submittal Requirements:

1. The information in B. below shall be on or accompany a submittal depicting the proposed shared driveway unless waived by the Zoning Administrator.
2. Sufficient copies of a plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator. The plan shall include the following:
  - a. A sketch showing the general relationship of the proposed shared drive to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
  - b. Property lines of existing or proposed parcels to be served by the shared drive, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any) including those areas across abutting roads.
  - c. Locations, widths, and names of existing or prior easements of record, public and/or private.
  - d. Location of existing sewers, water mains, storm drains, and other underground facilities within or adjacent to the property.
  - e. Existing and proposed drainage patterns and any proposed retention ponds.
  - f. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over 12%.
  - g. Layout of the proposed share drive indicating right-of-way widths, surface width, grades, connections to a public road.
  - h. Proposed shared drive maintenance agreement, shared drive easement agreement, and public utility easement agreement.

D. Review by Site Plan Review Committee: The Site Plan Review Committee shall review the proposed site plan and make recommendation to the Zoning Administrator its findings. The committee will have fifteen (15) days in which to review via mail. If a committee member requests a committee hearing, the Zoning Administrator will schedule a date and time for the full committee to meet.

E.. Standards for Approval: Table 1 (following) represents the minimum standards for approval of shared drives. The approving body shall determine if unusual conditions exist, that warrant higher standards or conditions of approval. Any unusual conditions shall be set forth in the record of the approving body along with the rationale for higher design standards or conditions of approval.

**TABLE 1**  
**Schedule of Minimum Requirements for Shared Driveways**

<b>Shared Driveways</b>	
Number of Lots Served -	Two (2). Subject to a Zoning Permit for a Shared Driveway from the Shiawassee County Community Development Department.
Right-of-Way Width -	66' minimum; 75' minimum radius for cul-de-sacs, if required after review by staff with possible waiver.
<b>Pavement/ Cross-Sections -</b>	
Road Width -	Minimum of 18 feet.
Sub-Base -	8 inches of compacted Class II Sand <sup>1</sup> . On-site material may be used if laboratory analysis indicates that it meets the Shiawassee County Road Commission specification requirements.
Base -	7 inches of 22A or 23A Processed Road Gravel placed and compacted in two (2) courses.
Pavement -	Not required.
Roadway Grades -	Minimum 0.5%. Maximum 0.8%.
Ditches -	N/A.
Minimum Grade -	0.5%.
Front/Back Slopes -	1:3
Maintenance Agreement -	Required.
Vertical Clearance -	14 feet.
Engineering Certification -	Not required.
Storm Water Outflow -	Reviewed by County.
Minimum Lot Frontage on a Shared Drive -	200 feet minimum frontage along a shared driveway.
Minimum Setback Requirement	15 feet minimum from property boundary line.

<sup>1</sup>Sampling and testing to be completed by an accredited testing firm experienced in soil analysis. Results shall be provided to the County for review and approval.

**Motion:** It was moved by Commissioner Fuja, seconded by Commissioner Pavlica to approve Ordinance #07-12-04 the proposed text amendment to the 1999 Shiawassee County Zoning Ordinance specifically pertaining to Section 6.5 Private Road Development. The text amendment will be brought to the Board of Commissioners for review three years after it has been adopted.

**Motion:** It was moved by Commission Johnson, seconded by Commissioner Stewart to amend the motion to change 6.5.2., the fifth line up from the bottom from may to shall.

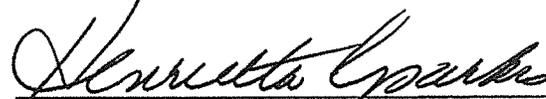
The motion as amended carried with the following roll call vote: 7 yeas and 0 nays.

**THOSE VOTING AYE: COMMISSIONERS:** Cole, Fuja, Johnson, Pavlica, Stewart, Van Pelt, and Sparkes.

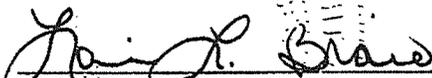
**THOSE VOTING NAY: COMMISSIONERS:** None.

**ABSENT: COMMISSIONERS:** None.

**Amendment #07-12-04 to the 1999 Shiawassee County Zoning Ordinance, as amended, was officially adopted.**

  
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Henrietta Sparkes, Chairperson  
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance to amend the 1999 Shiawassee County Zoning Ordinance, as amended, is a true and correct copy of that recorded in the official minutes of the December 20, 2008, Shiawassee County Board of Commissioners' meeting.

  
\_\_\_\_\_  
Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF,** I have hereunto set my hand and affixed the seal of the Circuit Court this 13<sup>th</sup>  
day of February, 2008.

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**ORDINANCE  
of  
THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on March 11, 2010, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Dan Stewart, Bruce Robb, John S. Pajtas, J. Michael Fuja, Jaime Pavlica, and Henrietta Sparkes. Absent: Commissioner: Gerald W. Cole. Commissioner Fuja moved, supported by Commissioner Pajtas, to adopt the following text amendment to include the ordinance language on Outdoor Solid Fuel Furnaces:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by including ordinance language to Section 2.26.5., Table 2-3, and Section 5.3.1. H. to regulate Outdoor Solid Fuel Furnaces within the agriculturally zoned districts.

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on February 24, 2010; and,

**WHEREAS:** Notification of proposed said text amendment was mailed on December 3, 2009 to the fourteen (14) townships under the jurisdiction of the Shiawassee County 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.7 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for amendments per Section 19.5 (Findings of Fact) of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of February 24, 2010, and the comments received from the townships governed by the Shiawassee County Zoning Ordinance, ordains to:

**Amend the official 1999 Shiawassee County Zoning Ordinance, as amended, by adding language to Sections 2.26.5, Table 2-3, and Section 5.3.1.H., as follows:**

**Section 2.26.5, Table 2-3:  
Outdoor Solid Fuel Furnaces (A-1, A-1½, A-2); RC**

**Section 5.3.1. H: Outdoor Solid Fuel Furnaces**

- A. Due to the potential impact on the public health, safety, and welfare of the citizens of the County caused by emissions of smoke and particulates in a populated area (see "Model Ordinance for Outdoor and Open Burning – A guide for Michigan Counties, Cities, Villages and Townships" produced by the Michigan Department of Environmental Quality, September 2006), the following provisions shall apply to outdoor solid fuel (wood, corn, coal, etc.) burning furnaces/boilers ("Outdoor Furnaces"):

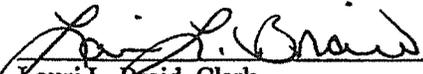
1. Outdoor Furnaces are permitted as an accessory structure and use to single-family residential structures located in the A-1, A-1 ½, and A-2 zoning districts. All appropriate zoning, building, and trade permits are required prior to installation.
2. The Outdoor Furnace shall be listed by the Underwriters Laboratories, Inc. (UL) and shall only utilize fuels as recommended by the manufacturer of the furnace. The use of trash, plastic, gasoline, oil, rubber, garbage, petroleum treated products, pressure treated wood, leaves, paper products, cardboard, and other materials not recommended by the manufacturer or materials that could void the Outdoor Furnace warranty are prohibited and subject to enforcement provisions as set forth in this Ordinance.
3. The following setbacks in addition to those required for typical accessory structures are required for locating an Outdoor Furnace on an appropriately zoned property.
  - a. An Outdoor Furnace shall be located no closer than one hundred (100) feet to any residential or commercially zoned or utilized property.
  - b. An Outdoor Furnace shall be located no closer than two hundred (200) feet to any property zoned or used for assembly purposes, including but not limited to a school, church, public park, etc.
  - c. An Outdoor Furnace shall be located no closer than fifty (50) feet to a principal structure on site and no closer than twenty-five (25) feet from an accessory structure as long as such accessory structure is not occupied as a living area.

THOSE VOTING AYE: COMMISSIONERS: Stewart, Robb, Pajtas, Fuja, Pavlica, and Sparkes.  
 THOSE VOTING NAY: COMMISSIONERS: None.  
 ABSENT: COMMISSIONERS: Cole.

Amendment #10-03-01 to the 1999 Shiawassee County Zoning Ordinance, as amended, was officially adopted.

  
 \_\_\_\_\_  
 Henrietta Sparkes, Chairman  
 County Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance (#10-03-01) to amend the 1999 Shiawassee County Zoning Ordinance, as amended, is a true and correct copy of that recorded within the official minutes from the March 11, 2010; Shiawassee County Board of Commissioners' regular meeting.

  
 \_\_\_\_\_  
 Lauri L. Braid, Clerk  
 Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 12<sup>th</sup>  
 day of April, 2010.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on March 11, 2010, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Dan Stewart, Bruce Robb, John S. Pajtas, J. Michael Fuja, Jaime Pavlica, and Henrietta Sparks. Absent: Commissioner: Gerald W. Cole. Commissioner Fuja moved, supported by Commissioner Pavlica, to adopt the following text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Article 21, Definitions (Major Thoroughfare).

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on February 24, 2010; and,

**WHEREAS:** Notification of the proposed text amendment was mailed on December 3, 2009 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003, and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.7 of the 1999 Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for a text amendments per Section 19.5 (Findings of Fact) within the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of February 24, 2010, and the comments received from the townships governed by the Shiawassee County Zoning Ordinance, ordains to:

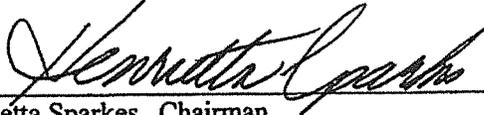
**Amend the official 1999 Shiawassee County Zoning Ordinance, as amended, by amending the definition of "Major Thoroughfare" under Article 21, Definitions, to read:**

**"Major Thoroughfare: A public street, the principle use or function of which is to provide a paved arterial route for fast and/or heavy through traffic with its secondary use or function the provision of access to abutting property. Major thoroughfares are identified as either Federal or State Highways, or those defined by the Shiawassee County Road Commission as Class A Primary Roads."**

**Removal of map.**

**THOSE VOTING AYE: COMMISSIONERS:** Stewart, Robb, Pajtas, Fuja, Pavlica, and Sparkes.  
**THOSE VOTING NAY: COMMISSIONERS:** None.  
**ABSENT: COMMISSIONERS:** Cole.

**Amendment #10-03-02 to the 1999 Shiawassee County Zoning Ordinance, as amended, was officially adopted.**



Henrietta Sparkes, Chairman  
County Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance (#10-03-02) to amend the 1999 Shiawassee County Zoning Ordinance, as amended, is a true and correct copy of that recorded within the official minutes of the March 11, 2010' Shiawassee County Board of Commissioners' regular meeting.



Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the Circuit Court this 12<sup>th</sup>  
day of April, 2010.

ORDINANCE  
of  
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on May 13, 2010 in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present:

Commissioners: Dan Stewart, Bruce Robb, John Pajtas, J. Michael Fuja, Gerald W. Cole, Jaime Pavlica, and Henrietta Sparkes.

Commissioner Cole moved, supported by Commissioner Fuja, moved to rescind motion passed by the Board of Commissioners at the meeting of April 15, 2010 to approve Ordinance #10-04-03, the text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, to Section 4.3.12 Campgrounds including language to #3, Development Rights, F., for a minimum lot width of 35 feet. The motion carried with the following roll call vote of 7 Yeas and 0 Nays. Yeas: Commissioners Stewart, Robb, Pajtas, Fuja, Cole, Pavlica and Sparkes.

It was moved by Commissioner Cole, seconded by Commissioner Pavlica, to approve Ordinance #10-04-03, the text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, to Section 4.3.12 Campgrounds including language to #3, Development Requirements, F.; each lot made available for use by transient units shall contain a minimum of two thousand (2,000) square feet of area and have a minimum of thirty (30) feet of frontage on an internal service road. Lots made available for use by park models or camping cabins shall contain a minimum of three thousand five hundred (3,500) square feet of area and have a minimum of thirty-five (35) feet of frontage on an internal service road. Yeas/7, Nays/0. Text amendment adopted as follows:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Article 4, Section 4.3.12 (Campgrounds).

**WHEREAS:** The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on February 24, 2010; and,

**WHEREAS:** Notification of the proposed text amendment was mailed on December 3, 2009 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommended approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of February 24, 2010; and the comments received from the townships governed by the Shiawassee County Zoning Ordinance ordains to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by

amending Section 4.3.12 (Campgrounds) to read:

1) General Standards:

A. Campgrounds are governed pursuant to Public Act 368 of 1978, Public Health (MCL 333.1101 et seq.), as amended (“Governing Act”) and administrative rules developed by the Michigan Department of Environmental Quality (“MDEQ”) as permitted pursuant to Section 12511 of the Governing Act.

B. For terms and phrases used herein that are not found in Article 21 of the Shiawassee County Zoning Ordinance (“Ordinance”) or contained herein, shall be as defined pursuant to the Governing Act and administrative rules by reference.

C. For the purposes of this Section, recreational units other than park models shall be known as “transient units” where such differentiation is necessary for application of provisions found herein.

2) Location Requirements:

A. Private primitive or modern campgrounds for tents, recreational vehicles, cabins, camping cabins, park models, travel trailers and other similar types of recreational units (excluding mobile homes commonly placed in manufactured housing parks) intended for temporary or seasonal occupancy are permitted by Special Use Permit in the A-1, A-1½, and A-2 Agricultural zoning districts.

3) Development Requirements:

A. Minimum campground size shall be forty (40) acres. The overall density of the campground shall not exceed five (5) lots for camping and locating of recreational units per gross acre.

B. A campground shall be divided into designated lots for the siting of recreational units. Only one recreational unit shall occupy any lot, excepting the following: No more than three (3) tents shall be permitted to occupy a lot. If tents are proposed in addition to another type of recreational unit, immediate family members of those occupying the principal recreational unit on lot shall be permitted no more than two (2) tents for use on the lot.

C. A public permanent service building shall be provided containing adequate flush toilets, lavatories, waste containers, and shower facilities shall be provided pursuant Rule 21 (R 325.1571) of the administrative rules adopted under the Governing Act. Such service building shall be designed and constructed of material to enable the service building to act as a shelter in adverse weather conditions. At a minimum, the service building shall contain one (1) male and one (1) female bathroom and one (1) unisex shower facility. Other bathroom and shower facilities may be required proportional to the types of recreational units proposed and the layout of the lots in the campground.

D. Machine laundry (wash and dry) facilities are permissible to be located in the campground. Such facilities shall be located in a permanent service building.

E. One (1) parking space shall be provided on each lot. For lots specifically identified and limited to tent camping, the required parking space(s) may be remote from the tent lots provided it is connected by a trail or path. Each campground shall provide an additional dust-controlled parking area for lot occupants and guest parking which is separate from individual lot parking. Parking spaces equal in number to twenty (20) percent of the lots shall be provided in this area. Each parking space required shall be at least one hundred eighty (180) square feet in area.

F. Each lot made available for use by transient units shall contain a minimum of two thousand (2,000) square feet of area and have a minimum of thirty (30) feet of frontage on an internal service road. Lots made available for use by park models or camping cabins shall contain a minimum of three thousand five

hundred (3,500) square feet of area and have a minimum of thirty-five (35) feet of frontage on an internal service road.

G. Lots shall be setback from property lines based on the following schedule:

1. Lots designated for occupancy by various types of recreational units shall have the following setbacks:
  - a. For lots where tents are permitted, a setback of seventy (70) feet shall be observed from property lines and rights-of-way.
  - b. For lots where motor homes, travel trailers and other drivable, capable of being towed, and/or transient recreational units where the chassis and wheels remain affixed to the recreational unit are permitted, a setback of fifty (50) feet shall be observed from property lines and rights-of-way.
  - c. For lots where park models are permitted, a setback of thirty (30) feet shall be observed from property lines and rights-of-way.
2. The setbacks for lots from property lines may be reduced by fifty (50) percent if the landscaping requirements set forth in Item 4.C concerning proximity to conflicting land uses are implemented. In instances where the conflicting land use buffering is already required where a setback reduction is being proposed, the standards for number of trees required shall be doubled.
3. On each lot, recreational units shall maintain the following minimum setbacks:
  - a. Setback from the internal service road – ten (10) feet
  - b. Setback from a shared boundary with another lot – five (5) feet
  - c. Setback from the rear line of the lot – twenty (20) feet
  - d. Setback between recreational units – ten (10) feet
  - e. Setback from a water feature – thirty (30) feet
4. Other improvements, such as the service building or any commercial sales, shall be setback at least one hundred (100) feet from any property line or right-of-way.

H. A common use area shall be provided on each campground at a ratio of not less than five hundred (500) square feet of such area for each lot in the campground. Open water areas shall not count toward meeting minimum acreage requirements. The common area shall be contiguous and central to the overall campground and shall be landscaped, containing such improvements as picnic tables, beach, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This common area shall be located at least fifty (50) feet from any road or other area used by motor vehicles.

I. Each lot shall have direct access to a dust-controlled internal service road that is at least twenty (20) feet in width. Each lot shall have at least thirty (30) feet of frontage on such internal service road. The internal service road shall maintain a setback of fifteen (15) feet from property lines and rights-of-way. Lots specifically designated for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access. Parking shall not be allowed on any roadway. Motor vehicles shall not be allowed on any portion of the campground other than designated parking areas.

J. Any swimming pool or beach area shall comply with Michigan law including the regulations promulgated under Public Act 230 of 1972, Stille-DeRossett-Hale Single State Construction Code Act, as amended.

4) Buffering Requirements:

A. Fences, screening or landscaping shall be as provided in Article 8 herein. Additional fencing, screening and/or landscaping may be required by the Planning Commission subject to the following standards:

1. The requirement is reasonably necessary to protect the general welfare, value or development of adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.
2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

B. The outdoor storage of trash or rubbish shall be screened in accordance with Article 8, Section 8.11 of this Ordinance.

C. Where a campground is proposed adjacent to a zoning district permitting residential density at more than one (1) house per acre or where the campground is proposed where existing residential development has occurred at a density more than one (1) house per three (3) acres, an enhanced buffer shall be provided along the boundary of the campground with the above reference property.

1. An earthen berm no less in height than three (3) foot above the grade of the shared boundary between the two (2) uses. Such earthen berm shall be constructed with the setback, at a slope not to exceed three (3) to (1), be seeded and secured by ground cover vegetation and be planted with conifers or deciduous trees at a rate of one (1) tree every twenty (20) feet. The size and type of trees shall be in accordance with other provisions of this Ordinance and the location of trees shall be within the general vicinity of the berm.
2. At the discretion of the Planning Commission, existing features, such as woodlands or natural topography, may be substituted for required berming and landscaping.
3. At the discretion of the Planning Commission, additional screening and buffering improvements or an increased in proposed screening and buffering improvements may be required where found necessary due to density of existing residential development, height and grade of adjacent properties, and the anticipated use of adjacent property for residential purposes.

5) Performance Standards:

A. No commercial enterprises shall be permitted to operate on the campground, except for those uses clearly incidental to the needs of the occupants while residing in the campground. Such uses may include:

1. A commercial structure selling convenience goods, such as basic foods, camping accessories, water and propane (tank exchange only) is permitted. The commercial structure may be part of, or attached to the required service building.
2. A sales and display lot for up to five (5) park model type recreational units is permitted. Such area shall not exceed four thousand (4,000) square feet and shall be landscaped so as to screen the sales and display lot from the public road right-of-way.
3. A storage area for vehicles and recreational equipment for those utilizing the campground is permitted to be operated by the owners of the campground. The storage area is permitted to be utilized during the off-season as well, but shall only permit limited access and shall not be open to the general public. Such facility shall be graveled, surrounded by an opaque fence and landscaped pursuant to Item (4)(C)(1).

B. For a campground that is proposed to have a water feature, access to swimming shall only be from a dedicated area located in a common use area identified in Section 3.H. Swimming shall be prohibited from individual lots having water frontage.

C. Any lighting shall be directed away from lots, units and surrounding dwelling units, no arc lights or high-intensity lighting shall be used. Low-intensity lighting to identify structures, use areas and pathways are permitted. Lighting is required where internal roads, drives, trails, or pathways terminate or cul-de-sac at a water feature to mitigate the potential for accidents.

D. All utilities, including sewer, water and electrical, telephone and gas lines, shall be installed underground.

E. The campground shall be kept in a neat and orderly manner. The campground shall be kept free of litter, trash and debris. Provisions for waste disposal and collection shall be implemented and identified on the site plan.

F. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between 10:00 p.m. and 7:00 a.m. so as not to be audible at other lots or adjoining dwellings units.

G. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Shiawassee County Public Health Regulations and the State Campground Regulations authorized by the Public Health Code, Public Act 368 of 1978, as amended.

H. The development of the entire campground is subject to all applicable requirements of the Michigan Department of Environmental Quality.

I. All campgrounds petitioned for and approved under this Ordinance shall be for seasonal use only and shall not be available for any occupancy between November 1<sup>st</sup> and April 1<sup>st</sup> of any year. Temporary recreational units (tents or camping cabins) in either modern or primitive campgrounds shall not occupy or be occupied for more than a period of thirty-one (31) days. Individual campground rules may restrict further.

J. Seasonally sited recreational units occupying a lot for more than thirty-one (31) days shall only be permitted in a modern campground where individual lots are served by a water and sanitary sewer system.

K. No more than one permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager or an employee.

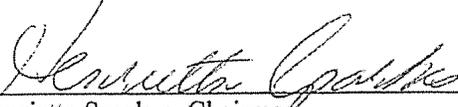
L. The Planning Commission may approve the location of common uses areas, roadways, drives, streets and buildings for the purpose of minimizing any adverse impact on the campground, its intended occupants, surrounding property owners and residents, and surrounding natural resources.

M. There shall be no permanent storage of recreational units outside of operating season unless specifically noted on the site plan.

N. If permitted by campground management or designated rules, each lot shall have available space for a picnic table and a designated pit or other structure for fires.

**THOSE VOTING AYE: COMMISSIONERS: Stewart, Robb, Pajtas, Fuja, Cole, Pavlica, and Sparkes.**  
**THOSE VOTING NAY: COMMISSIONERS: None.**  
**ABSENT: COMMISSIONERS: None.**

Amendment #10-04-03 to the Shiawassee County Ordinance, as amended February 27, 2003, was officially adopted on May 13, 2010.

  
\_\_\_\_\_  
Henrietta Sparkes, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance #10-04-03 to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded in the official minutes of the May 13, 2010, Shiawassee County Board of Commissioners' regular meeting.

  
\_\_\_\_\_  
Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 17<sup>th</sup>  
day of June, 2010.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on December 9, 2010 in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present:

**Commissioners:** Dan Stewart, Bruce Robb, John Pajtas, Jon Michael Fuja, Gerald W. Cole, Jaime Pavlica, and Henrietta Sparkes.

Commissioner Cole moved, supported by Commissioner Fuja, moved to approve Ordinance #10-11-07, the text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, to Section 4.3.12.H.F.A: amend the language of the Section to require fencing around campgrounds unless otherwise deemed necessary by the Planning Commission due to natural features or other reasonable alternatives to provide security, screening and buffering. Motion carried with the following roll call vote of 7 Yeas, and 0 Nays: Yeas: Commissioners Stewart, Robb, Pajtas, Fuja, Cole, Pavlica and Sparkes.

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Article 4, Section 4.3.12 (Campgrounds).

**WHEREAS:** The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on October 27, 2010; and,

**WHEREAS:** Notification of the proposed text amendment was mailed on October 7, 2010 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommended approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of October 27, 2010; and the comments received from the townships governed by the Shiawassee County Zoning Ordinance ordains to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Section 4.3.12.H.4.A. fencing (campgrounds) to read:

H.

4) Buffering Requirements:

A. Screening or landscaping shall be as provided in Article 8 herein. Fencing is required at the perimeter of the campground unless specifically waived by the Planning Commission in consideration of the necessity of the fencing given adjacent land use(s), existing natural features (including vegetation and

topography), practical difficulties, or other provisions for extensive landscaping as required by the Planning Commission. Additional fencing, screening, and/or landscaping may be required by the Planning Commission subject to the following standards:

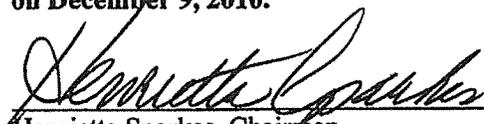
1. The requirement is reasonably necessary to protect the general welfare, value or development of adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.
2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

**THOSE VOTING AYE: COMMISSIONERS:** Stewart, Robb, Pajtas, Fuja, Cole, Pavlica, and Sparkes.

**THOSE VOTING NAY: COMMISSIONERS:** None.

**ABSENT: COMMISSIONERS:** None.

**Amendment #10-11-07 to the Shiawassee County Ordinance, as amended February 27, 2003, was officially adopted on December 9, 2010.**

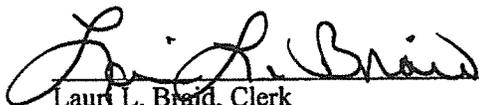


Henrietta Sparkes, Chairman

Board of County Commissioners, Shiawassee County, Michigan

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I do hereby certify that the above Ordinance #10-11-07 to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded in the official minutes of the December 9, 2010, Shiawassee County Board of Commissioners' regular meeting.



Lauri L. Braid, Clerk

Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amending Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the Circuit Court this 20<sup>th</sup> day of December, 2010.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on November 18, 2010 in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present:

**Commissioners:** Dan Stewart, Bruce Robb, John Pajtas, Jon Michael Fuja, Gerald W. Cole, Jaime Pavlica, and Henrietta Sparkes.

Commissioner Cole moved, supported by Commissioner Stewart, moved to approve Ordinance #10-11-08, the text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, to Section 9.3.1. , Table 9-1: by amending the language of the Section to permit the placement of a sign in the front yard of a home occupation if the principal structure is setback 75 feet or more from the public road. Motion carried with the following roll call vote of 7 Yeas, and 0 Nays: Yeas: Commissioners Stewart, Robb, Pajtas, Fuja, Cole, Pavlica and Sparkes.

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Article 9, Section 9.3.1., Table 9-1 (Signage – Home Occupation).

**WHEREAS:** The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on October 27, 2010; and,

**WHEREAS:** Notification of the proposed text amendment was mailed on August 24, 2010 and October 7, 2010 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommended approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of October 27, 2010; and the comments received from the townships governed by the Shiawassee County Zoning Ordinance ordains to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Section 9.3.1., Table 9-1 (Signage – Home Occupation) to read:

<u>Uses:</u>	<u>Area:</u>	<u>Type:</u>	<u>Number:</u>
Home Occupation	4-sf	Wall/Free Standing*	1 per dwelling
Home Based Business	4-sf	Wall/Free Standing*	1 per dwelling

\*Signs associated with an approved home occupation or home based business may be free-standing if the residential structure containing the home occupation or home based business

is setback more than seventy-five (75) feet from the road right-of-way; subject to the following conditions:

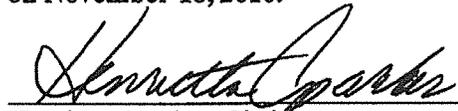
- One (1) non-illuminated free-standing sign not more than four (4) square feet in area
- Free-standing sign permanently anchored and not more than five (5) feet in height
- The free-standing sign shall contain only the name, occupation, and address of the premises; and,
- Shall be located no less than fifteen (15) feet away from the road right-of-way and shall not impede visibility to and from the property or other properties.

**THOSE VOTING AYE: COMMISSIONERS:** Stewart, Robb, Pajtas, Fuja, Cole, Pavlica, and Sparkes.

**THOSE VOTING NAY: COMMISSIONERS:** None.

**ABSENT: COMMISSIONERS:** None.

**Amendment #10-11-08 to the Shiawassee County Ordinance, as amended February 27, 2003, was officially adopted on November 18, 2010.**



Henrietta Sparkes, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance #10-11-08 to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded in the official minutes of the November 18, 2010, Shiawassee County Board of Commissioners' regular meeting.



Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the Circuit Court this 20<sup>th</sup> day of December, 2010.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on August 4, 2011, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald W. Cole, Ronald Elder, Gary Holzhausen, John Plowman, Dale Roszman, Dan Stewart, and Jon Michael Fuja.

Commissioner Ronald Elder moved, supported by Commissioner John Plowman, to adopt the following Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended:

**PREAMBLE:** The 1999 Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended, Section 19.1. Initiation of Amendments.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003, by amending Section 2.26.4. (Table 2-2, Outdoor Recreation and Entertainment Establishments), and Section 4.3.52. (Outdoor Recreation and Entertainment Establishments) and, Section 4.3.56 (Private Non-Commercial Race Track); and,

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on May 26<sup>th</sup>, 2010 and June 29<sup>th</sup>, 2011; and,

**WHEREAS:** Notification of the proposed Text Amendment was mailed on March 9, 2010 and second notification on June 14, 2011 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for Text Amendments per Article 19

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments findings made at the Shiawassee County Planning Commission public hearing of May 26<sup>th</sup>, 2010 and June 29<sup>th</sup>, 2011; and, the comments received from the townships governed by the Shiawassee County Zoning Ordinance, ordains to:

Amend the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003, by amending Text Language to Section 2.26.4 (Table 2-2 Outdoor Recreation and Entertainment Establishments), Section 4.3.52. (Outdoor Recreation and Entertainment Establishments), and Section 4.3.56. (Private Non-Commercial Race Track) to be amended to read (bold highlight text change):

Section 2.26.4. (Table 2-2 Outdoor Recreation and Entertainment Establishments) by adding:  
**"S" under A-1, A-1½, and A-2 Zoning Districts.**

Section 4.3.52 (Outdoor Recreation and Entertainment Establishments):

O. #1) Location Requirements: Outdoor commercial recreational and entertainment uses are permitted by Special Use Permit in the B-2 and B-3 Zoning Districts. **Annual or seasonal events lasting**

**no more than two (2) days are permitted by Special Use Permit in the A-1, A-1½, or A-2 Zoning Districts.**

O. #2) Site Requirements:

A. The site shall be located on, or shall take its principal access from a major thoroughfare. **Seasonal or annual events may be located on less than major thoroughfare based on proximity to a major thoroughfare, projected traffic generated by the use, approval of the Shiawassee County Road Commission, and the Planning Commission.**

4) Performance Standards:

D. Facilities which have a participant capacity greater than **one-hundred (100)** people shall provide letters of review from the County Sheriff and County Road Commission with respect to the proposed project.

O. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards. **For annual or seasonal events, a waiver may be obtained from the adjacent property owner. The waiver must be presented at the time of special use permit consideration and be in a form recordable by the Register of Deeds.**

V.

1. Approvals, sanctions or other requirements of the Michigan Liquor Control Commission.

**W. No camping or situating of recreational vehicles for temporary occupancy shall be permitted unless otherwise permitted by separate Special Use Permit approval.**

Section 4.3.56. (Private Non-Commercial Race Track)

2) Site Requirements:

**B. The facility shall be setback two-hundred (200) feet from any property line or road right-of-way line.**

4) Performance Standards:

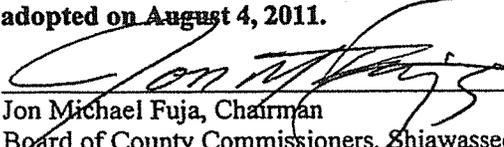
**A. Any event where more than eight (8) vehicles are in attendance shall be considered an Outdoor Recreation and Entertainment Establishment and categorized under Section 4.3.52.**

**THOSE VOTING AYE: COMMISSIONERS: Cole, Elder, Holzhausen, Plowman, Roszman, Stewart, and Fuja.**

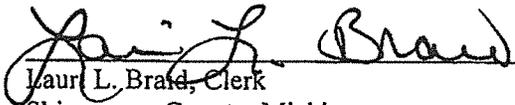
**THOSE VOTING NAY: COMMISSIONERS: None.**

**ABSENT: COMMISSIONERS: None.**

**Amendment #11-08-02 to the 1999 Shiawassee County Ordinance, as amended, February 27, 2003, was officially adopted on August 4, 2011.**

  
\_\_\_\_\_  
Jon Michael Fuja, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded in the official minutes of the August 4, 2011, Shiawassee County Board of Commissioners' meeting.

  
\_\_\_\_\_  
Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 23rd  
day of August, 2011,

ORDINANCE  
of  
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on October 6, 2011, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald W. Cole, Ronald Elder, Gary Holzhausen, John Plowman, Dale Roszman, Dan Stewart, and Jon Michael Fuja.

Commissioner Elder moved, supported by Commissioner Plowman, to adopt the following Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the 1999 Shiawassee County Zoning Ordinance, as amended, Section 19.1. Initiation of Amendments.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003; by amending Article 4, Section 4.3.5 (Automobile Service Stations), adding Section 4.3.77 (Commercial Vehicle Service Stations), and amending Article 21, Section 21.2. (Definitions for Automobile Service Stations and Commercial Service Stations)

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on September 28, 2011; and,

**WHEREAS:** Notification of the proposed Text Amendment was mailed on March 14, 2011 and on September 13, 2011 to the Township Board of Trustees within the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission hearing on September 28, 2011, and the comments received from the townships governed by the 1999 Shiawassee County Zoning Ordinance, as amended, ordains to:

Amend the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003, by amending:

Article 4, Section 4.3.5 Automobile Service Stations

1. Location Requirements:
  - A. Automobile service stations are permitted by Special Use Permit in the B-1, B-2, and B-3 Districts.
  - B. Automobile service stations shall be located adjacent to paved major thoroughfares.
  - C. Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environmental Quality (or other State agency mandated to review and approve such facilities or components

of such facilities).

- D. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.
- E. No driveway or curb cut shall be located less than ~~ten~~**fifteen** (1**50**) feet from any lot line, measured from the edge of the driveway to the lot line.
- F. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.

2. Site Requirements:

- A. Permitted uses: The following uses may be permitted by issuance of a Special Use Permit in conjunction with automobile service stations:
  - 1. Retail sales of gasoline, oil, tires, belts and similar products.
  - 2. Automobile washing.
  - 3. Automobile maintenance including minor mechanical repairs.
  - 4. Convenience grocery items, beverages and snacks.
  - 5. Fast food restaurant items. If there is drive-through pickup, all the standards of Section 4.3.22 must be met.
- B. Site development standards: Automobile service stations shall comply with the following site development standards:
  - 1. The minimum site size shall be 15,000 square feet.
  - 2. Gasoline service stations shall have five hundred (500) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.
- C. The minimum site width shall be two hundred (200) feet.
- D. Building setbacks: The service station building or buildings, gasoline pump accessory structures or islands shall be set back no less than fifty (50) feet from all street or highway right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line abutting a residential district. Hydraulic hoists, pits and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.
- E. Access drives: There shall be no more than two (2) access driveway approaches for any automobile service station, each of which, however, shall not exceed thirty (30) feet in width at the property line.
  - 1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty (**50**) feet.
  - 2. No driveway or curb cut for a driveway shall be located within ~~ten~~**fifteen** (**15**) feet of an adjoining property line as extended to the curb or pavement or within twenty (**20**) feet of any exterior lot line as extended.
  - 3. Any two driveways providing access to a major thoroughfare shall be separated by an island with a minimum distance of twenty (**20**) feet in width along the curb or edge of the pavement.

4. The entire service area shall be paved with a permanent surface of concrete or asphalt.

3. Buffering Requirements:

- A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.
- B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, repairing equipment and body repair shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid masonry wall or equivalent, in conformance with the State Construction Code, Public Act 230 of 1974, as amended, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment.
- C. Outdoor trash storage shall be provided pursuant to Section 8.11.
- D. The view of all restroom doors shall be shielded from adjacent streets and dwellings.
- E. All lighting shall be shielded from adjacent streets and dwellings.

4. Performance Standards:

- A. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building.
- B. There shall be no above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gas.
- C. Automatic or self-service car wash operations shall have public sanitary sewer service.
- D. No subject facility existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section then existed on the said date.
- E. In the event that an automobile service station has not been used as a service station for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.
- F. In the event that an automobile service station has been abandoned, all underground gasoline storage tanks shall be removed from the premises according to all state requirements for such removal and disposal.
- G. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building or on any side abutting a residence without an adequate screen to prevent view from the first floor of the residence.
- H. Sales of new and used motorized vehicles shall not be permitted.
- I. No public address system shall be audible from any adjacent parcel containing a dwelling.
- J. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.

- K. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- L. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
- M. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
- N. **Automobile service stations having a designed area for the fueling of commercial vehicles shall also be required to meet the standards of Section 4.3.76, Commercial Vehicle Service Station.**

~~Signs shall conform with the requirements of Article 9.~~

#### **Article 21, Section 21.2.**

Automobile Service Station: Buildings and premises where gasoline, oil, grease, battery, tires, and/or accessories for automobiles and trucks ~~under~~**up to** one (1) ton rated capacity (**unless other approvals available under this Ordinance are petitioned and approved**) may be supplied and sold at retail, and where minor services may be rendered to such vehicles but not including:

- A. Major mechanical and body work such as straightening of body parts, painting, and welding.
- B. Storage of damaged automobiles or light trucks not in operating condition, except those waiting for immediate repair or service.
- C. Other work involving noise, glare, fumes, and smoke to an extent greater than normally found in automobile service stations. An automobile service station is not a commercial garage nor an automobile repair body shop.

#### **Article 4, Section 4.3.77 Commercial Vehicle Service Stations**

##### **1. Location Requirements:**

- A. **Commercial vehicle service stations are permitted by Special Use Permit in the B-2, and B-3 Districts.**
- B. **Commercial vehicle service stations shall be located adjacent to a state or federal highway or a paved major thoroughfare where the site is situated no farther than one-thousand (1,000) feet from an interchange with an interstate highway.**
- C. **Underground storage tanks shall be sited in conformance with requirements of the Michigan Department of Environmental Quality (or other State agency mandated to review and approved such facilities or components of such facilities).**
- D. **Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access or service drive to such roadway.**
- E. **No driveway or curb cut shall be located less than twenty (20) feet from any lot line, measured from the edge of the driveway to the lot line.**
- F. **The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between**

exterior lot lines.

**Site Requirements:**

- A. **Permitted uses:** The following uses may be permitted by issuance of a Special Use Permit in conjunction with a commercial vehicle service station:
1. Retail sales of gasoline, diesel fuel, oil, tires, belts and similar products.
  2. Commercial vehicle washing.
  3. Commercial vehicle maintenance including minor mechanical repairs.
  4. Convenience grocery items, beverages and snacks.
  5. Fast food or sit-down restaurant. If there is drive-through, all the standards of Section 4.3.22 must be met.
  6. Uses permitted under Section 4.3.5, Automobile Service Station.
- B. **Site development standards:** Commercial vehicle service stations shall comply with the following site development standards:
1. The minimum site size shall be two (2) acres.
  2. Fueling pumps shall have one-thousand (1,000) square feet of site area for each additional pump over four and one thousand (1,000) square feet of site area for each additional service bay over two.
- C. The minimum site width shall be two hundred (200) feet.
- D. **Building setbacks:** The service station building or buildings, fueling pumps and associated accessory structures or islands shall be set back no less than seventy-five (75) feet from all street or highway right-of-way line and shall not be located closer than fifty (50) feet to any property line abutting a district where single-family residential is a principal use. Hydraulic hoists, pits and all lubrication, greasing, washing, and repair equipment shall be entirely enclosed within a building.
- E. **Access drives:** There shall be no more than two (2) access driveway approaches for any commercial vehicle service stations.
1. If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practical but no less than fifty (50) feet.
  2. No driveway or curb cut for a driveway shall be located within twenty (20) feet of an adjoining property line as extended to the curb or pavement or within twenty (20) feet of any exterior lot line as extended.
  3. Any two driveways providing access to a public road shall be separated by an island with a minimum distance of twenty (20) feet in width along the curb or edge of the pavement.
  4. The entire service area shall be paved with a permanent surfacing of concrete or asphalt.
  5. All access drives are subject to the applicable rules, regulation, administrative standards, and approvals of the Shiawassee County Road Commission and/or Michigan Department of Transportation.

3. Buffering Requirements:

- A. A landscaped buffer strip shall be provided in accordance with the provisions of Section 8.3.2.
- B. All equipment including hydraulic hoist, pits and oil lubrication, greasing and washing, repairing equipment and body repair shall be entirely enclosed within a building. There shall be no outdoor bulk storage of merchandise such as tires, lubricants and other accessory equipment. Minor display areas permitted if approved on the final site plan.
- C. Outdoor trash storage shall be provided pursuant to Section 8.11.
- D. The view of all restroom doors shall be shielded from adjacent streets and dwellings.
- E. All lighting shall be shielded from adjacent streets and dwellings.

4. Performance Standards:

- A. All activities, except those required or typically performed at the fueling pump, shall be carried on inside a building. All vehicles, upon which work is performed, shall be located entirely within a building. Specifically identified storage areas for inoperable vehicles are permitted only by approval of such areas by the Planning Commission.
- B. There shall be no above ground tanks for the storage of gasoline, diesel fuel, oil or other flammable liquids or gas.
- C. Automatic or self-service wash operations shall have public sanitary sewer service. On-site systems may be considered if approved by the Shiawassee County Health Department and any other agencies having jurisdiction. Implementation of such facilities may require specific performance bonds in addition to any other performance bonds required on the site.
- D. In the event that a commercial vehicle service station has been abandoned, all underground gasoline and diesel fuel storage tanks shall be removed from the premises according to all state and federal requirements for such removal and disposal.
- E. Unless located in an identified area as approved by the Planning Commission, commercial vehicles shall be limited to idling for a period of no more than fifteen (15) minutes in any two (2) hour period. Any area approved by the Planning Commission for the purpose of commercial vehicle layovers shall be situated so as not to cause undo impact on adjacent properties resulting from fumes emitted from idling vehicles. Such area shall also be screened from adjacent property where a less intense use exists or is as shown and described in County planning documents to be a viable location for a less intense use.
- F. No public address system shall be audible from any adjacent parcel containing a dwelling.
- G. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- H. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith. All appropriate permits for the storage of such items shall be placed on file with the Community Development Department.
- I. A commercial vehicle wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.

1. In the event that a commercial vehicle service station has not been used for its intended purpose for a period of more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the service station to be abandoned. Within thirty (30) days following receipt of the notice, the owner or operator shall have an opportunity to submit evidence that the use is continuing. If the Planning Commission proves that the owner or operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.

Article 21, Section 21.2

**Commercial Vehicle Service Station:** Buildings and premises where gasoline, diesel fuel, oil, grease, battery, tires, and/or accessories for commercial vehicles (vehicles with a rated capacity of one (1) ton or more) supplied and sold at retail, and where minor services may be rendered to such vehicles but not including:

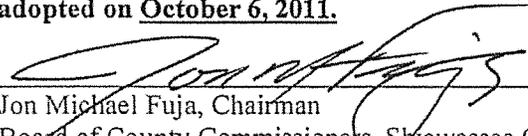
- A. Major mechanical and body work such as straightening of body parts, painting, and welding.
- B. Storage of damaged commercial or other vehicles not in operating condition, except those waiting for immediate repair or service.
- C. Other work involving noise, glare, fumes, and smoke to an extent greater than normally found in commercial vehicle service stations.

THOSE VOTING AYE: COMMISSIONERS: Cole, Elder, Holzhausen, Plowman, Roszman, Stewart, and Fuja.

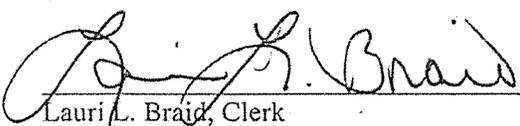
THOSE VOTING NAY: COMMISSIONERS: None.

ABSENT: COMMISSIONERS: None.

Amendment #11-10-04 to the 1999 Shiawassee County Ordinance, as amended, February 27, 2003, was officially adopted on October 6, 2011.

  
\_\_\_\_\_  
Jon Michael Fuja, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded within the official minutes of 10-6-, 2011 Shiawassee County Board of Commissioners' meeting.

  
\_\_\_\_\_  
Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 20th day of December, 2011.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on October 6, 2011, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald W. Cole, Ronald Elder, Gary Holzhausen, John Plowman, Dale Roszman, Dan Stewart, and Jon Michael Fuja.

Commissioner Elder moved, supported by Commissioner Plowman, to adopt the following Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended, Section 19.1. Initiation of Amendments.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003; by amending Section 2.26.5 (Common Accessory Uses, Buildings and Structures), Section 5.3.2. (Accessory Uses by adding Item #E), and Section 21.2. (Definitions).

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on September 28, 2011; and,

**WHEREAS:** Notification of the proposed Text Amendment was mailed on March 14, 2011 and on September 13, 2011 to the Township Board of Trustees within the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and,

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the 1999 Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission hearing on September 28, 2011, and the comments received from the townships governed by the 1999 Shiawassee County Zoning Ordinance, as amended, ordains to:

**Amend the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003, by amending:**

**SECTION 2.26.5, COMMON ACCESSORY USES, BUILDINGS AND STRUCTURE:**

Add Medical Marihuana Primary Caregiver as allowed by-right if standards are met.

**SECTION 5.3.2., ACCESSORY USES:**

Amend Section 5.3.2, Accessory Uses to add Item E, Medical Marihuana Primary Caregiver to read as follows:

E. Medical Marihuana Primary Caregiver - It is the intent of this Section to establish the review, regulations, and permitting process for use of property and/or structure by a Medical Marihuana Primary Caregiver ("Primary Caregiver")

for the growing or distributing of Marihuana. The following standards are required to be met for issuance of a zoning permit as an accessory use to a principal single-family residential use:

1. The use of property and/or structure by a Primary Caregiver shall only be for the growing of marihuana for or distributing of marihuana to a Registered Qualifying Patient to whom that Primary Caregiver is connected through the Michigan Department of Community Health (“MDCH”) medical marihuana registration process.
  - a. The use of property and/or structure by a Primary Caregiver for the growing or distributing of marihuana shall be permitted in any zoning district where dwellings are permitted as of right as long as all Registered Qualifying Patients to whom the Primary Caregiver is connected through the MDCH registration process are residents of the same household as the Primary Caregiver or are related to the Primary Caregiver by blood or affinity to the second degree. Under these circumstances, no zoning permit shall be required.
  - b. A zoning permit shall be required for use of property and/or structure by a Primary Caregiver for growing or distributing marihuana to one or more Registered Qualifying Patients who are not residents of the same household as the Primary Caregiver or who are not related to the Primary Caregiver by blood or affinity to the second degree.
2. The use of property and/or structure by a Primary Caregiver for the growing or distributing of Marihuana is permitted as an accessory use in any zoning district where single-family dwellings are permitted by right as a principal use of property.
3. Except as provided in section 5.3.2.E.1.a., the use of property and/or structure by a Primary Caregiver for the growing or distributing of Marihuana shall not be permitted within one thousand (1,000) feet of any church or similar religious institution; any public or private educational institution, playground, licensed child care facility; substance abuse facility or hospital; or from any amusement center, indoor and outdoor commercial recreation, movie theater, or other similar use frequented by minors.
4. Except as provided in section 5.3.2.E.1.a., a structure and/or property containing more than one (1) dwelling unit (i.e. apartment, duplex, common wall condominium, etc.) is not permitted to be used by a Primary Caregiver for the growing or distributing of Marihuana. The use of property and/or structure by a Primary Caregiver for the growing or distributing of Marihuana must be incidental to the principal single-family use of the property.
  - a. The principal single-family dwelling and property shall be owner-occupied by the Primary Caregiver.
  - b. No more than one (1) zoning permit for a Primary Caregiver shall be permitted per single-family dwelling and no more than one (1) individual per household shall be permitted to be a Primary Caregiver that is growing or distributing Marihuana.
  - c. A Primary Caregiver shall be limited to distributing Marihuana to no more than five (5) Registered Qualifying Patients, to whom he or she is connected through the MDCH registration process.
  - d. A Primary Caregiver shall be limited to growing no more than twelve (12) marihuana plants per each of the five (5) Registered Qualifying Patients, to whom he or she may be connected through the MDCH registration process, plus twelve (12) marihuana plants for him or herself if the Primary Caregiver is also a Registered Qualifying Patient who has no Primary Caregiver, for a total number of marihuana plants not to exceed seventy two (72) marihuana plants.
5. No more than twenty-five (25) percent of the total floor area of the principal single-family dwelling shall be used for growing, storing, or distributing marihuana, and/or other activities associated with being a Primary Caregiver. Such area (including space for office, records retention, growing, storage, patient-waiting, etc.) shall not exceed four-hundred (400) square feet in total area.

- a. All forms of marihuana shall be contained within an Enclosed Locked Facility.
  - b. No permanent interior or exterior alterations shall be made to the principal single-family dwelling to accommodate the use. Such restriction includes the construction or use of a secondary access to the single-family dwelling.
  - c. The limited sale of Medical Marihuana Paraphernalia is permitted, but shall only be made to the Registered Qualifying Patients to whom the Primary Caregiver is connected through MDCH registration process. Sales of growing equipment, fertilizer, or other products or material not directly associated with consumption is not permitted.
  - d. Under no circumstance shall a Primary Caregiver distribute Marihuana or Medical Marihuana Paraphernalia to members of the general public to whom he or she is not connected through the MDCH registration process.
6. The use of structure and/or property by a Primary Caregiver for the growing or distributing of Marihuana shall not be injurious to the adjacent properties or uses or create noise, dust, vibration, smell, smoke, glare or a congested or otherwise hazardous traffic or parking condition. No equipment or process shall be used that creates visual or audible interference in any off premise receiver, or causes fluctuations in line voltage off the premises.
- a. The storage, growing, or display of marihuana or marihuana plants or the medical marihuana use occurring within the principal single-family residential dwelling shall not be visible from an adjacent property or public right-of-way.
  - b. Only customary household equipment that is not injurious or determined to be a nuisance to the surrounding neighborhood shall be permitted in connection with the growing or distributing of Marihuana by the Primary Caregiver. Any lighting shall employ shielding methods to prevent ambient light or glare between the hours of 10:00 p.m. and 7:00 a.m.
  - c. Fertilizer, chemicals, or other products associated with the growing and/or processing of marihuana by a Primary Caregiver shall not be stored in amount or type that could be hazardous to adjacent properties or the general area.
  - d. No traffic shall be generated for property under this Section in greater volumes than would normally be expected for a single-family residential use (which is assumed to be 10 vehicular trips per day). Site visits to the property and/or structure by Registered Qualifying Patients shall only occur between the hours of 8:00 a.m. and 8:00 p.m.
  - e. Signage, including site, wall, and window signs, advertising the property as being the location of a Primary Caregiver or that such structure is used for the growing or distributing of Marihuana is prohibited.
  - f. All improvements associated with the operation or use of property shall be in compliance with the State Construction Code, including application and receipt of building, electrical, plumbing or mechanical permits where applicable.
7. At all times, the establishment must be compliant with the Act or the administrative rules of the Michigan Department of Community Health developed in connection with the Act. Failure to comply with the Act or the administrative rules of the Michigan Department of Community Health developed in connection with the Act shall result in the zoning permit being deemed null and void.
8. Nothing in the provisions outlined in this section, or any other provision or section of this Ordinance is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal,

state, or local law for growing, selling, using, consuming, distributing or possessing marihuana or associated paraphernalia.

**SECTION 21.2, Definitions:**

Amend Section 21.2 to include the following the following definitions:

**Medical Marihuana, Associated Terms** – The term “Medical Marihuana” shall mean “marihuana” as defined under the Michigan Medical Marihuana Act (“Act”) and/or the administrative rules of the Michigan Department of Community Health (“MDCH”) developed in connection with that Act, as long as such marihuana relates to its consumption as permitted under the Act. Such associated terms include, but are not limited to, the following:

**Consumption** – Introduction of medical marihuana into the human body by any means including, but not limited to, smoking or eating.

**Enclosed, Locked Facility** – An enclosed area (including closet, room, or similar) inaccessible on all sides and equipped with locks or other security devices where access to the facility is only available to the Primary Caregiver.

**Marihuana** – The term shall mean that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

**Medical Marihuana Paraphernalia** – Any non-food object that may be used in the production, processing, preparation, packing, repacking, storage, containment, ingestion, or consumption of marihuana as permitted under the Act, or that assists therein.

**Medical Marihuana Use** – The acquisition, cultivation, delivery, manufacture, possession, transfer, transportation, or use of marihuana or paraphernalia relating to the consumption of marihuana to treat or alleviate a registered qualifying patient’s medical condition or symptoms associated with the medical condition, as defined under the Act and/or the administrative rules developed in connection with the Act.

**Primary Caregiver** – A person who is at least twenty-one (21) years old, who has never been convicted of a felony involving illegal drugs, who assists with a qualified patient's medical use of marihuana and who possesses a registry identification card identifying him or her as a primary caregiver.

**Registered Qualifying Patient** – A person diagnosed by a physician as having a debilitating medical condition as defined by the Act and administrative rules of the Michigan Department of Community Health developed in connection with the Act and who possesses a registry identification card identifying him or her as a registered qualifying patient.

**Registry Identification Card** – A document issued by the Department of Community Health that identifies a person as a registered qualifying patient or a primary caregiver.

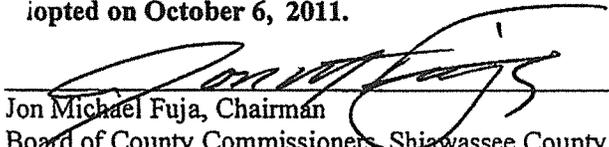
**Usable Marihuana** – The leaves, flowers and buds of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

**THOSE VOTING AYE: COMMISSIONERS:** Cole, Elder, Holzhausen, Plowman, Roszman, Stewart, and Fuja.

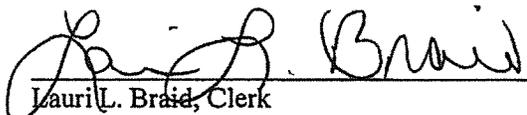
**THOSE VOTING NAY: COMMISSIONERS:** None.

**ABSENT: COMMISSIONERS:** None.

Amendment #11-10-05 to the 1999 Shiawassee County Ordinance, as amended February 27, 2003, was officially adopted on October 6, 2011.

  
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Jon Michael Fuja, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance to amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded within the official minutes of Oct. 6<sup>th</sup>, 2011, of the Shiawassee County Board of Commissioners' meeting.

  
\_\_\_\_\_  
Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 20<sup>th</sup>  
day of October, 2011.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on January 12, 2012, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present: Commissioners: Gerald Cole, Ronald Elder, Gary Holzhausen, John Plowman, Dale Roszman, Dan Stewart, and Jon Michael Fuja. Absent: None. Commissioner Elder moved, supported by Commissioner Plowman, to adopt the following rezoning request:

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended, specifically Section 19.1. (Initiation of Amendments).

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a Text Amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003; by amending Article 4, Section 4.3.67 (Surface Mining); and,

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on December 14, 2011; and,

**WHEREAS:** Notification of the proposed Text Amendment was mailed on September 21, 2011 to the fourteen (14) townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and

**WHEREAS:** the report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with criteria outlined in Article 19, Amendments

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing of December 14, 2011; and, the comments received from the townships governed by the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, ordains to:

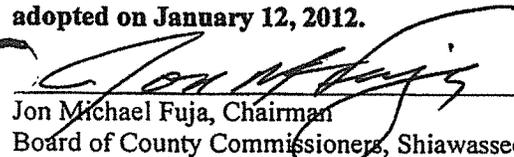
Amend the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by officially amending Article 4, Section 4.3,67 (Surface Mining) in its entirety and to read as attached known for this purpose as Exhibit A.

**THOSE VOTING AYE: COMMISSIONERS:** Cole, Elder, Holzhausen, Plowman, Roszman, Stewart, and Fuja.

**THOSE VOTING NAY: COMMISSIONERS:** None.

**ABSENT: COMMISSIONERS:** None.

**Amendment #12-01-01 to the 1999 Shiawassee County Ordinance, as amended February 27, 2003, was officially adopted on January 12, 2012.**

  
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Jon Michael Fuja, Chairman  
Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that the above Ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning District Map is a true and correct copy of that recorded in the official minutes of the January 12, 2012, Shiawassee County Board of Commissioners' meeting.



Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the Circuit Court this 2nd  
day of February, 2012,

EXHIBIT A

AMENDMENT TO REPLACE IN ITS ENTIRETY ARTICLE 4, SECTION 4.3.67

Section 4.3.67- Surface Mining

1. Location Requirements- Commercial mineral, stone, gravel, sand, peat and similar material excavation, mining, processing, and quarrying activities are permitted by Special Use Permit in the A-1, A-1½, A-2, M-1, and M-2 zoning districts. For the purposes of this Ordinance, these activities and operations shall be categorized under the term "mining". Mining, existing on the effective date of this Ordinance, and amendment thereto, shall be subject to the following regulations with regard to future expansion of operations. Future operations shall be considered new operations and shall require a Special Use Permit.
2. Site Requirements
  - A. The minimum site area for mining shall be five (5) acres.
  - B. Mining shall not be permitted closer than one hundred fifty (150) feet from property lines, from private or public rights-of-way, or from any natural water-body, watercourse or regulated wetland.
    1. The Planning Commission may approve the complete removal of material to an adjacent property line where two (2) mining operations share a common property line. Such exception shall only be permitted upon written approval by the owner(s) and operator(s) of the adjacent properties and a consensus vote of the Planning Commission member's present.
    2. The Planning Commission may approve mining no closer than seventy-five (75) feet of a property line under this section if the owner of property under petition owns adjacent property. A secured barrier is to be constructed to minimize hazards during operation and the excavated area must be back-filled and stabilized within six (6) months of excavation. A waiver, signed and notarized by the property owner(s) of the property where said setback is applicable, must be provided for review by the Planning Commission. Said waiver shall be in the form to encumber the property for future owners of both properties. The Planning Commission shall have a consensus vote specifically approving such waiver and reduction in setback prior to final action to approve the special use permit.
  - C. Mining shall not be permitted closer than three hundred (300) feet to a residential dwelling unit or a residential zoning district permitting more than one (1) dwelling unit per acre.
    1. The Planning Commission may approve mining within one hundred fifty (150) feet of a residential zoning district permitting more than one (1) dwelling unit per acre if the owner of property under petition owns adjacent property. A secured barrier is to be constructed to minimize hazards during operation and the excavated area must be back-filled and stabilized within six (6) months of excavation. A waiver, signed and notarized by the property owner(s) of the property where said setback is applicable, must be provided for review by the Planning Commission. Said waiver shall be in the form to encumber the property for future owners of both properties. The Planning Commission shall have a consensus vote specifically approving such waiver and reduction in

setback prior to final action to approve the special use permit.

- D. Processing and wash plants, including any associated accessory structures, shall not be located closer than two hundred fifty (250) feet from property lines and public rights-of-way and no less than five hundred (500) feet from any residential dwelling unit or residential district permitting more than one (1) dwelling unit per acre.
- E. Storage, mixing or processing of other aggregate and related materials (excluding concrete and asphalt batch plants) brought to the site from elsewhere is permitted on site and are subject to the same restrictions as other material extracted at the site. Such material can include the storage, processing, crushing and recycling of material, such as concrete. The Planning Commission may require additional bonding for the removal of off-site material in the event that operations are abandoned.
- F. The Planning Commission in the review of any petition for mining shall require the petitioner to substantiate that any public or private roads to be utilized by vehicles hauling to or from the site have the capacity and be of the construction type to accommodate the truck travel necessitated by the operations. In considering the feasibility of the location of the petitioned mining operation, conditions such as the routing of traffic around residential areas and preventing damage to private and public roads. The Shiawassee County Road Commission ("SCRC") and/or Michigan Department of Transportation ("MDOT") shall be consulted and any requirements or agreements between the petitioner and those agencies may be held as a condition of the approved Special Use Permit. Such agreements shall explicitly tied to the validity of the special land use approval granted by the Planning Commission. Compliance with those agreements shall determine compliance with the special land use approval.
- G. In addition to the data requirements of Section 14.4.2, each application for a Special Use Permit shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
  - 1. Name and address of the property owner and/or mineral rights owner from which mining activities will take place.
  - 2. Name, address and telephone number of operator (person, firm or corporation who will be conducting the mining).
  - 3. Show location size and legal description of the total site area to be mined within the overall property.
  - 4. For mining sites that are greater than five (5) acres in area, show the division of mining area into cells, which are areas where mining and excavation are anticipated to occur and be reclaimed in a generally sequential order.
  - 5. A statement identifying all other federal, state and local permits required, if any.
  - 6. Proof of liability insurance from the operator.
  - 7. Existing and proposed topography at two-foot contour intervals. Such topography shall extend a minimum of fifty (50) feet beyond the property line of the property petitioned for Special Use Permit.
  - 8. The existing surface water and drainage patterns.
  - 9. For proposed mining operations where the total disturbed area exceeds more than twenty (20) acres, a scaled and vertical aerial photograph or satellite image is required showing:

- a. All land requested in permit application.
  - b. All contiguous land which is or has been used by the owner or leaseholder applicant for excavation, processing, storage or other permitted use.
  - c. All lands within one-half (1/2) mile of proposed planned excavation area.
10. A hydro-geologic report of the proposed excavation site shall be provided. Such a report shall, at a minimum, provide:
- a. A detailed description of subsurface conditions.
  - b. Depth of water table throughout the planned excavation area.
  - c. A map depicting the thickness and depths of material to be excavated.
  - d. A discussion of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
  - e. A recommendation of the necessity to install monitoring wells.
11. For the first year of operation and each successive year to completion, provide the following:
- a. Utilizing the described cells, provide estimates of the area and amount of material to be excavated in cubic yards.
  - b. Proposed side slopes and depths for all portions of the excavated area.
  - c. Proposed drainage system, settling ponds and retention ponds, as appropriate.
  - d. The time, duration, phasing by cell and proposed work schedule of the total project.
  - e. The proposed location of any buildings, storage areas, stockpiling areas, and sorting, washing or crushing equipment as appropriate.
12. The proposed location of access points to the site and proposed haul routes for excavated material.
13. Provisions for fences, signs, buffers, landscaping and screening.
14. A detailed plan and program for the reclamation for each cell and/or phase of the mining project. At a minimum, the reclamation plan/program shall include:
- a. Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in excavation.
  - b. Depiction of temporary and permanent side slopes, including methods of bank stabilization and plant materials proposed for use.
  - c. Landscape plan, including an inventory of grass/plant/tree species to be used.
  - d. A master land use and final form of land plan for the site once excavation is complete. Such plan is to generally include anticipated future access, development areas, water bodies, etc.

15. Site plan and associated background reports shall document the method of compliance with the performance standards of this Section.
16. On an annual basis from the date of the approval of the Special Use Permit or as determined by the Planning Commission, the holder of the Special Use Permit or their assign shall provide a progress report and site plan showing the mining progress made in the previous year. The Planning Commission may have the standing sub-committee that reviews and makes recommendations concerning mining and related activities review the progress report and site plan.

3. Buffering Requirements

- A. Fencing: If, in the opinion of the Planning Commission, any part of the mining site or activity may present a dangerous condition if left unsecured, the area shall be enclosed by a fence. The Planning Commission shall, in establishing the requirements for fencing, take into account the scope of the proposed excavation, surrounding land uses, and the population density of the surrounding area. Said fence shall be located not less than ten (10) feet from the top edge of any slope or from the water's edge of a pond. Where surface mining is authorized to proceed in stages, only the area excavated plus the area of the stage currently being excavated needs to be fenced. The Planning Commission may require perimeter fencing around the entire site if it is believed that the public health, safety and welfare is better protected.

If required, gates, the same height as the fence, shall be installed at all points of vehicular or pedestrian ingress and shall be kept locked when not in regular use.

B. Screening

1. Screening and buffering during mining shall be provided to visually and physically screen the site from adjacent properties, land uses and rights-of-way to prevent potential negative impacts, such as noise, dust, etc. Such screening and buffering shall consist of one or more of the following:
  - a. Earth berms constructed to a height of ten (10) feet above the elevation of a property line or center line of the adjacent public or private right-of-way. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass and trees or shrubs.
  - b. Plantings of evergreen trees not more than ten (10) feet apart or shrubbery not more than five (5) feet apart, in three (3) staggered rows. Plant material shall be at least two (2) year transplants at the time of planting. Plant material which dies prematurely must be replaced during the next available planting season.
  - c. Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least ten (10) feet above the elevation of a property line or center line of the adjacent public or private right-of-way.
2. The ten (10) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six (6) feet if the particular site and terrain, with screening of a reduced height, will afford adequate screening.

4. Performance Requirements

- A. All operations shall be conducted in a safe manner with respect to hazards to persons, damage to adjacent lands or collapse of supporting soil adjacent to an excavation.
- B. No operation shall be conducted in a manner so as to lower the water table on surrounding properties.
- C. All excavated banks shall be graded in accordance with an approved reclamation plan with slopes no greater than three (3) feet horizontal to one (1) foot vertical, unless otherwise approved as part of a reclamation plan.
- D. Temporary stockpiling of topsoil or overburden, erosion, and similar operational problems shall not constitute a hazard to road traffic, pedestrians or adjoining property.
- E. Topsoil stockpiles shall be seeded to prevent wind and water erosion.
- F. All excavations shall use the most current best management practices for soil erosion and sedimentation control to manage erosion and limit the amount of sediment reaching surface waters.
- G. The site, including areas actively mined, used for processing, storage, or hauling shall be graded to prevent the accumulation of water in stagnant pools.
- H. Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance.
- I. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- J. Air pollution, noise and vibrations shall be minimized by adequately maintained and operated equipment and by the proper use of berms, walls, and natural planting screens.
- K. Mining operations shall have immediate and direct access to roads capable of carrying the expected truck and/or heavy vehicle traffic prior to commencement of use and shall use approved access routes to minimize adverse impacts on neighborhoods.
- L. Access to mining areas shall be arranged to minimize danger to traffic and nuisance to surrounding properties. Public streets within fifteen hundred (1,500) feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site by the operator following maintenance standards established by the road authority with jurisdiction. Any maintenance program or agreement held with the SCRC shall be filed for review by the Planning Commission and may be held as a condition of the Special Use Permit.
- M. Interior roads, parking lots, haul road loading and unloading areas shall be treated so as to limit the nuisance caused by wind-blown dust or dust from truck traffic.
- N. Equipment or machinery that is obsolete or not related to the operation of the mining operation shall not be permitted to be stored on site.
- O. The excavation shall not be used for the disposal of foreign material without prior approval from appropriate local, county and state entities.
- P. In the event the property owner(s) desire to develop as the final form of land upon

completion of reclamation into a residential or recreational property with the excavation of a lake, the petitioner shall document as a part of the Special Use Permit review. See Item 5.G, herein, for additional requirements.

- Q. An operator shall remove all worthless debris and rubbish from the site and mining area within one (1) year of the date of termination of operations or abandonment of the property.
  - R. The hours of operation shall be set by the Planning Commission after consideration of the surrounding land uses and the particular traffic patterns on public haul routes in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 6:30 p.m. and shall be prohibited on legal holidays and Sundays. The Zoning Administrator may provide temporary exemptions from hours of operation for an operator who must repair equipment or for public emergencies.
  - S. Prior to commencing mining under an approved Special Use Permit there shall be filed by the applicant a surety in the name of Shiawassee County conditioned upon the prompt compliance with all provisions of this Section and the requirements of the County and State. If a surety bond, said bond must be executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond pursuant to the requirements of Section 16.10 running to Shiawassee County. All bonds and letters of credit must be redeemable in the State of Michigan.
    - 1. The Planning Commission shall in establishing the amount and type of financial guarantee consider the scale of the mining operation, the prevailing cost to rehabilitate the property upon default of the conditions of the Special Use Permit, possible court costs and other expenses likely to be incurred by the County.
    - 2. The amount of the surety may be variable based on the area of the site that is actively being mined, accessory to the active mining operation, or yet to be reclaimed. The Zoning Administrator shall monitor the surety amount in relation to the mining operation and at any time may require that the surety be readdressed by the Planning Commission.
5. Reclamation Standards: All reclamation activities shall be initiated at the earliest possible date in conformance with the following standards:
- A. Reclamation is to be reclaimed on a cell by cell basis. The site plan and accompanying documentation shall describe how the applicant intends to progressively reclaim mined areas as newer mining areas are opened to excavate material.
  - B. All reclaimed cell units shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks shall be graded to angles which do not exceed those found in the natural topography of surrounding areas except that in no instance shall slopes exceed three (3) foot horizontal to one (1) foot vertical.
  - C. Top soil shall be stockpiled on the premises and promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted with at least temporary protection the first year and by the second year permanent seeding to lessen erosion and encourage proper growth within one year of termination of all activity. Seeding shall be implemented pursuant to standards and practices outlined by the Soil Conservation Service.

- D. A mining area shall be totally reclaimed by an operator pursuant to provisions of this Ordinance and the reclamation plan within one (1) year after abandonment or within the time set forth in the operator's reclamation plan approved by the Planning Commission. A reclamation plan shall be considered approved with the approval of the Special Use Permit issued pursuant to this Section.
- E. Upon written request of an operator, the Planning Commission may grant an extension of the reclamation period if necessary to accomplish acceptable reclamation.
- F. Unless structures, buildings, stockpiles and equipment are included as approved elements of the reclamation plan, upon cessation of mining operations, the operating company, within a reasonable period of time (not to exceed twenty-four (24) months) thereafter shall remove all structures, buildings, stockpiles and equipment from the area included in the Special Use Permit.
- G. Excavated areas shall be reclaimed under the following standards:
1. Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface to minimize erosion. Such vegetation shall be of sufficient diversity to support a variety of wildlife species.
  2. When excavation operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical) or as approved on the site plan submitted with the Special Use Permit.
  3. A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan.
  4. Excavation which has created or extended lakes, ponds or other bodies of water shall meet published standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the Michigan Department of Environmental Quality ("MDEQ"). Where applicable, the petitioner shall provide a copy of an approved Inland Lake and Stream Permit from the MDEQ.
  5. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems. Back-fill and grading materials shall not be noxious, flammable or toxic.
  6. All temporary structures shall be removed from the premises upon completion of the excavation activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
  7. If the reuse plan involves a recreational or wildlife facility reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the MDEQ.
  8. Mining operations authorized by Special Use Permit shall be inspected with reasonable frequency to determine compliance with this Ordinance, approved Special Use Permit and the reclamation plan.
  9. The general reclamation plan may be modified at any time by mutual consent of

the applicant and the Planning Commission to adjust to changed conditions, technology or to correct an oversight. The Planning Commission shall solicit comment from the Township Board and Township Planning Commission on any modifications.

6. Notice of Abandonment, Evidence of Continuing Use: When activities on or use of the area subjected to mining, or any portion thereof, have ceased for more than one (1) year, as shown by examination of the premises or other means, the Planning Commission shall give the operator written notice of their intention to prove the area subjected to mining or portion thereof abandoned. Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the area subjected to mining or portion thereof is continuing. If the Planning Commission proves that the operator intends to abandon the use and by some act, or omission to act, has manifested a voluntary decision to abandon the use, the Planning Commission may find an abandonment of the use.
7. Additional Standards for Approval of a Special Use Permit: In addition to the standards of Special Use Permit and site plan approval, a decision by the Planning Commission on a mining application shall also be based upon the following standards:
  - A. The most advantageous use of the land as determined by the County Land Use Plan resources and property.
  - B. The character of the area in question and its particular suitability, if any, for particular uses.
  - C. Conservation of natural resources and environmental factors, and the general appropriate trend and character of development in the subject area.
  - D. The protection and preservation of the general health, safety, and welfare of the county.
  - E. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operation.
  - F. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners.
8. Other Conditions on the Owner and Operator: The conditions of any Special Use Permit issued under this Section apply not only to the owner and run with the land but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in excavation. When an operator disposes of his interest in an excavation area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him by this Ordinance as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use Permit may be transferred.

**ORDINANCE**  
of  
**THE COUNTY OF SHIAWASSEE**

At a regular meeting of the Board of County Commissioners of the County of Shiawassee held at 4:00 P.M. on September 13, 2012, in the Surbeck Building, 201 North Shiawassee Street, Corunna, MI, at which time the following members were present:

**Commissioners:** Ron Elder, Jon Michael Fuja, Gary Holzhausen, John Plowman, and Dan Stewart.

**Absent:** Commissioners Gerald W. Cole and Dale Roszman.

**Commissioner Elder moved, supported by Commissioner Plowman, to approve Ordinance #12-09-06, the text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended, to Section 5.3.2.C., by amending the Zoning Ordinance language for Open Outdoor Storage within the M-1 and M-2 Zoning Districts. Motion carried, 5 ayes, 0 nays, 2 absent.**

**PREAMBLE:** The Shiawassee County Zoning Ordinance, an Ordinance adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Act #183 of 1943, as amended, may be amended from time to time following the procedures outlined in Article 19 of the Shiawassee County Zoning Ordinance, as amended.

**WHEREAS:** The Shiawassee County Planning Commission initiated a petition to make a text amendment to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Section 5.3.2.C. (Open Outdoor Storage) within the M-1 and M-2 Districts and B-1, B-2, and B-3 Districts open outdoor storage.

**WHEREAS:** the Shiawassee County Planning Commission held a duly advertised and noticed public hearing on Wednesday evening, August 22, 2012; and,

**WHEREAS:** Notification of the proposed text amendment was mailed on June 19, 2012 to the fourteen (14) Townships under the jurisdiction of the 1999 Shiawassee County Zoning Ordinance, as amended on February 27, 2003; and;

**WHEREAS:** The report from the County Planning Commission, as required by Section 19.5 of the Shiawassee County Zoning Ordinance, as amended, recommends approval based on the following findings:

- Compliance with the criteria for Zoning District amendments per Section 19.5 of the Ordinance

**THEREFORE BE IT RESOLVED** that the Board of Commissioners of the County of Shiawassee, Michigan, having considered the recommendation of the Shiawassee County Planning Commission, the comments and findings made at the Shiawassee County Planning Commission public hearing on August 22, 2012; and the comments received from the townships governed by the 1999 Shiawassee County Zoning Ordinance ordains to:

Amend the official 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, by amending Section 5.3.2.C. (Open Outdoor Storage) to read (bold is language change):

Section 5.3.2. Accessory Uses: The following accessory uses shall be issued a Zoning Permit by the Zoning Administrator if in compliance with all the standards applicable to each accessory use.

- C. Open Outdoor Storage: Open outdoor storage **shall be permitted as an accessory use in the cited districts and subject to the following standards and conditions:**

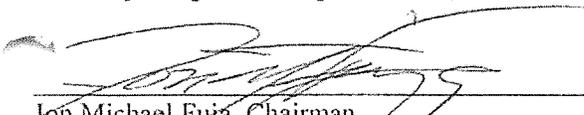
1. **Open Outdoor Storage** is permitted without a Zoning Permit in the rear yard of a developed site located in a M-1 and M-2 District provided the stored materials are screened and/or fenced and at least two-hundred (200) feet from the boundary of a residential district, and fifty (50) feet from the boundary of an office or business district.
2. **Open Outdoor Storage** in an M-1 or M-2 District in a side or rear yard, or up to fifty (50) percent closer than the separation distances provided in this Section for rear yard storage, may be permitted by the Site Plan Review Committee if, after analysis, no significant nuisance on an abutting property would likely occur.
3. **In the M-1 or M-2 District, a principal use on one (1) property may utilize outdoor storage as an accessory use on another property as long as such other property is similarly zoned and located where no more than five-hundred (500) feet exists between property boundaries. The use of property for such purposes shall be reviewed as a principal use of property requiring site plan review by the Planning Commission. The proposed use and site development is subject to information requirements set forth in Article 14. The site meets the standards for development found in this section and other sections of the Ordinance, including but not limited to:**
  - a. **Site landscaping, screening, and fencing provisions for similar and compatible uses.**
  - b. **Storage only of non-hazardous materials and all materials must be adequately described to ensure compliance with other provisions of the Ordinance and rules, regulations, and requirements of other agencies or authorities.**
  - c. **Adequate ingress and egress to the site, as well as ensuring that traffic between the principal use and accessory use are safe and do not impede or obstruct traffic; and**
  - d. **Adequate surface treatment to prevent mud, dust, trenching, or other results that would impact the desirability of the site and other properties in the immediate area.**
4. **In the B-1, B-2, and B-3 Districts, the open outdoor storage of merchandise normally carried in stock in connection with a business is permitted by issuance of a Zoning Permit when included in an approved site plan, provided that such storage is permitted in the applicable district regulations, and that storage does not occur in required parking or loading areas or within the minimum yard setbacks as measured from the property line towards the principal use.**

**THOSE VOTING AYE:** Commissioners Ron Elder, Gary Holzhausen, John Plowman, Dan Stewart, and Jon Michael Fuja.

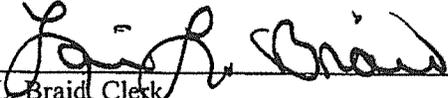
**THOSE VOTING NAY:** None.

**ABSENT:** Commissioners Gerald W. Cole and Dale Roszman.

**Text Amendment #12-09-06 to the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, was officially adopted on September 13, 2012.**

  
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 Jon Michael Fuja, Chairman  
 Board of County Commissioners, Shiawassee County, Michigan

I do hereby certify that **Text Amendment #12-09-06**, as indicated above, amending the 1999 Shiawassee County Zoning Ordinance, as amended February 27, 2003, is a true and correct copy of that recorded in the official minutes of the September 13, 2012 Shiawassee County Board of Commissioners' regular meeting.



Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared the Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of the Circuit Court this 11th day of October, 2012.



Commission recommended approval of the language amendment as set forth in Exhibit A to the Shiawassee County Board of Commissioners.

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the proposed amendment to Article 5, Section 5.3.1 as set forth under Exhibit A, as attached.

THOSE VOTING AYE:

John Horvath

Jeremy R. Root

Jeffrey R. Bartz

John Plowman

Hartmann Aue

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THOSE VOTING NAY:

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THOSE ABSENT:

Gary Holzhausen

Les L. Schneider

Amendment # 15-08-02 to the Shiawassee County Ordinance and Map was adopted.

Hartmann Aue  
Hartmann Aue, Chairperson  
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the August 20, 2015 Shiawassee County Board of Commissioners meeting.

*Lauri L. Braid*

Lauri L. Braid, Clerk  
Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

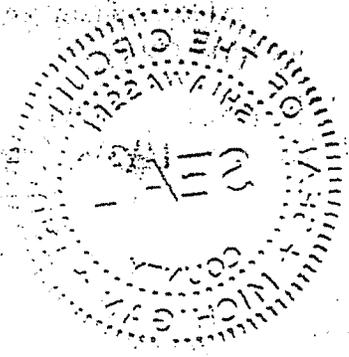
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 14<sup>th</sup> day of March, 2016.

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SHIAWASSEE COUNTY  
ZONING ORDINANCE AMENDMENT

Notice is hereby given that the Shiawassee County Board of Commissioners moved on August 20, 2015 to adopt the following text amendment Ordinance #15-08-02 to the 1999 Shiawassee County Zoning Ordinance, as amended, February 27, 2003, to Article 5, Section 5.3.1, Accessory Buildings and Structures to be effective September 4, 2015:

5.3.1 Accessory Buildings and Structures:

A. Authorized accessory buildings and structures may be erected as a part of the principal structure or may be connected to it by a roofed over porch, patio, breezeway, or similar structure, or may be completely detached. If attached to the principal structure, an accessory structure shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal structure.

1. Accessory Buildings/Structures - As an accessory to a principal structure, accessory structures shall comply with the following:

- a. For single-family zoned and utilized property, there shall be no storage of commercial vehicles, except one (1) per dwelling unit not to exceed one (1) ton rated capacity unless otherwise permitted herein..
- b. Space in an accessory structure shall not be rented out or space leased to other parties unless otherwise permitted herein.
- c. An accessory structure not attached and not made a part of the principal structure shall not be nearer than ten (10) feet from any other structure on the same lot and shall comply with the front, rear, and side yard requirements of this Ordinance for accessory structures.

B. Residential Accessory Buildings/Structures

1. Structures accessory to a principal residential structure and use shall not be erected or project into any front yard between the lot line and the front building line, except where such improvement meets one (1) of the following condition sets:

a. Condition Set One:

- i. The parcel exceeds five (5) acres in lot area; and
- ii. All setback requirements of the district in which the residential accessory structure is to be located are complied with; and
- iii. The residential accessory structure shall be located not less than one hundred and sixty-five (165') feet from the road right-of-way; and
- iv. The accessory structure shall be located no closer than one hundred (100) feet to an existing principal residential structure on an adjacent parcel.

b. Condition Set Two:

- i. The residential accessory structure exterior siding is similar in color to the principal structure of which it is accessory to; and
  - ii. The residential accessory structure roofing is similar in color to the principal structure of which it is accessory to; and
  - iii. The residential accessory structure must be located no more than seventy-five (75) feet from the principal structure and an existing residential structure on an adjacent parcel; and
  - iv. No more than twenty (20) percent of a residential accessory structure floor area shall be located within an interior area defined as between the front building line and side building lines of the principal structure and the right-of-way so as not to obstruct the view of the principal structure from the public road; and
  - v. Irrespective of residential accessory structure height requirements outlined herein, no accessory structure under this condition shall have a sidewall height exceeding ten (10) feet or a peak height of sixteen (16) feet.
2. No residential accessory structures shall be erected closer than ten (10) feet to any side or rear lot line or a principal or other accessory structure on the property.
  3. On a corner lot, no residential accessory structure shall be closer to the side street lot line than the side yard setback of the principal residential structure on the lot.
  4. No residential accessory building/structure shall exceed a sidewall height of (16) feet or a peak height of twenty-four (24) feet.
  5. The total of all detached accessory buildings located on a parcel shall be subject to maximum lot coverage requirements and accessory structure size shall be subject to the restrictions in floor area based upon parcel size listed in the schedule below.

<u>Parcel (lot) Size</u>	<u>Total Accessory Floor Area</u>
One-half (1/2) acre or less	1,200 square feet.
More than One-half (1/2) and up to one (1) acre.	1,600 square feet.
More than one (1) acre and up to five (5) acres.	1,200 square feet plus 1 sq. ft. of floor area for 100 sq. ft. of lot area not to exceed 3,000-sf.
More than five (5) acres.	1,200 square feet plus 1 sq. ft. of floor area for 100 sq. ft. of lot area not to exceed 5,000-sf.

C. Agricultural Accessory Buildings/Structures - Agriculture accessory buildings and structures which are clearly incidental or secondary to the principal use of the property for agricultural purposes shall be allowed when the following provisions are fully complied with:

1. No accessory structure shall be constructed between the road right-of-way and the required minimum front yard setback.

2. In a rear or side yard, no accessory building shall be closer than ten (10) feet to any property line.
- D. Commercial Accessory Buildings/Structures: Accessory buildings or structures in the O-1, B-1, B-2, B-3, M-1 and M-2 districts may be constructed up to the permitted maximum height of principal structures in said districts.
1. Accessory buildings or structures greater than five hundred (500) square feet are subject to site plan review and approval by the Site Plan Review Committee per the requirements of Section 14.3.4.
  2. Temporary or seasonal accessory structures may be erected in a side or rear yard of any district for not more than four (4) months in a given year, provided they are not closer than eight (8) feet from a side or rear lot line.
  3. Sleeping Quarters for Caretaker, Watchman, or Security Personnel: Sleeping quarters for a caretaker or security personnel whose functions serve the principal use of the lot, is permitted in the B-3, M-1 and M-2 Districts. In addition, the following standards apply:
    - a. Approval is received from the Shiawassee County Health Department in reference to sanitary facilities.
    - b. The quarters meet all applicable code requirements of the State Construction Code, Public Act 230 of 1972.
    - c. The quarters do not adversely change the character of the lot or the district.
    - d. If the quarters are freestanding apart from the principal structure on the lot, it shall not be used for any other dwelling purpose other than as sleeping quarters for a caretaker, security personnel, or domestic employee, nor shall it be used as the basis for dividing a parcel to create a separate lot with a separate dwelling unit.
- E. Swimming Pools: Swimming pools and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.
1. Swimming pools shall conform to the yard setback requirements as required for accessory uses and structures in this Ordinance and are not eligible to be considered under the aforementioned condition sets allowing for accessory structures to be located between a residential principal structure and the right-of-way.
  2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the Shiawassee County Health Department as reserved for a replacement drain field unless approved by the Shiawassee County Health Department.
  3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
  4. Swimming pools in R-T and R-M1 Districts are permitted as part of a mobile home subdivision, mobile home park, or multiple-family development, but not on individual lots within the mobile home park, mobile home subdivision or multiple-family development.

ORDINANCE  
OF  
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Shiawassee County Board of Commissioners held at 4:00 P.M. on June 16, 2016, in the Commissioner's Chambers located on the 1<sup>st</sup> Floor of the Surbeck Building, 201 N Shiawassee St., Corunna, Michigan, at which time the following members were present:

<u>John Horvath</u>	<u>Gary Holzhausen</u>
<u>Jeremy R. Root</u>	<u>Jeffrey R. Bartz</u>
<u>Hartmann Aue</u>	<u></u>
<u></u>	<u></u>

Commissioner John Horvath moved, supported by Commissioner Jeremy R. Root, to adopt the following to amend the Shiawassee County Zoning Ordinance and Map.

PREAMBLE: The Shiawassee County Zoning Ordinance and Map ("Ordinance") as adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Public Act 183 of 1943 (as amended and replaced by Public Act 110 of 2006, as also amended), may be amended following the procedures outlined in said Ordinance and in compliance with Public Act 110 of 2006, as amended.

WHEREAS: The Shiawassee County Planning Commission initiated an amendment to Article 4, Section 4.3.17, through its Ordinance Review Sub-Committee; and

WHEREAS: The Shiawassee County Planning Commission held public hearings on May 25, 2016 considering amendments to Article 4, Section 4.3.17 and hereinafter provided in Exhibit A, as attached; and

WHEREAS: Upon reviewing the language amendment as set forth in Exhibit A, accepting comment at the public hearing, and deliberating the findings of fact as set forth in

Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the language amendment as set forth in Exhibit A to the Shiawassee County Board of Commissioners.

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the proposed amendment to Article 4, Section 4.3.17 as set forth under Exhibit A, as attached.

THOSE VOTING AYE:

John Horvath  
Jeremy R. Root  
Hartmann Aue  
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Gary Holzhausen  
Jeffrey R. Bartz  
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THOSE VOTING NAY:

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THOSE ABSENT:

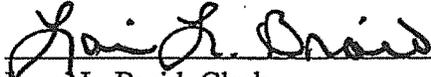
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Amendment # 16-06-02 to the Shiawassee County Ordinance and Map was adopted.

Hartmann Aue  
Hartmann Aue, Chairperson  
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 16, 2016 Shiawassee County Board of Commissioners meeting.



Lauri L. Braid, Clerk

Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 30<sup>th</sup> day of June, 2016.

EXHIBIT A:

4.3.17 Community Residential Care Facilities

Community residential care facilities include but are not limited to child care center, group day care homes, adult foster care facilities, group homes and congregate homes providing service to more than six individuals.

1. Location Requirements: Pursuant to Public Act 116 of 1973, the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, and Public Act 368 of 1978, the Public Health Code, (all as amended), community residential care facilities providing supervision or care (or both) to more than six (6) persons but less than thirteen (13) persons are permitted by Special Use Permit in the A-1, A-1½, A-2, R-1B, R-1C, R-1D, R-M1, and R-T Districts. Community residential care facilities with more than thirteen (13) persons are permitted by right in the O-1, B-2, and B-3 Districts.
2. Buffering Requirements:
  - A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.
  - B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
3. Performance Standards:
  - A. A group day care facility shall not operate between the hours of 10 p.m. and 6 am for more than one (1) day per week unless the principal structure and any play area is separated from any residence by more than three hundred (300) feet.
  - B. Playground equipment shall not be located in front or side yards
  - C. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
  - D. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.
  - E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.

## EXHIBIT A:

### 4.3.17 Community Residential Care Facilities

Community residential care facilities include but are not limited to child care center, group day care homes, adult foster care facilities, group homes and congregate homes providing service to more than six individuals.

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2. Buffering Requirements:
  - A. Shall maintain a greenbelt or buffer strip per the requirements of Section 8.3.
  - B. The outdoor storage of trash or rubbish shall be screened in accordance with Section 8.11 of this Ordinance.
3. Performance Standards:
  - A. A group day care facility shall not operate between the hours of 10 p.m. and 6 am for more than one (1) day per week unless the principal structure and any play area is separated from any residence by more than three hundred (300) feet.
  - B. Playground equipment shall not be located in front or side yards
  - C. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
  - D. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the dwelling. A driveway may be used for this purpose.
  - E. All community residential care facilities shall meet all applicable State, County, or Township laws, Ordinances or Administrative rules and regulations.



Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the language amendment as set forth in Exhibit B to the Shiawassee County Board of Commissioners.

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the proposed amendment to Article 4, Section 4.3.76 as set forth under Exhibit B, as attached.

THOSE VOTING AYE:

John Horvath

Gary Holzhausen

Jeremy R. Root

Jeffrey R. Bartz

Hartmann Aue

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THOSE VOTING NAY:

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THOSE ABSENT:

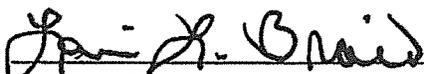
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Amendment # 16-06-03 to the Shiawassee County Ordinance and Map was adopted.

Hartmann Aue  
Hartmann Aue, Chairperson  
Board of Commissioners, Shiawassee County, Michigan

I do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the June 16, 2016 Shiawassee County Board of Commissioners meeting.



Lauri L. Braid, Clerk

Shiawassee County, Michigan

I, Lauri L. Braid, Clerk of the aforesaid County, and Clerk of the Circuit Court for said County, do hereby certify that I have compared Amendatory Ordinance and Map with the original here-to-fore filed and now remaining in my office, and that it is a true and correct copy thereof, and the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this 30<sup>th</sup> day of June, 2016.

EXHIBIT B:

Section 4.3.76 Wind Energy Conversion Systems

1. Purpose

- A. Through this section it is hereby set forth that Shiawassee County promotes the effective and efficient use of wind energy conversion systems. The following provisions establish regulations for the siting, design, and installation of wind energy conversion systems and testing facilities so that the public health, safety, and welfare of property owners, residents, business owners and farmers will not be jeopardized.

2. Definitions

- A. Wind Energy Conversion System ("WECS") shall mean any device (such as a wind generator, windmill, or wind turbine) that converts wind energy to a form of usable energy: Forms of WECS include:
1. Agricultural WECS shall mean any WECS that is accessory to a permitted farm or agricultural operation, and is designed and built to directly and immediately serve the needs of the farm or agricultural operation.
  2. Private WECS shall mean any WECS that is accessory to a principal non-agricultural use located on the same lot, and is designed and built to serve the principal residential use. Excess electricity generation may be sold to a utility but shall not exceed fifty (50) percent of the principal uses monthly electricity use or such WECS shall be considered a commercial WECS. Private WECS shall not exceed one hundred (100) feet in height.
  3. Commercial WECS shall mean any WECS turbine and accessory structure or use that is designed and built to exclusively provide electricity to the electric utility's power grid and is not accessory to any other use. The commercial WECS is a principal use of property and may occupy the same property as another principal use. Accessory structures and uses associated with a commercial WECS may include sub-stations, collection lines, transmission lines, etc.
- B. WECS Testing Facility ("Testing Facility") shall mean the structure and equipment used to determine the potential for the placement of one or more WECS improvements and contains instrumentation, such as anemometers or other meteorological devices, designed to provide wind and other data.
- C. Manual and Automatic Controls give protection to power grids and limit rotation of WECS blades so as not to exceed the designed limits of the conversion system.
- D. Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- E. Professional Engineer shall mean a licensed structural and/or mechanical engineer registered in the State of Michigan.

- F. Utility Scale Wind Farm shall mean multiple WECS as applied for under one (1) special use permit and final site plan that produce greater than twenty (20) kilowatts of energy.
- G. Facility Abandonment shall mean a WECS that no longer converts wind into energy for a one (1) year period of time no matter the cause.
- H. Participating Parcel shall mean a parcel or parcels of record that are to be used, occupied, maintained, let, leased or authorized to be used for purposes of implementing, providing access to , or to meet setback requirements for wind energy facilities and systems.
- I. Non-Participating Parcel shall mean a parcel of record that is not in any manner used, occupied, maintained, let, leased or authorized to be used for wind energy systems or facilities.
- J. Decibel Measurement or dB(A) is defined as the sound pressure level in decibels. Refers to the "a" weighted scale defined by the American National Standards Institute ("ANSI"). A method for weighting the frequency spectrum to mimic the human ear.
- K. Height is defined as the measurement from the base of a WECS to the greatest extent of any part or moving parts of the WECS.

### 3. Approval Required

- A. Except where noted in this section, it shall be unlawful to construct, erect, install, use or locate a WECS within Shiawassee County unless a special use permit, final site plan and zoning permit have been approved pursuant to this Ordinance.
- B. Agricultural WECS that are accessory to permitted farm and agricultural operations shall be exempt from the general standards, provisions and requirements of this section. Agricultural WECS projects shall otherwise conform to the regulations of the zoning district for an agricultural accessory structure, including maximum height and minimum setback standards. Such compliance shall be verified upon application of a zoning permit.
- C. Private WECS that are accessory to one or more single-family residences is permitted by-right subject to administrative site plan review and compliance with the general standards, provisions and requirements of this section and this Ordinance.
- D. Commercial WECS are permitted by issuance of a special use permit and approval of a final site plan by the Planning Commission. Multiple WECS or WECS as part of a Utility Scale Wind Farm may be applied for under a single special use permit as long as all properties under application are located within a single township. An application for special use permit and final site plan shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information as required in this section and in this Ordinance.
- E. Testing Facilities are permitted by issuance of a special use permit and approval of a final site plan. An application for special use permit and final site plan shall meet the following standards and shall contain information required pursuant to Article 12 for special use permit approval, Article 14 for final site plan approval, and other information

as required in this section and in this Ordinance.

1. A Testing Facility is a temporary improvement and shall be restricted to being located on the premise not more than two (2) years from date of final building inspection permitting operation. Testing Facilities preceding implementation of multiple WECS shall be considered temporary improvements and temporary shall be considered to be less than two (2) years. Continuation of operation beyond two (2) years shall require a new special use permit to be reviewed and approved. In the event that multiple WECS are proposed as a coordinated development and it is necessary that a temporary Test Facility be erected to monitor meteorological conditions for the life of WECS project, such facility shall be included as part of the approval process for the multiple WECS.
  2. The Testing Facility is assumed to be placed to provide satisfactory evidence that a potential WECS project is feasible. The applicant shall provide general information regarding the extent of the area under study that will be served by the test results from the Testing Facility.
4. **General Standards.** The following standards shall apply to all Testing Facilities, Private and Commercial WECS in Shiawassee County unless otherwise specifically noted:
- A. **Design Safety Certification.** The safety of the design of all Testing Facilities, private and commercial WECS turbines shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the application for development.
  - B. **Controls and Brakes.** All private and commercial WECS turbines shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over-speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
  - C. **Electrical and Building Codes.** All electrical compartments, storage facilities, wire conduit, interconnections with utility companies and interconnections with private structures will conform to national and local electrical codes. All WECS, including Testing Facilities, shall comply with local building permit requirements.
  - D. **Compliance with County Ordinances.** All Testing Facilities, private and commercial WECS turbines shall be in compliance with all Ordinance requirements and other applicable ordinances, rules and regulations.
  - E. **Property Line Setbacks.** All Testing Facilities, private and commercial WECS turbines must be setback from a non-participating property lines a distance equal to or greater than one hundred fifty percent (150%) of the height of the WECS from the base of the structure to the nearest non-participating property line. All Testing Facilities, private and commercial WECS turbines must be setback from the base of the structure to a participating property line a distance equal to or greater than the required minimum setback for a principal structure in that district.
  - F. **Structure Setbacks.** All commercial WECS turbines must be setback a distance equal

to or greater than two hundred (200) percent of the height of the WECS turbine from the base of the structure to the exterior wall of a principal structure on a non-participating parcel that is currently used for residential, commercial or assembly purposes. All commercial WECS turbines must be setback one hundred (100) percent of the height from the base of the structure to the exterior wall of a principal structure on a participating parcel that is used for residential, commercial or assembly purposes.

- G. Public Right-of-Way. All commercial WECS turbines must be setback a distance equal to or greater than one hundred (100) percent of the height of the WECS from the base of the structure to a public road right-of-way.
- H. Height. Private WECS projects shall conform to the maximum height standards of the zoning district and shall not exceed one hundred (100) feet. Commercial WECS and Test Facilities shall not exceed six hundred (600) feet in height. Compliance with FAA regulations, the Michigan Airport Zoning Act and the Michigan Tall Structures Act shall be verified by the applicant.
- I. Installation Certification. The Professional Engineer shall certify that the construction and installation of the Testing Facility, private or commercial WECS project meets or exceeds the manufacturer's construction and installation standards.
- J. Climb Prevention. All Testing Facilities, private and commercial WECS must be unclimbable by design or protected by anti-climbing devices such as:
  - 1. Fences with locking portals at least six feet high;
  - 2. Anti-climbing devices; or
  - 3. Anchor points for guy wires supporting tower shall be enclosed by a six-foot high fence or shall be located within the confines of a yard that is completely fenced.
- K. Interference. It shall be the responsibility of the applicant to submit acceptable documentation as part of the special use permit application to determine if the improvement would in any way cause interference with microwave transmissions, residential television reception or radio reception. The applicant shall also provide documentation that the location of the Testing Facility, private or commercial WECS will not interfere with the operation of existing WECS.
- L. Fire Risk. All Testing Facilities, private and commercial WECS must adhere to all applicable electrical codes and standards, remove fuel sources, such as vegetation, from the immediate vicinity of electrical equipment and connections.
- M. Waste. All solid wastes, whether generated from supplies, equipment parts, packaging, operation or maintenance of the Testing Facility, private or commercial WECS shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the improvement shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations.
- N. Noise Levels. The noise generated from a WECS measured at a non-participating property line shall not exceed fifty-five (55) dB(A). The noise generated from a WECS

measured at the exterior of a principal structure located on a non-participating property shall not exceed forty-five (45) dB(A).

- O. **Liability Insurance.** The owner or operator of the Testing Facility, private or commercial WECS shall maintain a current insurance policy with a bond rating acceptable to the County to cover installation and operation. The amount of the policy shall be established as a condition of special use permit approval. For a private WECS accessory to a principal residence, proof of homeowner's insurance with specific coverage for the WECS shall satisfy this requirement.
  - P. **No WECS or Testing Facility shall have advertising or signage of any kind unless required by standards referenced in this Section for purposes of safety or operation.**
  - Q. **No WECS or Testing Facility shall have lighting of any kind unless required by standards referenced in this Section or the Federal Aviation Administration ("FAA") for purposes of safety or operation.**
  - R. **All facilities must be maintained in an operational state. Any WECS or Testing Facility that is found to be abandoned, inoperable or in a state of disrepair that would be a potential threat to public health, safety and welfare or that which can be considered under the definition for facility abandonment shall be removed from the site.**
5. **Additional Standards for Commercial WECS Projects-** The following additional standards shall apply to all commercial WECS in Shiawassee County:
- A. **Color and Appearance.** Structures and blades shall be painted a neutral color that is acceptable to Shiawassee County or otherwise required by law. The main structure of any WECS shall be of a monopole (tubular) design.
  - B. **Compliance with FAA.** It shall be the responsibility of the person in charge of the commercial WECS to complete the proper FAA applications and obtain the proper permits for the WECS project. It shall also be the responsibility of the person in charge of the commercial WECS to obtain a determination of "no significant impact" to air navigation from the FAA.
  - C. **Warnings.** A visible warning sign stating "High Voltage" may be required to be placed at the base of all commercial WECS. The sign must have at a minimum six-inch letters with 3/4-inch stroke. Such signs shall be located at the commercial WECS and at all points of site ingress and egress.
  - D. **Annual Inspection.** Every commercial WECS project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Shiawassee County and considered a part of the continuing special use permit.
  - E. **Compliance with Additional Regulations.** It shall be the responsibility of the person in charge of the commercial WECS to contact the FAA regarding additional permits necessary or any other applicable Federal or State regulations for the installation, prior to granting of a special use permit by the Planning Commission. Documentation that applicable permits have been obtained and requirements of these agencies have been met must be supplied to the County Building Department prior to the issuance of

construction permits.

- F. **Migratory Birds.** The County may require an avian study conducted by a qualified professional to determine any potential impacts the commercial WECS may present to migratory birds. The study as part of the special use permit application must provide assurances that the commercial WECS does not negatively impact the path of migratory birds.
- G. **Decommissioning Plan and Escrow.** The commercial WECS project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life, inoperability of individual WECS turbine or facility abandonment. Decommissioning shall include removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for decommissioning. The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the County that:
1. The financial resources for decommissioning shall be in the form of a surety bond or letter of credit shall be deposited in an escrow account with an escrow agent acceptable to Shiawassee County.
  2. The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of individual WECS turbine or facility abandonment. Escrow funds may be used for administrative fees and costs associated with decommissioning.
  3. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  4. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- H. An approved special use permit for a commercial WECS shall expire if construction of the WECS facility has not commenced within 36-months from the date of issuance.
- I. **Amendment Site Location Following Special Use Permit and Final Site Plan Approval.** The Zoning Administrator may approve changes in location of commercial WECS and Wind Test Facilities as minor site plan modifications so long as such site location is not altered more than one hundred (100) feet and the improvement remains on the same parcel.