Criteria Questionnaire for Annexation
State Boundary Commission
Office of Land Survey and Remonumentation
Bureau of Construction Codes/LARA

SBC DOCKET #13-AP-2 from the CHARTER TOWNSHIP OF HARING
Proposed Annexation of Land in Clam Lake Township
to the City of Cadillac, Wexford County

The term "unit" is used throughout this questionnaire and is intended to mean your township, city or village.

POPULATION

1. Total population of your unit for each of the following dates:
   1990 _2,501___ 2000 _2,962___ 2010 _3,173

2. Give an estimate of the population in the area proposed to be annexed on the date the petition was filed with the Commission. _____Approximately 20____

POPULATION DENSITY AND LAND AREA

1. Give the total number of acres or square miles and density for your entire unit.

   Total number of acres _____ or square miles ___33.0____
   Density for 2010 _____ population/acre or __96.2_____ population/sq.mile

2. Give the total number of acres or square miles in the area proposed to be annexed and the population for 2010.

   Acres _241.31_ or sq. mi. _____ and population _Approximately 20_ in area proposed for annexation

LAND USE

1. Enclose a copy of the long range plan for your unit or larger area, e.g., comprehensive Master Plan, Land Use Plan, Growth Management Plan. If there is not one for your unit of government, include county plan or other. Please list enclosures.

   Charter Township of Haring Comprehensive Master Plan (2009)

2. Development

   Does your unit provide special incentives, e.g., tax-abatement, low interest rates to homeowners, builders, or developers to locate in your area? **Yes** __X__ **No** ____

   If Yes, describe:
   Tool and Die Renaissance zones. Industrial Facilities Exemptions.

   Give the quantity and location of any of the following types of development either planned, under construction, or completed within your unit during the last three years.

Building Type	Planned	Under Construction	Date Completed	Section or Exact Location	# Dwelling Units at Buildout
Apartment Buildings	0	0			
Standard Housing Subdivisions	0	0			
Condominium Subdivisions	0	0			
Mobile Home Parks	0	0			
Commerical Centers	1	0		Act 425 Area	TBD
Industrial Parks	0	0			
Other					

ZONING

1. Does your unit have a zoning board or commission? **Yes** __X___ **No** _____

   If Yes, under what public act? 2006 PA 110 and 2008 PA 33.

   If Yes enclose a copy of the zoning ordinance and map. See enclosed zoning ordinance and zoning map.

   If Yes describe the stage to which it this progressed? Zoning Ordinance was finalized long ago, but is subject to periodic amendments.

   If No, enclose the governing county zoning map and ordinance.

   Is your unit in the process of initiating a zoning ordinance? **Yes** _____ **No** __X__

2. Has the area proposed for annexation been zoned? **Yes** __X__ **No** _____

   If Yes, for what purposes? It was zoned FR under County Zoning, but is now eligible for rezoning to Haring Township's mixed-use commercial/residential planned unit development (PUD) District.

Is any portion of the area proposed for annexation being considered for rezoning?

Yes __X__ **No** _____

If Yes, describe the proposed change. Under the Act 425 Agreement, the land is eligible for rezoning to mixed-use Commercial/Residential PUD District, upon property owners' request.

List the acreage of the land zoned in your unit: **Use**	**Number of Acres Zoned**	**Number of Acres Used as Zoned**
Residential	12,665	5517
Commercial	1344	738
Industrial	340	49
Agricultural	5595	4000
Other (Describe)		

STATE EQUALIZED VALUATION

1. Give the S.E.V. of your unit for the last three years. Start with present year.

Real Property	**2013**	**2012**	**2011**
Residential	$67,985,600	$74,661,023	$ 72,671,500
Commercial	$50,772,200	$55,579,800	$ 64,821,000
Industrial	$2,104,000	$2,051,000	$ 2,203,200
Agricultural	$683,500	$530,800	$ 862,500
Developmental	$	$	$
Timber Cutover	$	$	$
Utilities	$	$	$
TOTAL	$121,700,300	$132,822,623	$140,648,200
Personal Property	**2013**	**2012**	**2011**
Residential	$	$	$
Commercial	$9,066,900	$7,662,100	$ 7,501,100
Industrial	$618,400	$711,600	$ 682,300
Agricultural	$	$	$
Developmental	$	$	$
Timber Cutover	$	$	$
Utilities	$3,519,700	$3,316,600	$ 3,227,800
TOTAL	$13,205,000	$11,690,300	$11,411,200

2. Give the current **equalization factor for your unit**: ____1.000_____

3. Give the most recent year's **state equalized value for the area proposed for annexation.**
$ 484,000

ALLOCATED AND VOTED MILLAGE RATES FOR THE LAST 3 YEARS
(START WITH PRESENT OR PREVIOUS YEAR)

Example:	General Fund	1.00 Mills
	Debt Retirement	2.00 Mills
	Pension Fund	.50 Mills
	TOTAL	3.50 Mills

2013					
Unit Millage		**County Millage**		**School Millage**	
Purpose	**Amount**	**Purpose**	**Amount**	**Purpose**	**Amount**
General Fund	2.0000	Allocated	6.7797	Set	6.0000
		Extra voted	3.300	N-Home	18.0000
				Debt	2.9000
				Wex/Mis	5.9419
Total	**2.0000**	**Total**		**Total**	**32.8419**

2012					
Unit Millage		**County Millage**		**School Millage**	
Purpose	**Amount**	**Purpose**	**Amount**	**Purpose**	**Amount**
General Fund	2.0000	Allocated	6.7797	Set	6.0000
		Extra voted	3.300	N-Home	18.0000
				Debt	2.9000
				Wex/Mis	5.9419
Total	**2.0000**	**Total**	**10.0797**	**Total**	**32.8419**

2011					
Unit Millage		**County Millage**		**School Millage**	
Purpose	**Amount**	**Purpose**	**Amount**	**Purpose**	**Amount**
General Fund	2.0000	General Fund	6.7797	Set	6.0000
		Extra voted	3.8500	N-Home	18.0000
				Debt	2.9000
				Wex/Mis	5.9419
Total	**2.0000**	**Total**	**10.6297**	**Total**	**32.8419**

TOPOGRAPHY/NATURAL BOUNDARIES/DRAINAGE BASINS

1. Check any unusual or restrictive topographic features which could inhibit the use or development of the area proposed to be annexed

X	Feature	X	Feature
	Extreme Changes in Elevation		Wetlands
	Perk Test Failure		Bedrock Near Surface
	Flood Plain		Prime Agricultural Land
	Drainage Basin		Other _____

2. How does this proposed annexation relate to natural boundaries and drainage basins? Include aerial map if available. The U.S.-131 Freeway separates this property from the City of Cadillac. This is consistent with the entire city/township boundaries along the full length of U.S.-131 near Cadillac – the City is to the west, the townships are to the east.

BOUNDARY HISTORY

1. During the past 10 years, has your unit been involved in any proposed detachments, annexations, incorporations, or consolidations?

   Yes X **No** _____

   If Yes, list the following for each case (attach extra sheets if necessary):

   Type Of Adjustment Proposed (detachment, annexation, incorporation, consolidation):
   Act 425 Agreement with Cadillac covering Boersma property near Crosby Road and U.S.-131

   Request Initiated By (registered electors, property owners, city council, township board):
   Owners

   Date Request Filed: 2002
   Date of Decision: May 5, 2003

   Decided by (referendum, County Commission resolution, City Council resolution, City/Township mutual resolutions, State Boundary Commission action, Circuit Court, other court): City/Township mutual resolutions (later by circuit court)

   Final Decision: Approved; however, that portion of the transferred located east of U.S.-131 was removed from Agreement and transferred back to Haring Township, by way of Opinion and Order of the Wexford County Circuit Court, entered August 22, 2013. That decision is currently on appeal by the City.

* * * * *

   Type Of Adjustment Proposed (detachment, annexation, incorporation, consolidation):
   Act 425 Agreement with Clam Lake Township

Request Initiated By (registered electors, property owners, city council, township board):
Clam Lake

Date Request Filed: 2011
Date of Decision: 10/19/2011
Decided by: Concurrent resolutions of Townships

Final Decision: Approved by Townships; subsequently invalidated by State Bounty Commission on 8/8/2012 and Director of LARA on 10/3/2012

* * * * *

Type Of Adjustment Proposed (detachment, annexation, incorporation, consolidation):
Act 425 Agreement with Clam Lake Township (covering property now at issue)

Request Initiated By (registered electors, property owners, city council, township board):
Clam Lake

Date Request Filed: 2013
Date of Decision: 5/8/2013
Decided by: Concurrent resolutions of Townships

Final Decision: Approved by Townships; currently in effect

2. Of those annexations accomplished, are these areas receiving all the city's services?

Yes _____ **No** __X___ **No annexations in past 10 years** ___

If No, list the areas not receiving services and the services they lack:
The City is not providing water or sewer services to the Boersma property; Haring Township is providing (or will provide) all public services to the lands covered by the annexation petition, including public water and public sewer.

3. Does your unit have any joint policies or agreements with adjacent units of government?

Yes ___X___ **No** _____

If Yes, explain: See Act 425 Agreements mentioned above.

PAST AND PROBABLE FUTURE GROWTH AND DEVELOPMENT

1. How many building permits for the following categories have been issued by your unit of government within the last 3 years?

0	Industrial	20	Single Residential Units
49	Commercial	0	Multiple Housing Structures

2. Business development **This information is not collected by Haring Township, but several new commercial businesses have been opened in the Township in the past five years – particularly along the Boon Road commercial corridor.**

   How many new businesses opened in the last 5 years? _____

   How many new jobs were created? _____

   How many businesses expanded their operations in the last 5 years? _____

   How many new jobs were added? _____

   How many businesses reduced their operations in the last 5 years? _____

   How many jobs were lost? _____

   How many businesses moved or closed their operations in the last 5 years? _____

   How many jobs were lost?_____

3. Have any special studies been conducted in your area regarding the general economic situation? **Yes ____ No __X__ In Process ____**

   If yes, enclose copy

4. Which of the following development tools serve your unit?

   ___ Economic Development Corporation (PA 338, 1974)
   ___ Local Development Finance Authority (PA 218, 1986)
   ___ Tax Increment Finance Authority (PA 450, 1980)
   ___ Downtown Development Authority (PA197, 1975)
   ___ Shopping Center Redevelopment Area (PA 120, 1961)
   ___ Empowerment Zone/Enterprise Community/Enterprise Zone
   ___ Local Revolving Loan Fund
   ___ Other _____

NEED FOR ADDITIONAL PUBLIC SERVICES

1. What additional services not presently available does your unit, residents and/or property owners feel are necessary in the area proposed for annexation?

Service	Date It Can Be Available
Water/Sewer	Upon request by owners, within 12 to 18 months

2. Of the services listed above, which ones will be difficult to provide? None.

   Why? NA

PROBABLE EFFECTS OF PROPOSED ANNEXATION ON THE COST AND ADEQUACY OF SERVICES

1. If annexation takes place, how will the change of boundaries affect the receiving unit of government?

   If the lands in question are annexed into the City, this will result in the City having an irregular, 20 sided, pistol-shaped piece of land that awkwardly sticks out from its eastern border. This would conflict with the natural separation of township and city boundaries, which has been created by Highway U.S.-131. Presently, the City is located wholly to the west of U.S.-131, and only township lands are located to the east.

   In addition, if the City receives the proposed annexation area, and the if area develops for commercial purposes, the City will be required to bore under the expressway to extend City water and City sewer services to the property, at significant expense. Property owners and businesses within the City of Cadillac oppose the development of the annexation for commercial purposes because it will have a negative effect on existing businesses in the City.

2. If annexation takes place, and public services are improved in the area annexed, what additional cost will the annexed area incur and how adequate will those services be?

   If the property is annexed into the City, property owners in the annexation area would be required to pay property taxes at the City's millage rate which is substantially higher (exactly 15.0473 mills higher) than the millage rate in Haring Township. There are no needed services that would be provided by the City that are not already available from Haring Township. Thus, the additional taxes paid by the property owners will not be justified based upon any increase in needed services.

3. If annexation takes place, what will be the financial effect on the remaining area from which the annexed territory is removed?

   Haring Township would lose 2.0 mills in tax revenues generated from the area in question. In addition, the proposed annexation would have a significant and negative long term impact on Haring Township and Clam Lake Township. Due to the location of this property (i.e., at the north/south boundary of the townships), its annexation to the City would physically block the extension of Haring's water and sewer services into Clam Lake and would make it financially impossible to extend Haring's services to Clam Lake's Commercial District, which lies south of the proposed annexation area.

4. If annexation takes place, what will be the financial effect on the annexed area?

   If the annexation was approved, the area would be subject to an additional 15.0473 mills in property taxes.

PUBLIC SERVICES

Public Water

1. Does your unit provide public water service? **Yes** _X__ **No** _____

   If yes, who owns the water treatment plant(s)? Haring Township_____

2. If the water treatment plant does not belong to your unit, has your unit purchased a utility equity in the water system? **Yes** ___ **No** _____ N/A

3. How many public water customers does your unit have? 317?

4. Give the number of homes and also the section numbers in which public water is not available: **No. of homes** _____ **Section No.** Available in all except Sec. 20-22 and 27-29; water will also be available in Section 2 under Act 425 Agreement with Clam Lake.

5. Maximum capacity of your public water system is 792,000 gallons per day.

   Average present usage is __132,000__ gallons per day __16.7__ % of capacity.

6. Is your unit under orders or has it been cited by the Michigan Department of Community Health, the Michigan Department of Environmental Quality, the Michigan Water Resources Commission, or any other State or Federal agency? **Yes** ___ **No** __X_____

7. **If Yes**, give the nature of the orders or citations and what actions have been taken _____
   _____

8. Does your unit serve public water to the area proposed to be annexed?

   Yes ___ **No** __X*_

   *Haring water service is required to be extended to the area and will be extended upon property owners' request.

9. **If No,** how near to the area proposed for annexation are water mains of a size adequate to serve the area? The closest existing water main is located at Casa Drive and 13th Street. However, the Haring Master Water Main Plan, as currently designed, would place the nearest available water main at 13th Street and North Crosby Road, approximately 10,300 feet from the proposed area.

10. How is your public water system financed?

____ General obligation bonds __X_ Tap-in fees (amount:$3300)
__X__ Special assessments ____ Other _____
__X__ Revenue Bonds

11. What is the cost per linear foot to install water lines in the street? $100/foot

12. What is the cost per linear foot to extend lines on site? $70

13. If public water service is not available, what other types of water services are available to residents? Private water wells, only where public system is not available

14. Have any governmental agencies placed any restrictions on adding new customers to your public water system?

Yes ___ No _X__

If Yes, describe these restrictions: _____
_____

15. Are there any plans to expand your water system? **Yes** _X_ **No ___**

If Yes, what sections or areas will receive services? Under the Act 425 Agreement, Haring water services are required to be extended to the lands in question.

16. How many new customers are expected to be served? Unknown; but excess capacity exists to easily serve petitioners' desire for commercial development.

17. What is the estimated total number of customers who will ultimately be served following this expansion? Unknown; but excess capacity exists to easily serve petitioners' desire for commercial development.

18. This expansion is:

____ Under study __X__ **Under contract** **____ Under construction**

19. Estimated date service will be available: Upon owners' request, within 12 to 18 months

20. What charges do customers within your unit pay to receive public water? Flat fee based on meter size ($10.61/month for 5/8" meter, up to $196.26/month for 3" meter), plus $3.19 per 1,000 gallons of usage.

21. If water is purchased under contract, do customers outside the unit pay the same rate as those within the unit providing the service? **Yes ___No ____ NA**

If No, what charges do customers outside the unit pay to receive public water? **$_____**

22. Are special charges made in lieu of an assessment? **Yes ____ No** _X_____

    If Yes, what is the amount? $_____

23. What must customers outside the providing unit do to receive this public water? Must reside within Act 425 Agreement Area

24. If annexation does not occur, how soon would the area proposed for annexation receive public water services? Upon owners' request, within 12 to 18 months

Sanitary Sewer

1. Does your unit provide sanitary sewer service? **Yes** _X_ **No ____**

   If Yes, who services the treatment plant? City of Cadillac now; Haring WWTP will ultimately service lands being considered.

2. If the sewage treatment plant does not belong to your unit, has your unit purchased a utility equity in the sewer system? **Yes** _X_ **No ____**

3. How many sewer customers does your unit serve now? _174_

4. How many homes in your unit do not have sewer hookups available: unknown
   In what sections or areas: All except Sections 20-22 and 27-29; sewer will also be available in Section 2 under Act 425 Agreement with Clam Lake.

5. What is the highest level of wastewater treatment being provided:

   ____ Primary ____ Secondary _X_ Tertiary

6. What methods of waste water treatment are being used (check all that apply)?

   _X_Activated Sludge (City) ___Rotating Biological Contactors or Disks
   ___Lagoons ___Groundwater Discharge Mound
   ___Sand Filter ___Sequencing Batch Reactors
   ___Trickling Filter _X_Other Oxidation ditch (Haring)

7. Where does the wastewater treatment plant discharge its effluent?

   Surface water (Name/Location) Clam River
   Ground infiltration (Name/Location) _____

8. Maximum capacity of the sewer system is 3.2 million gal/day average daily flow (City);
135,000 gal/day average daily flow (Haring)

9. The average usage is 2.615 million gal/day; 81.72 % capacity (City);
54,000 gal/day; 40 % capacity (Haring)

10. Does your sewer ordinance require residents to hook up? **Yes** X **No** ____

If Yes, how near does the sewer line have to be? 200 feet

11. Does your unit provide sanitary sewer service to the area proposed for annexation?

Yes ___ **No** X*

*Service to the area is required under Act 425 agreement with Clam Lake; lines can be extended upon owners' request

If No, how near to the area proposed to be annexed are sewer lines of a size adequate to serve the area? The lines that will serve the Act 425 area are located 12,400 feet away, just east of US 131, and north of 13th St.

12. How is your sewer system financed?

___ General obligation bonds
X Special assessments
X Revenue bonds
X Tap-in fees (amount $3,300)
X Other: Some financing charges will likely occur in connection with extension of Haring services.

13. What is the cost per foot for installation of sewer lines in the street? $70/ft

14. What is the cost per foot for extension on site? $70/ft

15. Are you under orders to improve your wastewater treatment? **Yes** ____ **No** X

If Yes, describe: _____

16. Are there plans to expand the sewer system? **Yes** X **No** ____

If Yes, what sections or areas will receive services? The Act 425 agreement with Clam Lake requires expansion to the lands in question and also provides for extension of Haring sewer to the Clam Lake DDA District.

17. Have you received approval from the involved state agencies for expansion of the sewer system? **Yes** ____ **No** X

18. What is the estimated total number of customers who will ultimately be served by this expansion? Unknown, but owners of Act 425 lands will be served.

19. This expansion is:

___ Under study _X_ Under contract ___ Under construction

20. Estimated date service will be available: Upon owners' request, within 12-18 months

21. What do customers within your unit pay to receive sewer service? $56.00/quarter

22. If sewer service is purchased under contract, do customers outside the unit pay the same rate as those within the unit providing the services? **Yes** _X_ **No** ____

If no, what charges do customers outside the unit pay to receive sewer service? $_____

23. Are special charges made in lieu of an assessment? **Yes** ____ **No** _X_

If Yes, what is the amount? $_____

24. What must customers outside the providing unit do to receive this sewer service? Must be within the Act 425 agreement area with Clam Lake Township.

25. If annexation does not occur, how soon would the area proposed for annexation receive sewer service? Upon property owners' request, within 12-18 months.

Fire Protection

1. Fire protection for your unit is provided:

_X_ By your own department
_____ Under contract from: _____
_____ By the _____ Fire District serving the following units:
_____

2. Underwriters rating: 130 6-7

What is the composition of the fire department that provides fire protection to your unit?

Number of fire fighters on force: Full-time _0_ Volunteer _21_

3. How is the fire department financed?

___ Special Assessment ___ Charge for each fire run
___ General obligation bonds _X_ General operating funds
___ Other _____

4. Who provides fire protection to the area proposed for annexation?
   Haring Township Underwriters rating: 7

5. If the annexation is approved, who would provide fire protection? City of Cadillac

6. How near is the fire station now providing fire protection to the area proposed for annexation? 2 miles

7. If the annexation is approved, how near would the fire station providing fire protection be? 2 miles

Police Protection

1. Police protection for your unit of government is provided:

   ___ By your own department
   X By the county sheriff
   ___ Under contract from another unit: _____
   ___ From the _____Joint Service District serving the following units:
   _____

2. What is the composition of the police department? Unknown

   ___ Full-time officers ___ Part-time officers

3. How is the police department financed?

   ___ Special Assessment ___ Charge for each police run
   ___ General obligation bonds ___ General operating funds
   X Other extra voted

4. Who provides police protection to the area proposed for annexation? County Sheriff and State Police.

5. If the annexation is approved, who would provide police protection? County Sheriff, State Police, and City of Cadillac.

6. How near is the police station which now provides police protection to the area proposed for annexation? 1.5 miles

7. If the annexation is approved, how near is the police station which would provide police protection? 2.0 miles

Garbage Collection

1. Does your unit provide garbage collection service? **Yes ____ No __X__**

   This service is provided by:

   __ Your unit via contract with private firm
   __ Your unit via an intergovernmental or regional contract
   _X_ **If No,** this service is provided by private arrangements between residents and property owners with individual haulers

   __ **If No,** this service is not available

   If the answer to 1 was "Yes" respond to the 2. through 5. as follows.

2. How many homes are served? _____

3. Does this service include the area proposed to be annexed? **Yes ____ No ____**

4. How often is the pickup made? _____

5. How is the service financed?

   ____ Special Assessment
   ____ Each homeowner billed for service by governmental unit
   ____ General operating funds
   ____ Paid by resident to individual hauler

Street Lights

Does your unit have a street light program? **Yes**_X_ **No ____**

If yes, how is the program financed? General Fund

Library Service

Does your unit provide library service? **Yes**_X_ **No ____**

If Yes, it is: ___Unit operated _X_____ County wide ___Area wide

Name of School District(s): _____Cadillac Area Public Schools_____

OTHER SERVICES AVAILABLE TO YOUR UNIT'S RESIDENTS

Type of Service	Furnished by Unit or Service Contract	Method of Financing

FINANCIAL ABILITY TO PROVIDE AND MAINTAIN SERVICES TO YOUR UNIT

1. What major capital improvements have taken place in your unit in the last five years, and how were they financed?

IMPROVEMENT	FINANCED
Extension of water main to Casa Drive	Through water system improvement fund.

2. Does your unit of government have application for bonds before the Michigan Municipal Finance Commission? **Yes** ___ **No**_X__

   If Yes, state the kind of bond, purpose, total amount of bonded indebtedness and the maturity date:

TYPE	PURPOSE	AMOUNT	MATURITY DATE

3. Indebtedness related to annexation area.

   Does your unit of government have any bonded indebtedness in place or in process that affects the area proposed for annexation? **Yes** ___ **No**_X_____

   If Yes, state the following about the debt:

TYPE	PURPOSE	AMOUNT	MATURITY DATE

If Yes, attach copies of any "Order of Approval" issued to your unit by the Municipal Finance Commission that relate to bonds for sewer or water facilities serving the annexation area and include copies of maps describing the physical location of the sewer and water lines.

4. Has your unit incurred any other liabilities relating to the area proposed for annexation?
   Yes ___ No X

   If Yes, describe the liabilities and their value ($).

5. Has your unit signed any other contractual agreements affecting the area proposed for annexation? **Yes** X **No ___**

   If Yes, list the agreements and include copies.
   Act 425 Agreement with Clam Lake Township.

6. Has your unit accumulated any assets attributable to the area proposed for annexation?
   Yes ___ No X

   If Yes, describe the assets and their values ($).

7. What percent of your total sanitary sewer, public water, storm drainage and other utility(ies) exist in the area proposed for annexation?

   Presently:

0 % sewer	0 % public water
0 % storm drainage	0 % other _____

   Under Act 425 (approximately):

50 % sewer	50 % public water
50 % storm drainage	? % other

GENERAL EFFECT UPON COMMUNITY OF PROPOSED ACTION

1. What is the position of your government officials on this proposed annexation?

   The officials of Haring oppose this annexation for several reasons. This annexation would effectively block Clam Lake Township's ability to receive public water and sewer services from Haring Township. It would also result in no needed services that are not already available from Haring Township, but would, at the same time, impose steeply increased property taxes on the proposed annexation area. The annexation requested by the property owners is purely to allow them to develop their property for unrestricted commercial purposes, as the City of Cadillac would allow. This is contrary to the existing zoning and master plan effective with the county. Allowing an annexation for this type of purpose is contrary to the proper function of the State Boundary Commission, which is not a "Super Zoning Commission."

The Commission should find that it lacks jurisdiction over the annexation petition, for the reason that the area in question is subject to a valid Act 425 agreement between Haring and Clam Lake, and is therefore immune from annexation under MCL 124.29. The Act 425 Agreement promotes a 2-fold economic development project: (a) it requires the extension of Haring water and sewer services to the transferred area which, by itself, constitutes a valid economic development project; and (b) the Act 425 agreement allows the property owners to seek rezoning to a mixed use Commercial/Residential Planned Unit Development District, so that limited commercial development can occur at the U.S.-131 and M-55 interchange, while still protecting the peace and quiet enjoyment of the long established residential properties that surround this area. There is no question that the Act 425 agreement is valid, and so the annexation is barred under MCL 124.29.

Haring further opposes the annexation petition for the reason it will lead to inappropriate urban sprawl, outside of existing commercial areas. In that regard, Haring already has large areas of land that are either zoned or planned for commercial development at the next Highway intersection to the north, at Exit 183, along Boon Road. These commercially zoned and planned areas establish a consolidated block for unrestricted commercial development, appropriately located with convenient and safe access to U.S.-131 from roads and interchanges that are already designed to handle the high traffic volumes associated with commercial development. The petitioners have shown no valid reason why the regional and local land use plans for high-intensity commercial development should be ignored, and why petitioner's proposed large-scale commercial use should instead be allowed to sprawl into undeveloped areas that are not suited for such development. Petitioner's are promoting the classic type of urban sprawl that has proven to be disastrous to existing commercial areas, both within the City of Cadillac and within the Township.

2. What is the position of the affected residents of the proposed area for annexation towards this petition?

   The annexation petition was initiated by the owners of the area, and so is supported by the owners.

3. What is the position of your constituents towards this petition?

   Haring residents are opposed to the annexation petition because it is being promoted for the improper purpose of attempting to effectuate a zoning change to unrestricted, high intensity commercial that would conflict with both the regional and township land use plans for the area. All the surrounding Haring lands are used for residential purposes, and so if the annexation petition were allowed, Haring residents would be forced to live in close proximity to a large, commercial shopping mall. Haring residents would then suffer all of the harms associated with living in proximity to such a heavily impacting use, including traffic, noise, increased crime and other unreasonable interferences with the quiet and comfort of the residential homes.

WHAT IS THE RELATIONSHIP OF THE PROPOSED ANNEXATION TO ANY ESTABLISHED TOWNSHIP, VILLAGE, CITY, COUNTY OR REGIONAL LAND USE PLAN?

As stated above, the proposed annexation is directly in conflict with the long-established regional and township land use plans for the area. The principal purpose of the annexation petition is so that the owners can obtain unrestricted commercial rezoning from the City of Cadillac, to develop a large, high intensity, highly impacting shopping mall, directly in conflict with the Township and regional land use plans.

All of the surrounding Haring lands are used for residential purposes, and so if the annexation petition were allowed, Haring residents would be forced to live in close proximity to a large, highly impacting commercial shopping mall. Haring residents would then suffer all of the unreasonable harms associated with living in proximity to such a highly impacting use, including traffic, noise, increased crime and other unreasonable interferences with the quiet and comfort of the residential homes. Haring already has large areas of land that are either zoned or planned for commercial development at the next Highway intersection to the north, at Exit 183, along Boon Road. These commercially zoned and planned areas establish a consolidated block for commercial development, appropriately located with convenient and safe access to U.S.-131, at areas which are already designed to handle the high traffic volumes associated with commercial development.

The petitioners have shown no valid reason why the regional and local land use plans for commercial development should be ignored, and why petitioner's proposed large-scale commercial use should instead be allowed to sprawl into undeveloped areas that are not suited for this type of development.

List the people who completed this questionnaire:

Name	Title	Telephone (with area code)
Bob Scarbrough	Supervisor	231-775-8822
Kirk Soule	Clerk	231-775-8822
Sharon Zakrajsek	Assessor	231-878-1221
Ronald Redick	Attorney	616- 632-8000
Michael Green	Zoning Administrator	231-775-8822

Date Completed: October 8, 2013.

Charter Township of Haring Comprehensive Master Plan

2009

This copy printed: June 1, 2011
Adopted June 9, 2009 pursuant to P.A. 33 of 2008, as amended,
(being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*)

Charter Township of Comprehensive Master Haring Plan

Adopted June 9, 2009

This copy printed: June 1, 2011
Adopted June 9, 2009 pursuant to P.A. 33 of 2008, as amended,
(being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*)

Copies of this *Plan* on paper are available
$_.00

Copies of this *Plan* on CD are available
$_.00

Please send payment in advance.
Order Copies from the Haring Charter Township Zoning Administrator
515 Bell Avenue
Cadillac, Michigan 49601
(231)775-8822
Fax: (231)775-8830

http://www.twpofharing.org
zoning@twpofharing.org

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Bibliographic cite is: Haring Charter Township Planning Commission (Kurt H. Schindler); *Haring Charter Township Comprehensive Master Plan*; Charter Township of Haring Township; Cadillac, Michigan; 2009.

To cite a specific "goal," "objectives," "policies/strategies/method" in a short-hand form use the chapter number and then the "goal," "objectives," "policy/strategy/method" number. For example:

A goal: "goal G2,1." (for the first goal in chapter G2 on Ground and Surface Water Protection.)

An objective: "objective G2,2.1." (for the first objective under the first goal in chapter G2.)

A policy/strategy/method: "strategy G2,3.2.1." (For the first strategy under the second objective under the third goal in chapter G2.)

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Glossary

PLANNING Commission means the Charter Township of Haring Planning Commission created pursuant to the Haring Township Planning Commission Resolution under authority of P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*).

DEQ means the Michigan Department of Environmental Quality.

Diversity means valuing and benefitting from personal differences. These differences address many variables, including race, religion, color, gender, national origin, disability, sexual orientation, age, education, geographic origin, and skill characteristics, as well as differences in ideas, thinking, academic disciplines, and perspectives.

Discourage means a disincentive approach, ordinance and/or other means, which make the action less attractive. In the context of zoning, all standard concepts such as continuation of nonconforming uses, etc. apply. In the context of a "goal" it is a statement of utopia, to provide a direction or end-state.

DNR means the Michigan Department of Natural Resources.

Encourage means an incentive approach, ordinance, and/or other means, which make the intent more attractive. In the context of a "goal" it is a statement of utopia, to provide a direction or end-state.

GIS means Geographic Information System, a digital set of files for use by a computer for drafting/mapping and database management which allows for computer spacial and quantitative analysis.

Heavy Industry means any manufacturing activity which is not defined in this *Plan* as "light industry."

Light Industry means where the sight, sound of all the activities are wholly contained within a building and that meet the following standards:

X if there is an accessory/work area, it is enclosed by a solid wall;

X air and water pollution discharge permits are not required, ventilation of work areas to the outside beyond normal heating and cooling of a building is not required.

X septic disposal needs do not exceed that needed for more than food and bathroom facilities for people on the premisses.

Municipality means unincorporated municipalities: townships, and charter townships; and incorporated municipalities: villages, and cities.

Fact Book (in *italic*) means the *Fact Book for the Development of the Wexford County Plan*: (Schindler, Kurt H., Mike Green, Tim Evans; *Plan Fact Book for the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002).

Plan (in *italic*) means this document and its respective appendixes and addenda as well as other documents specifically incorporated as part of this document by reference.

Require means regulation, such as an ordinance.

Township or **the Township** or **this township** or **Haring Township** means the Charter Township of Haring, a Michigan municipal corporation.

Township Board means the Charter Township of Haring Board of Trustees.

Wexford County means the County of Wexford, a Michigan municipal corporation.

This *Plan* also uses the terms "**goal**," "**objectives**," "**policies**," "**strategies**," "**methods**," and "**expected results**." These terms have specific meanings as explained below. **Issue(s)** are significant matters of concern. The means to deal with them are known as Objectives, Policies and Strategies/Methods. *An example is provided using the issue of poor water quality.*)

Term:	GOAL	OBJECTIVE	POLICY, STRATEGIES, METHODS
Definition	The goal is the utopia, to provide direction toward an end-state which the Objectives, Policies, Strategies/Methods are to work toward.	The objective(s) is an achievable point to describe what is aimed at to resolve the issue.	The policy(ies) outline government position which is designed to achieve the objectives. The strategy(ies)/method(s) are the actual ways the policy(ies) or goals are carried out.
Example	*1. Have pure water everywhere.*	*1.1. Maintain acceptable water quality.*	*1.1.1. Use standards for water quality factors.*
Example			*1.1.2. Define standards and implement controls to achieve them and educate the public.*

Term	EXPECTED RESULTS
Definition	The result(s) are the anticipated outcome of implementing the policies and methods.
Example	*Water quality that meets environmental and human needs.*

Part D: Introduction

Chapter D1: Acknowledgments

THIS *Plan* is the result of the efforts of many people. This is to thank everyone who has participated in the development of this *Plan*.

Haring Township Planning Commission

MEMBERS of the Haring Township Planning Commission:

Anita Fagerman, Secretary
George Giftos, Vice Chair
Gregory Grahek, Chair
Brian Jankowski
Molly Whetstone (former member)
Corey Wiggins

Staff & Author

THIS document was written by **Kurt H. Schindler**, County Extension Director, MSU Extension/Regional Land Use Educator; **Mike Green**, Township zoning administrator.

Haring Charter Township Board

FINALLY, members of the Haring Township whose support and funding to prepare this *Plan* was essential.

Susan Baldwin, Trustee
Anita Fagerman, Trustee
Sheila Hill, Trustee
Andrea Hofstra, Clerk
John Long, (former Trustee)
Beth McCain, Treasurer
Robert Scarbourgh, Supervisor
Dan Wilkinson, Trustee

Charter Township of Haring Location

Chapter D2: Executive Summary

About This *Plan*

THIS *Plan* is prepared as the *Haring Township Comprehensive Master Plan*.

Planning results in a document that is used and referred to for purposes of guiding government decisions. The process used to develop a plan is circular: inventory analysis, technical studies, identification of community desires, identification of various goals and objectives, exploration of alternatives, the *Plan* is written, formally adopted, implemented, reviewed and updated, return to step one.

Good planning is the process that involves people in decision making. It is important for a large number of citizens and viewpoints to play a part in creating the plan. The end result of planning is to have a good community.

A large part of planning success is dependent on public involvement. The key is to use the planning process to build community consensus.

The Haring Township master planning process follows on the heels of the Wexford County comprehensive planning process, which relied heavily on public involvement. Approximately 70 citizens participated in the Citizen Plan Committee. This included representatives of townships, cities, villages, environmental groups, business leaders, industry and other interest groups. This Committee identified the planning issues and broke into subcommittees to develop the goals, objectives and policies/strategies/methods to address these issues.

The *Plan* is broken down into the following chapters:

- X Part D; Introductory materials
- X Part E; Overall Plan
- X Part F: The Land Use Plan and Program
- X Part G: Environment, Natural Resources Plan
- X Part H: Economic Plan
- X Part I: Human Services and Housing Plan
- X Part J: Infrastructure Plan
- X Part K: Appendixes and Addendums

The legal authority for planning is the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended, M.C.L. 125.3801 *et seq.*). This *Plan* meets the requirements of the Act.

There are nine fundamental principles that underlay the goals, objectives and policies of this *Plan*. These are:

1. Scenic character should be preserved or enhanced in the Township.
2. Natural resources in the Township should be protected from inappropriate use or conversion.
3. The natural environment of the Township should be protected.
4. An economy built on renewable natural resources is sustainable and should continue to be an important economic base for the future.
5. Future development should primarily take place in a compact development pattern in the urban growth areas of Haring Township where development is planned and supported by existing or

future infrastructure improvements.

6. Future land use, zoning, land division and public infrastructure decisions should be made consistent with this Plan.
7. A strong effort should be made by Haring Township to achieve improved intergovernmental cooperation with other municipalities in the Greater Cadillac Area.
8. The vision of this Plan must be achieved without violating protected property rights.
9. Preservation of the scenic character in Haring Township is both dependent on and supports most of the economic base in the Township.

Government cooperation is an issue that was identified. Currently, cooperation exists on many levels, but more should be expected. The Goals include: 1) Increased coordination and cooperation between governments; 2) Avoid unnecessary duplication of services; 3) Develop quality communication; 4) Coordinate community planning and development; 5) Be prepared for emergencies and 6) Explore the benefits of regional fire stations.

The Future Land Use (Map) (Chapter F1) goals include: 1) Economic growth and development is focused on the existing urban center; 2) The Township will have multiple use recreation trails and 3) Incompatible land areas are minimized through coordinated planning.

Haring Township has certain areas designated for existing and future industrial development with the following goals: Creation of visually appealing light industrial parks in urban growth areas and limit the impact of heavy industry on the rural character of the Township.

Commercial areas should: Encourage light commercial uses as a buffer between heavy commercial, cluster heavy commercial along major roads and to create areas that are visually appealing and safe for vehicle and pedestrian traffic.

Office Service areas should be emphasized with visually appealing and safe access.

Resort areas are important to the community and areas that are suitable should be recognized with policies that support this use. Many areas that were classified as resort are now residential in character.

Residential areas of the Township should have the highest density housing in areas suitable for residential development with the recognition of a home occupation being suitable under the special use process.

Rural residential areas should maintain an unspoiled character free of urban development with the allowance of home occupations under the special use process.

Agriculture and Forest Production areas are established to protect areas with prime farmlands, to preserve existing farms when practicable, and protect and maintain forested tracts for forest products, recreation and wildlife habitat.

Haring Township has certain areas designated for existing and future “special and unique areas”. These areas can be scenic, historic sites, watershed protection, wildlife habitat or open space preservation. The goals are to protect environmentally significant areas and sustain and enhance tourist based development while protecting natural historic, cultural, scenic and recreational features of the Township.

Transition and urban growth areas are areas adjacent to concentrated use areas where we can anticipate

future expansion of dense land use. In these areas we should avoid strip development and have phased development for orderly growth.

Zoning in the Township needs to be updated. Updating the zoning ordinance should immediately follow adoption of this Plan.

Part G is the Environment and Natural Resources Plan. These concerns apply to all areas of the Township and are important to maintain the characteristics that attract many to this area; primarily, the maintenance of clean air, water and the scenic quality of the Township.

The Ground and Surface Water Protection (Chapter G2) calls for the protection of groundwater, protection and wise management of surface water features and local zoning provisions
to protect water quality.

The issue of Recycling and Solid/Hazardous Waste is discussed in Chapter G3. The goals are to 1) Have solid waste management with a reduce/reuse/recycle theme, 2) A convenient system for recycling, 3) A long term solid waste management plan in place, and 4) Avoid pollution problems related to discarded tires.

Economic Development is important to our citizens. They expect 1) An orderly and concentrated pattern of economic growth using existing infrastructure, 2) To support the attraction of new industry, 3) To encourage businesses that exceed environmental standards and 4) To designate adequate residential areas to support community growth.

Tourism (Chapter H2) is recognized as a core use. The goal is to sustain and enhance tourist based economic growth and development. This chapter recognizes the assets of the National and State Forests which make up about 42% of the Township's land area.

Human Services (Chapter 17) has goals of 1) High quality, lifetime educational opportunities, 2) Affordable health care, 3) Maintaining healthy families, 4) Haring Township will be a safe community that provides a good quality of life.

Housing (Chapter 12) concentrates on having safe and affordable housing available for all income levels and family situations.

Transportation (Chapter J1) is one component of the Infrastructure Plan. It recommends that the Township improve and maintain a safe and efficient road system and have public transportation services appropriate for the size and rural nature of the Township.

The Recreation Chapter (J2) places emphasis on development of a non-motorized trail system as a integral part of the Township's Recreation Plan.

The Water and Sewer Chapter (Chapter J3), recommends the provision of a water distribution and sewer collection system through cooperative efforts that benefit the region as a whole.

Chapter D3: About This *Plan*

PLEASE remember a "plan" is a government policy statement. It is not a statute, law or ordinance. Use of the words "must" or "shall" does not make it the mandatory directive it would be if in a statute or ordinance. Use of the words "must" or "shall" in the *Plan* is intended to convey a desire that it be followed.

The *Fact Book*[1] was prepared as a presentation of facts and data for use by Wexford County in preparation of this *Charter Township of Haring Comprehensive Master Plan* pursuant to the Michigan Planning Enabling Act[2] (see "Type of Plan This *Plan* Is" in Appendix K5, page).

A plan for a community must be done publicly to include as many people as possible in the process. The process itself must have formal steps for adoption.

Many times the planning process is described as being a set of steps which ultimately go in a circle:

1. First are inventories and analysis of the current situation.
2. Then various technical studies are done. The *Fact Book* reflects work for these first two points.
3. Identification of community desires is gauged by public opinion survey (included in the *Fact Book*) as a means to involve participation by a large number of people.
4. Citizens and appointed officials identify various goals and objectives.
5. Alternative courses are reviewed and one selected.
6. This *Plan* is prepared and made available.
7. Formal adoption takes place.
8. Various government and private agencies act to implement various parts of the *Plan*.
9. The document is reviewed and updated – about every five years. The process begins again with step one.

The steps used to prepare the this *Plan* follow. Section notations refer to sections of the Michigan Planning Enabling Act.[3]

1. Initial strategy to do the work.
2. Review and use the *Fact Book* of background, inventories and studies (§31(2) and §25(2)).
3. Send out a notice required by section 39(2) which includes all municipalities within the township, contiguous to the township, state and federal government agencies with significant land holdings in the township, etc.
4. Township Planning Commission reviewed in detail the *Wexford County Comprehensive Plan* of 2004, using it as a template for this *Plan*. (§31(2)(b) and §25(2)).
5. Planning Commission selects issues/concerns/priorities and works on those issues (§33) to modify the county plan to read as appropriate for the township's plan.
6. Planning Commission adopts draft *Plan* (§41).
7. The Township Board approves the draft *Plan* for dissemination (§41(1) and §41(2).

---

[1] Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*' MSU Extension, Wexford County; Cadillac, Michigan April 2002.

[2] P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*) .

[3] P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*)

8. Draft *Plan* is sent to everyone required by §39(3) and §41(2)(e) (same list as in number 3, above).
9. Those receiving the draft *Plan* have 63 days to make comment on the draft *Plan* (§41(3) and §41(4)).
10. At the end of the 63 days the township Planning Commission reviews the comments and may make modifications to the draft *Plan*.
11. Hold the public hearing on the modified draft *Plan* (§43(1)).
12. The Township Planning Commission reviews comments and may make further changes to the modified draft *Plan*.
13. The Township Planning Commission adopts the final *Plan* (§43(2)).
14. If the Township Board reserved the right to do so (§43(3)) acts to adopt the *Plan* (§43(2) and §43(3)).
15. A resolution of adoption is reproduced on the adopted *Plan's* inside front cover or inside back cover (§43(2)).
16. Copies of the *Plan* are sent to everyone required by §39(2) (same list as in number 3, above) (§43(5)).
17. Implement the *Plan*.
18. Not more than five years later, the Township Planning Commission shall review the *Plan* to determine if it needs revision, updating, or a new *Plan* prepared (§45(2)).

To prepare for making a township plan, the Township Planning Commission shall do all of the following:

1. Conduct studies, investigations, and surveys relative to the economic, social, and physical development of the township (§31(2)).
2. Formulate plans and make recommendations for the most effective economic, social, and physical development of the township (§31(1)).
3. Cooperate with all departments of the state, federal governments, and other public agencies concerned with programs for the economic, social, and physical development of the county and seek the maximum coordination of the county programs of these agencies (§31(2)(c)).
4. Consult with representatives of adjacent counties in respect to their planning so that conflicts in overall township plans may be avoided (§31(2)(b)).
5. The planning commission may meet with other governmental planning commissions to deliberate (§31(3)).

The *Fact Book* is intended to be the studies, investigations, surveys, and some of the recommendations referred to in number 1 and 2.

The Michigan Planning Enabling Act requires a township plan including text, maps, plats, charts, and shall be for the development of the township and address land use issues and may project 20 years or more into the future (§33). The Plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the Township:

1. A land use plan and program (§33(2)(a)): If the township has adopted a zoning ordinance, the plan shall include allocating land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.
2. The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, public works for preventing pollution, and works for maintaining water levels; and public utilities and structures (§33(2)(b)).
3. Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating,

abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities (§33(2)(c)).

4. Recommendations for implementing any of the *Plan's* proposals (§33(2)(d)).

A good plan, however, is not just a document that goes on the shelf. That "book" just records the decisions and direction chosen. Sometimes more important – is the process that involves people during the creation of the plan. It is this process that builds consensus and helps a community have a common vision. This is one of the main reasons why a plan should be reviewed and updated every 5 years. In five years' time, enough people have left their elected or appointed office, or other leadership roles that it is time to reconstruct that consensus and vision.

Chapter D4: Legal Authority

THIS *Plan* should be considered as a component of the township's comprehensive planning. Other published and adopted components of planning in Haring Township and selected special reports are also included in Appendix K6. This *Plan* supercedes all other plans which are or may be adopted by Haring Township. If the intent is to adopt policy different than what is in this *Plan*, then this *Plan* should be amended. If other plans which are or may be adopted by Haring Township are inconsistent with this *Plan* or conflict with this plan, then the content of this *Plan* shall control.

This *Plan* is the same "plan" referred to, and authorized to be adopted by P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*). This *Plan* is the Haring Township County Planning Commission's recommendations for the development of the Township for land use; zoning; and infrastructure. This *Plan* is the Commission's recommendations for coordination with other municipalities, township departments, Wexford County Road Commission, state, Native American and federal governments. **This *Plan* is the formal policy of the Township, and its statement of goals, objectives, and intended strategies.** This *Plan* is intended to be the document, that once adopted, involves the following:

> A street; square, park, playground, public way, ground, or other open space; or public building or other structure shall not be constructed or authorized for construction in an area covered by a municipal master plan unless the location, character, and extent of the street, public way, open space, structure, or utility have been submitted to the planning commission by the legislative body or other body having jurisdiction over the authorization or financing of the project and has been approved by the planning commission. The planning commission shall submit its reasons for approval or disapproval to the body having jurisdiction. If the planning commission disapproves, the body having jurisdiction may overrule the planning commission . . . by a vote of not less than a majority of its membership for . . . [a] township. If the planning commission fails to act within 35 days after submission of the proposal to the planning commission, the project shall be considered to be approved by the planning commission.[4]

This *Plan* is also intended to be the "plan" referred to in section 203(1) of P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3203(1)) that section reads the township "zoning ordinance shall be based upon a plan...." This *Plan* is intended to be the "zoning plan" referred to in section 305 of P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3305).

This *Plan* is the document which is used for purposes of the Planning Commission reviewing adjacent township; village; city; county; Wexford County; state; and federal agency plans[5]. In its review, the Commission's primary job is to insure the other plan is consistent, and not inconsistent, with this *Plan* and adjacent county, township, city, village, and Wexford County plans. The view of a plan is advisory, with coordination being the statutory and this *Plan's* goal.

In finding compliance with this *Plan*, one should be guided by content and apparent intent. It is not

[4] Section 61(1) of P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3861(1)). Ellipsis indicate missing text and bracket indicate added text for clarity.

[5] Pursuant to sections 7(2), 31(2), 31(3), and 41(3), of P.A. 33 of 2008, as amended, (being the Michigan Planning Enabling Act, M.C.L. 125.3101 *et. seq.*)

important that the township name its zoning districts in the same manner as this *Plan* names areas on the future land use map. The test for compliance should be substantial agreement between uses permitted in an area with the uses listed as intended in the explanations of this *Plan*.

Further, it is possible for township zoning, or anyone's planning, to combine two future land use plan map areas, or districts, or to further subdivide this *Plan's* future land use plan map areas. Again, intent or net result of what are the land uses should be the test.

In Michigan, municipal governments (city and village) assume the primary role in zoning, land use regulation, and basic government services. While there is county zoning, it is also recognized some townships may choose to have their own zoning. It is recognized, however, that coordination at a county level is needed. An overall policy from the county which provides direction and creates a point of cooperation between the county, townships, and municipalities in the county is important. Such cooperation is necessary for any progress to be made in the development of our area or in a wise and unified approach to land use controls.

Use of this *Plan* is important. It is especially important in Haring Township in administration of township zoning. However township, county and other government agencies have the power to make decisions which can affect or enhance this township's efforts. This document provides an outline for further development. It is intended to guide public decisions for new home development, for placement of zoning ordinance district boundaries, new road construction, so each agency and government is coordinated with each other.

Also, this document is an important tool for influencing at the state and federal government level. In 2001, The United States Forest Service owned 26% of the total County land area, State of Michigan Department of Natural Resources (DNR), owned 14.7% of the total County land area. The management of these properties has an impact on land use, and local planning. Local government and the County should provide input to decisions made by the DNR and the United States Forest Service.

There will be situations where exceptions to the policies and intent of this *Plan* may be expected. A finding that a greater public good will result from not following this *Plan* may be made by the Commission. Lacking such a finding by the Commission, indicates compliance to this *Plan* is the most appropriate action.

Part E: Overall Plan

Chapter E1: Township Wide Goals

HARING Charter Township has certain main goals, which are intended to transcend everything else in this *Plan*. These concerns are presented in this chapter.

Fundamental Principles

FOLLOWING are nine fundamental principles that underlay the goals, objectives, strategies, methods, and policies presented in this *Plan* and the balanced growth and environmental protection overall goals of this *Plan*. These principles are intended to help achieve the long-term goal of sustainable development in Haring Township. These principles aim to ensure the needs of the present generation are met without compromising the quality of life for future generations. The goals, objectives, strategies, methods, and policies that appear to most contribute to the achievement of this *Plan*, in a particular instances, is the one that should supercede -- in the event of a conflict.

Nine Principles

THE following nine principles are presented here. They are not presented in an order of priority.

1. **Scenic character should be preserved or enhanced in the township**. The natural character of the landscape within Haring Township combine to create a scenic quality that is highly valued by residents and visitors alike. It is the source of a number of economic sector's base in the Township: farming, forestry, recreation, and tourism. It must be preserved as future land use change occurs. It is critical to achieving all the major goals, objectives, strategies, methods, and policies in this *Plan*. Enhancement should be accomplished primarily through encouragement to implement common design guidelines (such as those in the *Grand Traverse Bay Region Development Guidebook*[6]). Where appropriate, local ordinances can require visual buffers, scenic character landscaping, and appropriate signs. Institutional properties can be enhanced through carefully planned capital improvements.
2. **Natural resources in the Township should be protected from inappropriate use or conversion**. Forested hillsides, farmlands, wetlands, rivers, and lakes provide the natural landscape background across some of the township. They attract seasonal residents, and tourists. Some of this land is in public ownership and offers outstanding hunting, fishing, hiking, and a wide range of other recreational activities. Managed harvests of forests contribute lumber, fiber, and fuel to support our society. Agricultural land is principally in hay and cattle production. Forestry, agriculture, tree farms, tourism, and recreation have historical roots in Haring Township and contribute to its economic base. Each of these industries requires a substantial amount of land. Preservation and conservation of natural areas and woodlands are a high priority.
3. **The natural environment of the Township should be protected from degradation**. The clean air, water, and soil in the Township is a natural asset of immeasurable importance. Protection of Long Lake, Island Lake, Whitlock Lake, the portion of Round Lake lying within the Township, and the Clam River should be given high priority in future land use planning decisions. The lakes, rivers, streams, wetlands, and flood plains are important parts of this natural environment

[6]Grand Traverse County Planning Department; *Grand Traverse Bay Regional Development Guidebook*; Grand Traverse County Planning Department, 400 Boardman Avenue, Traverse City, Michigan 49684.

which contribute greatly to the scenic quality of the landscape. This environment supports abundant fish and wildlife populations. The quality of the natural environment is a significant feature in attracting people to the area. The natural environment and especially sensitive features must be protected to sustain the scenic quality and economic potential of township.

4. **An economy built on renewable natural resources is sustainable and should continue to be an important economic base for the future**. Agriculture, forestry, recreation, and tourism are a part of the economic base in Haring Township. They are a significant part of the local quality of life. They are also tied to renewable resources. Maintaining a sustainable local economy and quality of life, requires maintaining the renewable natural resources of the township. Further diversification of the economy that draws from the talents of the existing labor force will also enhance the prospects for a sustainable economy.
5. **Future development should primarily take place in a compact development pattern**. New commercial, industrial, and medium density residential uses should be constructed in the urban growth areas in the township. These mixed-use areas may be served with public sewer and water where it is cost-effective to do so. These services would not be extended beyond the urban growth areas during the life of this *Plan* except in situations where there is a demonstrated public health need. Outside the service areas, development should only occur at low densities or primarily in small clusters of a few lots sited so as to minimize visibility from the roadway and to maximize the amount of open space around them. Shared water wells and waste treatment systems may be needed to facilitate open space development. Also inside the urban growth areas there should be encouragement of the full development, or as necessary the redevelopment, of existing and planned industrial park space, brownfield sites, existing commercial buildings and sites, and existing residential in-fill sites, as opposed to new greenfield locations.
6. **Future land use, zoning, land division, and public infrastructure decisions should be made consistent with this *Plan***. Achievement of the vision embodied in this *Plan* depends heavily on adoption and implementation of Haring Township's zoning and land division regulations which are consistent with this *Plan*. Also county and adjacent local (city, village, and township) zoning, and land division regulations should also be consistent with this *Plan*. This *Plan* depends on infrastructure decisions consistent with this *Plan*. Future road, sewer, water, school, municipal building, state and federal facility decisions should be consistent with this *Plan* and an annually updated capital improvement program if one exists. Where public funds are spent on infrastructure can have an enormous impact on private land development decisions.
7. **A strong effort should be made to achieve improved intergovernmental cooperation within Wexford County**. This *Plan* recognizes that land use and infrastructure decisions of each governmental unit have, over time, an impact on the character of the entire township. Improved intergovernmental coordination, communication, and cooperation are essential to the success of this *Plan*.
8. **The vision of this *Plan* must be achieved without violating protected property rights**. Many of the principles of this *Plan* will require changes in township regulations. As these changes are made, it is essential that constitutionally protected property rights not be violated. It is also important that special consideration be paid to the legitimate desire of large landowners who may have their "retirement" locked up in their land. They need to be given options for capturing the development value of their land, even if more dense development on the land is not a permitted activity.
9. **Preservation of scenic character in Haring Township is both dependent on and supports some of the economic base in the township.** The scenic character is comprised of the natural environment, farms, and the built environment. Protecting the scenic character, the natural environment and economic development must proceed together.

All principles are interrelated. They are all oriented to achieving the goal of sustainable development in Haring Township. They recognize that a healthy economy depends on a healthy environment and that these need not be mutually exclusive. They are structured to achieve a balanced growth and environmental protection strategy that also protects the scenic character of the township.

Where these new homes and businesses are located will dramatically affect the future character of the township. If the current trend of single family homes lining county roads is continued, the landscape will become suburbanized. Many of the large open spaces will be chopped up and sprinkled with homes.

Most open space would then be in yards, rather than a part of the current scenic landscape. This will diminish the value of the landscape to tourists and create a public service burden over time. Cost-effective public services are nearly impossible with a scattered land development pattern.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Achieve a thriving, yet sustainable, economic base for Haring Township and Wexford County without depletion of its valuable natural resources and scenic values.	1.1. Have managed growth based on available services	1.1.1. Follow and implement this *Plan*.
	1.2. Haring and the county's economy, remains a sustainable diverse economy and the manufacturing community is enhanced.	1.2.1. Follow and implement this *Plan*.
	1.3. Conserve and protect property values by minimizing incompatible uses.	1.3.1. Follow and implement this *Plan*.
	1.4. Natural resources should be protected from inappropriate use.	1.4.1. Follow and implement this *Plan*.
2. Conserve special and unique areas, farmlands, open spaces, and forests. Centralize commercial, industrial, and residential development at recognized trade centers and incorporated municipalities where ever possible.	2.1. Balance environmental protection, resource management, and economic development	2.1.1. Follow and implement this *Plan*.
	2.2. Natural character should be preserved or enhanced.	2.2.1. Future road, sewer, water infrastructure should be consistent with this *Plan*.
3. Minimize conflicts between land uses and this *Plan's* future land use map areas.	3.1. Retain the character of the township.	3.1.1. Follow and implement this *Plan*.
4. Agreement on visions for the best future land use.	4.1. Create an environment for decision making where government agencies share information and agree on visions for the best future land use.	4.1.1. Haring Township Planning Commission takes a proactive role in implementation of this *Plan*. The Planning Commission takes measures to review and respond to proposed actions on management by municipalities; county, federal, and state land management agencies.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
5. Creation of more economic base jobs in Haring Township and Wexford County	5.1. Retain the active program of base job business retention and recruitment in the township and county.	5.1.1. Utilize state brownfield tax incentives, other tax incentives, and other business retention and recruitment programs.

EXPECTED RESULTS
The vision of this *Plan* for the future of Haring Township and Wexford County becomes a reality.

Chapter E2: Government Cooperation

AN issue identified in Wexford County has been one of cooperation between governments. These concerns and possible solutions are presented in this chapter. It is intended to be applicable county-wide.

ISSUES for this topic include the classic concerns of extending services and infrastructure outside of a city, and annexation. The issue presented here, can also apply to any city or village in Wexford County.

The coordination needs to involve all governments. The coordination needs to address how areas are zoned, so that planning, zoning and infrastructure decisions are consistent. This also means there needs to be a political will to say "no" to development in certain areas, so the development is channeled to areas deemed appropriate. An urban growth areas approach is one avenue to explore.

Attempts to resolve these issues fail because there are (1) too many issues, (2) uncompromising personalities, and (3) lack of community support. The efforts to bring communities together succeed when (1) all stakeholders have been identified and are involved in the process, (2) legal authority exist to do so, (3) a regional vision exists, (4) a defined achievable scope exists, and (5) past differences are set aside.

Cooperation between governments does exist on many levels. There are a few points where disagreement exists. Regularly scheduled meetings may be necessary to build trust between government offices.

The Ground and Surface Water Chapter of this *Plan* (G2, page) addresses the need for a county-wide coordinated wellhead protection planning process. The same types of concepts exist for solid waste management in the county, and avoiding illegal dumping in public and private forests.

There should be a government cooperation ethic in Wexford County which recognizes that land use and infrastructure decisions of each governmental unit have, over time, an impact on the character of the entire County (and entire region). In addition, citizens increasingly recognize they primarily live in a geographic region, instead of merely a single jurisdiction. Each has a stake in the future of the local unit of government in which they live, in the County, and in the region. Businesses and industries also share this same stake. It will take the coordinated efforts of all units of government working together to achieve the goals of this *Plan*.

It is with this discussion, and background the following goals, objectives and strategies are made.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Increased coordination and cooperation between governments.	1.1 A successful municipal wellhead protection program.	1.1.1 Haring Township participates in a County-wide groundwater protection committee which contracts for the joint wellhead delineation, and joint creation of wellhead protection plans.
	1.2. A "clean community" free of illegal dumping of solid waste on public and private lands through a	1.2.1. All governments adopt a junk ordinance.
		1.2.2. Explore stricter enforcement and penalties for illegal dumping.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	coordinated multi-government cooperation effort.	1.2.3. All governments should require some form of solid waste collection to make it convenient and easy for trash disposal, rather than illegal dumping
	1.3 Establish a multiple-government cooperative approach to development.	1.3.1. Haring Township participates in an inter-government committee and consider hiring a consultant to establish coordinated approach to growth and tailor-design an urban growth area to the areas' needs. a. The committee should be available, to respond to a need identified by the county or various city, village, and township governments.* (*e.g. regional or county-wide fire, sewer, water, storm water management, wellhead protection, economic development, tourism development, recreation planning, solid waste, illegal dumping, and so on.) b. The committee membership should reflect stakeholders for each issue. c. Representatives on the committee should include elected officials and leaders from the affected city, village, township, and county government.
		1.3.2. Development is channeled to areas deemed appropriate.
2. Quality communication between government and citizens.	2.1. Notice requirements for special use permits and zoning amendments should be the same throughout the County so citizens can expect the same level and type of communication regardless which government is the zoning jurisdiction.	2.1.1. Provide the news media with information so they can prepare pre-meeting publicity prior to each planning commission and elected board meeting.
		2.1.2. Haring Township should include a pamphlet with notices for special use permits, appeals, variances, and zoning amendments to help citizens better understand and express concerns at hearings.
		2.1.3. Haring Township should continue a regular newsletter which is sent to each resident in the township.
		2.1.4. All zoning and planning jurisdictions should post minutes, notices, plans, ordinances, and other pertinent material on an Internet Web site.
		2.1.5. The township should encourage cable television public access channel 2 coverage for purposes of televising township board, planning commission, and appeals board meetings, and maintain a calendar of events.
		2.1.6. Haring Township should participate in the county/township association meetings.
		2.1.7. Have regular meetings of all members of all zoning/planning commissions and zoning board of appeals for coordination in planning issues.
		2.1.8. Participate in the quarterly meetings of the "Metro Four" (Haring, Clam Lake, Cherry Grove, Selma Townships).
		2.1.9. Encourage area Chambers of Commerce to meet regularly to consider co-operative efforts.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.2. To have County-wide standardization of how ordinances are arranged and permit application forms used.	2.2.1 Zoning ordinances should adopt a standard codification system so one is able to look in the same article and section in each zoning ordinance in the County to find the same thing for each zoning jurisdiction. This should be done by use of a codification system established in "Organization and Codification of a Zoning Ordinance; What is Codification?" *Land Use Series*, by MSU Extension.
		2.2.2. Zoning ordinances can be made more user-friendly by adopting a standard set of permit application forms.
	2.3. Improved communication between state and federal government (legislators and agencies)	2.3.1.Haring Township should be pro-active concerning various activities of other government agencies within the boundaries of the township. The township should have a formal system to receive, review, and respond, or chose not to respond, to public notices of: State, federal, and local governments.
3. Haring Township will have coordinated community planning and development	3.1. All plans and zoning ordinances should be coordinated and should not contravene each other.	3.1.1. Once an urban growth area(s) is(are) established, plans and zoning should be used to reinforce the agreed upon concepts to deal with issues of infrastructure, road, dense development, commercial/industrial development, preservation of open space, and recreation.
4. Be prepared for emergencies	4.1 Have a current up-to-date Emergency Preparedness Plan.	4.1.1. Include the *Wexford County Emergency Services Plan* as an addendum to this *Plan*.

EXPECTED RESULTS
A successful wellhead protection plan.
A core of people representing city, village, township governments who know and trust each other and are positioned to address other issues.
Up to 100% of the homes and businesses in the township will have improved access to county government information.
Those with Internet access will have improved ability to inform themselves about zoning and planning.
Households in the township will have increased access to township government meetings.

Part F: Land Use Plan

Chapter F1: Future Land Use Map

HARING Township has certain land use issues and goals which apply throughout the township in all future land use plan areas. These concerns are presented in this chapter.

ISSUES for this topic include:

- X Urban growth areas
- X Cluster development vs. strip development
- X Development of recreational trails
- X Incompatibility of land uses under current zoning ordinances.

Encourage cluster development in the township.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Economic growth and development is focused on existing urban centers and away from undeveloped areas of Haring Township.	1.1. Encourage economic growth and development in or near existing urban growth areas served by existing infrastructure.	1.1.1. Establish defined urban growth areas (see land use map) where higher density development should occur. Any development of urban infrastructure should be restricted to areas that have been defined on the land use map as urban growth areas.
	1.2. Encourage cluster developments in urban growth areas.	1.2.1. Discourage continuous strip zoning districts
2. Haring Township will have multiple use recreational trails through cooperative efforts between developers and local governments.	2.1. Municipalities should work together with land developers to create and maintain a network of recreational trails to serve the local population.	2.1.1. Request developers to dedicate easements for the purpose of constructing multiple use recreational trails.
		2.1.2. The Wexford County Planning Commission should take the lead in developing a non-motorized transportation plan.
3. Incompatible land uses are minimized through coordinated planning between Wexford County and its cities, villages, other townships, and Haring Township.	3.1. Discourage potential and existing land use conflicts in the plan area.	3.1.1. Each zoned community should develop zoning districts that act as a buffer between incompatible land uses or zoning ordinances should include site design standards to mitigate conflicts between land uses and zoning districts.

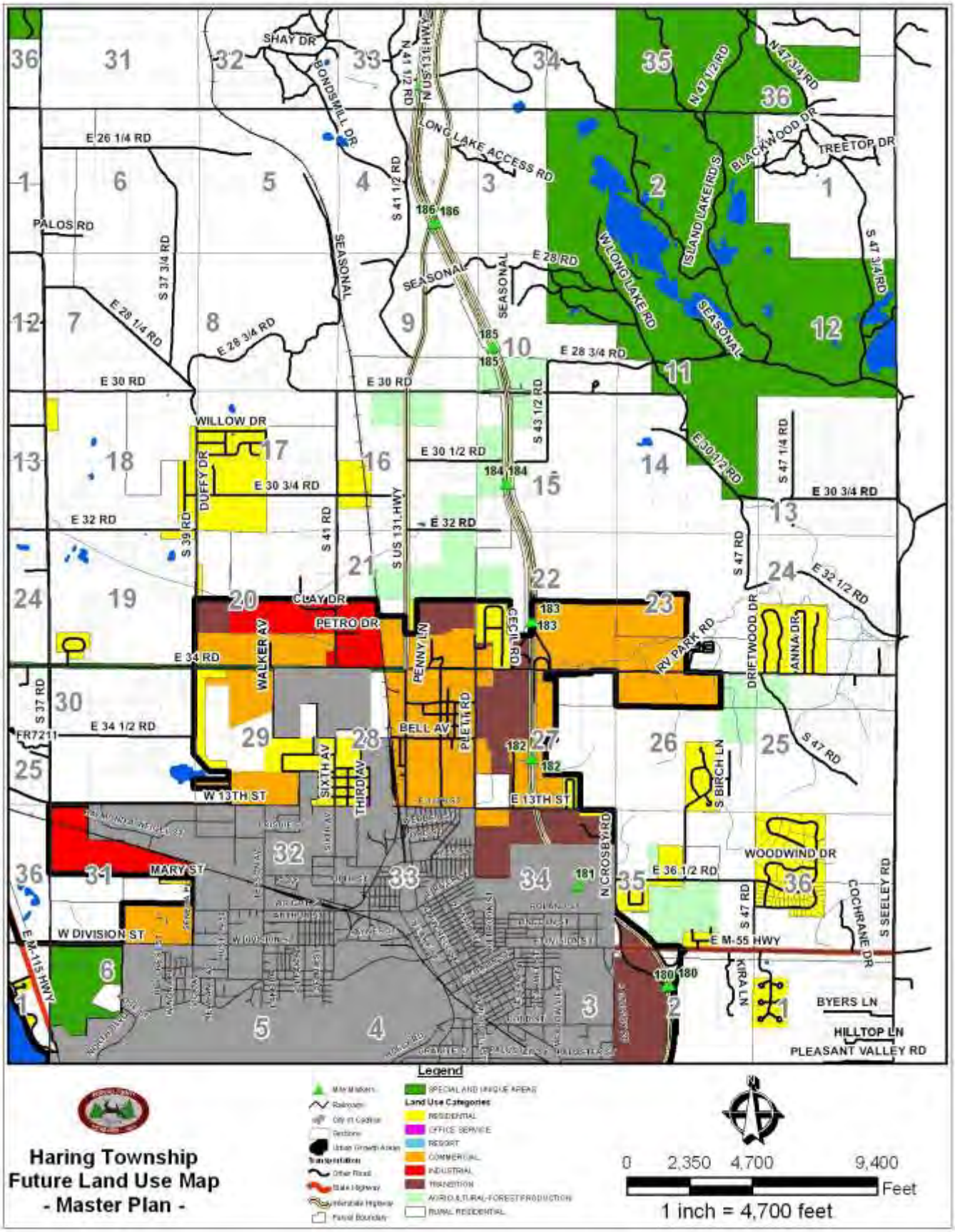
EXPECTED RESULTS
Economic Development will be focused in urban growth areas
Future development will be aesthetically pleasing and harmonious with the surrounding environment
Rural areas will be protected from unwanted impacts of urban development.

The future land use map for this *Plan* is made using GIS analysis capacity. The analysis is based on the resource mapping information found in the *Fact Book*. Detailed information about that process can be found in Appendix K2.

The process favors both protection of the environment, while permitting commercial/industrial development. The intent is to balance the need for commercial/industrial uses while recognizing the need to protect the environmental and quality of life for residents.

The table in appendix K2 is intended to document the future land use map on the following page provide enough land area in each category to meet the projected needs for Haring Township's future growth.

Future Land Use Map



Chapter F2: Industrial

HARING Township has certain areas designated for existing and future "industrial" development.

The statements found in this chapter apply only to the areas shown as red on the map on the Future Land Use Map found in Chapter F1.

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following:
Land uses found and commonly allowed:

- Utilities
- Construction
- Manufacturing
- Wholesale Trade

Under special conditions might include:

- Waste Management and Remediation Services.
- Re-cycling
- Research and technology
- Some commercial uses which are compatible with industrial sites.

ISSUES for this topic include:

- The need to support industrial job base while balancing the need for environmental protection.
- Importance of public utilities to support higher impact industrial uses.
- The perceived unsightliness of some industrial areas.
- The location of heavy industry should only be where infrastructure exists and where demands on water use and solid waste disposal can adequately be handled.
- Recognize the City of Cadillac as an industrial center serving the local area.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. The creation of visually appealing light industrial parks in urban growth areas.	1.1. Encourage light industrial uses in areas served by public utilities.	1.1.1. Create a zoning district that exclusively encourages light industrial activities. Year-round truck routes should be available in light industrial areas. Special use permit approval for certain uses and site plan review should be required; any negative impacts should be mitigated before special use is approved.
		1.1.2. Encourage cluster development in light industrial districts with an open space requirement (based on developable area).
2. Limit the impact of heavy industry in the rural areas of Haring Township.	2.1. Restrict heavy industrial uses to urban growth areas and areas served by year-round truck routes. Encourage heavy industrial uses in areas serviced by water and sewer.	2.1.1. Any new zoning for heavy industrial uses should only be created in areas where year-round truck routes are available and encouraged in areas serviced by water and sewer. Special use permit approval for certain uses and site plan review should be required.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
3. Have compatibility between industrial areas and other land uses.	3.1. Incorporate design, buffers, transition, aesthetics, and traffic controls standards for industrial land uses.	3.1.1. Locate industrial areas where they have reasonable boundaries and opportunity for transition zones which can buffer industrial sites from incompatible uses.
		3.1.2. Preserve and rehabilitate appropriate industrial areas by removing incompatible uses, consolidating land, and removing vacant and substandard building s as well as giving particular attention to landscaping, buffer strips, off-street parking, and other design matters.
		3.1.3. Incorporate and utilize the concept of development of industrial land in industrial parks or planned industrial districts with well-designed points of entrance and exit, controlled site and building design, and adequate parking areas.
4. Industrial areas in Haring Township will be visually appealing and will allow for safe access for vehicular and pedestrian traffic.	4.1. Adopt requirements for landscaping and signage that create a positive visual image.	4.1.1. Evaluate, improve, and/or update standards for maximum height and square footage and location of all signs/billboards.
		4.1.2. Require developers to create a landscaped buffer between the road frontage and the parking areas and buildings. Appropriate landscaping should be encouraged and maintained.

EXPECTED RESULTS
Haring Township will have a diversified industrial employment base, resulting in lower unemployment and a higher quality of life for local residents.
Future industrial areas will have a more “park-like” appearance.
Heavy industrial areas will be restricted to the urban growth areas of Haring Township.

Chapter F3: Commercial

HARING Township has certain areas designated for existing and future "commercial" development (see explanation in Appendix K2.)

The statements found in this chapter apply only to the areas shown as dark orange on the Future Land Use Map in Chapter F1.

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.
Land uses found and commonly allowed:

- Retail Trade
- Information services
- Finance and Insurance
- Real Estate, Rental and Leasing
- Personal and Laundry Services
- Theaters
- Religious/Professional Organizations
- Educational Services
- Public Administration

Under special conditions might include:

- Traveler Accommodations
- Food Services and Drinking Establishments
- Repair and Maintenance.
- Nursing and Residential Care Facilities
- Social Assistance
- Hospitals

ISSUES for this topic include:

- Current zoning supports strip development.
- Poor parking and circulation patterns for traffic moving between parking areas and thoroughfares. There is a need to look at access management.
- Vacant commercial buildings
- Recognize the City of Cadillac as an accessory commercial center serving the local consumer population.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Encourage commercial uses as a buffer zone between industrial and residential areas.	1.1. Encourage commercial activities that have low impacts to locate adjacent to residential areas.	1.1.1. Create zoning that encourages commercial uses, such as small retail shops, neighborhood restaurants, small grocery stores, and similar uses that are limited in scope and size and does not allow other uses. Such activity should be located adjacent to residential areas and should be used as a buffer between industrial and residential zoning districts. Special use permit approval for certain uses and site plan review should be required; any negative impacts should be mitigated before special use is approved.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Clustered development of commercial areas along or near major thoroughfares.	2.1. Encourage commercial activities to occur along routes that are intended to carry traffic and are located away from residential areas.	2.1.1. Create a zoning district that allows commercial activities as regional shopping centers, big box retail outlets, large restaurants, hotels, service stations with or without diesel fuel, hardware stores, and similar uses of larger size and scope. Special use permit approval for certain uses and site plan review should be required; any negative impacts should be mitigated before special use is approved. Zoning in these areas should include access management principles (interior and frontage roads, shared driveways, etc.) that make travel safer for vehicles and pedestrians.
		2.1.2. Encourage commercial use to areas served by water, sewer, and restrict commercial use to year-round truck routes.
3. Commercial areas in Haring Township will be visually appealing and will allow for safe access for vehicular and pedestrian traffic.	3.1. Adopt or improve requirements for landscaping and signage that create a positive visual image.	3.1.1. Evaluate, improve, and/or update standards for maximum height and square footage and location of all commercial signs/billboards.
		3.1.2. Require developers to create a landscaped buffer between the road frontage and the parking areas and buildings. Appropriate landscaping should be encouraged and maintained.
	3.2. Develop access guidelines for commercial property.	3.2.1. Frontage roads, interior access drives, or shared driveways should be required, as needed, to eliminate traffic hazards associated with ingress or egress. Driveways or curb cuts along public highways should also be subject to minimum spacing requirements.
4. Have vital, vibrant commercial areas	4.1. Retain, enhance, or improve township commercial areas.	4.1.1. Use tax incentives provided by downtown development authority to revitalize township commercial areas. Make a part of this *Plan*, by this reference, downtown development plans which have been adopted in Haring Township.
		4.1.2. Preserve and rehabilitate appropriate commercial buildings and encourage reuse of vacant buildings e.g., use of tax incentives and similar acts, and removing vacant and substandard buildings.

EXPECTED RESULTS
Commercial development will be visually appealing and will safely accommodate vehicular access and pedestrian movements.
Commercial areas will be developed in a manner that will not contribute to urban sprawl.

Chapter F4: Office Service

HARING Township has certain areas designated for existing and future "office service" development (see explanation in Appendix K2.)

The statements found in this chapter apply only to the areas shown as light orange on the Future Land Use Map in Chapter F1.

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

Land uses found and commonly allowed:

- Professional, Scientific and Technical Services (includes research and technology)
- Management of Companies and Enterprises
- Administrative/ Support Services
- Ambulatory Health Care Services
- Social Assistance, except Temporary Shelters, and Community Food Services.
- Public Administration

Under special conditions might include:

X Educational Services
X Hospitals
X Nursing and Residential Care Facilities
X Traveler Accommodation
X Full Service Restaurants (not drive through)

ISSUES for this topic include:

- The economy of Haring Township is anticipated to grow in the higher-tech types of businesses in the Cadillac area which require office space.
- The need for increased standards for urban development.
- Greater Cadillac area urban growth area is the center of the region's office service activity.
- Possible additional area for Office Service should be considered when this *Plan* is updated in five or more years.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. An increased emphasis on office development in Haring Township.	1.1. Locate personal, professional, and technological offices in urban growth areas of Haring Township.	1.1.1. Create an Office-Service District that is applicable to urban growth areas, where such uses as professional offices, technology firms, and personal service establishments are allowed.
2. Office Service areas in Haring Township will be visually appealing and will allow for safe access for vehicular and pedestrian traffic.	2.1. Adopt requirements for landscaping and signage that create a positive visual image.	2.1.1. Evaluate, improve, and/or update standards for maximum height and square footage and location of all signs/billboards.
		2.1.2. Require developers to create a landscaped buffer between the road frontage and the parking areas and buildings. Appropriate landscaping should be encouraged and maintained.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.2. Establish access guidelines for office service property.	2.2.1. Frontage roads, interior access drives, or shared driveways should be required, as needed, to eliminate traffic hazards associated with ingress or egress. Driveways or curb cuts along public highways should be subject to minimum spacing requirements.

EXPECTED RESULTS
Office development will be concentrated in appropriately zoned areas within urban growth areas.

Chapter F5: Residential

HARING Township has certain areas designated for existing and future "residential" development (see explanation in Appendix K2.) The statements found in this chapter apply only to the areas shown as yellow on the Future Land Use Map in Chapter F1.

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following:

Land Uses Found and commonly allowed:

- X Single Family dwellings and duplexes
- X Home occupations (no external evidence/impact except for two customer parking spaces)

Under special conditions might include:

- X Multi-family
- X Mobile Home Park
- X Neighborhood convenience commercial enterprises.

Mobile home parks and multi-family land uses shall be reviewed as a planned unit development in this *Plan* designation.

ISSUES for this topic include:

- X Residential areas in relation to urban growth areas.
- X Home occupations
- X Availability of public water/sewer systems.
- X Senior housing, low to moderate income affordable housing, housing to accommodate people with special needs, and homeless.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Higher density housing in areas that are more suitable for development	1.1. Encourage smaller lot sizes in areas served by water/sewer systems or areas included in urban growth areas (see land use map).	1.1.1. Limit urban residential districts to areas served by water/sewer systems or in defined urban growth areas (see land use map). Urban residential areas should have smaller lot sizes than that of rural residential districts.
		1.1.2. Mobile home parks and multiple family residential (apartment buildings (3+ units)) should be served by community/municipal water and/or sewer systems and subject to review and approval through a Planned Unit Development process.
		1.1.3. Residential zoning shall provide for higher density (in contrast to Rural Residential areas which shall be low density of a rural character).
2. Residents are able to engage in home occupations and are not required to commute to	2.1. Allow no-impact home occupations as an incidental use in the home in residential areas.	2.1.1. Permit home occupations as a permitted use in residential zoning districts. Such uses should have minimal traffic, no visual, noise, and air quality impacts on surrounding parcels.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
work.		2.1.2. The issue of short term rentals of dwellings in residential districts is a concern that should be the focus of Planning Commission research to identify jurisdiction and a solution. Evaluate the issue of short term rental of residences.
3. Allow for residential commercial (mixed use) neighborhood and service locations	3.1. To have residential neighborhood areas of the township with relatively close geographic access to basic retail and service needs, at an economic service level which is less than what is found in a town or urban growth area.	3.1.1. Provide convenience commercial centers (1) adjacent to neighborhood areas, or (2) in planned unit developments to provide for local mixed uses.
		3.1.2. Convenience commercial centers are located on major roads, capable of servicing more than one neighborhood.

EXPECTED RESULTS
Haring Township will have urban residential areas that support higher densities and feature a higher level of urban services (public water, sewer, paved roadways, solid waste collection).

Chapter F6: Rural Residential

HARING Township has certain areas designated for existing and future "rural residential" land uses (see explanation in Appendix K2.)

The statements found in this chapter apply only to the areas shown as white on the map on page (or white on the black and white map, page).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following:

Land uses found and commonly allowed:

- X Agriculture, Forestry, Fishing, and Hunting activities
- X Single-family dwelling, and duplex
- X Home occupations (no external evidence/impact except for two customer parking spaces)

Under special conditions might include:

- X Mining (under special use permit and reclamation plan requirements)
- X Multi-family dwelling
- X Home enterprises (may have limited external evidence/impact) with appropriate buffer and parcel size)
- X Mineral and timber processing, including sawmills.

As with any land use designation in this *Plan*, "rural residential" may include more than one zoning district differentiated by parcel size or other factors.

ISSUES for this topic include:

- X Strip residential development vs. clustering
- X Land use compatibility in rural areas
- X The need to consider what extent of neighborhood services is desirable for rural residents
- X Home occupations and home enterprises

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Residents are able to engage in home occupations and home enterprises .	1.1. Encourage no-impact home occupations as an incidental use in the home in rural residential areas, which does not have impacts of a commercial or industrial business. Allow home enterprises with careful review, which does not have impacts of a commercial or industrial business.	1.1.1. Permit home occupations as a permitted use in rural residential zoning districts. Such uses should have minimal traffic, no visual, noise, and air quality impacts on surrounding parcels. (no external evidence/impact except for two customer parking spaces)
		1.1.2. Permit home enterprises as a special use permit with standards addressing buffers (from, and not within, residential areas/districts), parcel size, and other factors to mitigate negative impacts to neighbors.
		1.1.3. The issue of short term rentals of dwellings in rural residential districts is a concern that should be the focus of Planning Commission research to identify jurisdiction and a solution. Evaluate the issue of short term rental of residences.
2. A "rural" character, unspoiled by unwanted urban development.	2.1. Restrict activities in the rural residential areas to housing, agriculture, and limited range of small-scale neighborhood commercial activities such as convenience stores. Encourage clustering of development as an alternative to strip residential uses along existing roadways.	2.1.1. "Rural Residential" zoning district that include single family residential and agricultural operations as an allowed use.
		2.1.2. Encourage cluster development with a minimum 50% open space requirement (based on developable area).
		2.1.3. Provide convenience commercial centers (1) adjacent to neighborhood areas, or (2) in planned unit developments to provide for local mixed uses.
		2.1.4. Convenience commercial centers are located on major roads, capable of servicing more than one neighborhood.

EXPECTED RESULTS
The rural character of the outlying areas of Haring Township County is maintained.
Rural residential areas are more homogenous; land use conflicts are minimized.
Rural residents enjoy the benefits of living "out in the country", while being able to maintain some level of conveniences.

Chapter F7: Agricultural-Forest Production

WEXFORD County has certain areas designated for existing and future "agricultural-forest production" (farm and forest protection) land uses (see explanation in Appendix K2.)

This is not being carried over in this *Plan* for Haring Township. For the township this is not intended to be an "agricultural-preservation" district. This district is also, geographically, to be applied to forested areas, such as, but not limited to, sections one through six of the township where there is a lot of hardwood

and red pine.

The statements found in this chapter apply only to the areas shown as light green on the Future Land Use Map in Chapter F1. This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

Land uses found and commonly allowed:
X Agriculture, Forestry; Fishing, Hunting, and Trapping operation.
X Single-family dwelling, and duplexes

Under special conditions might include:
X Mining (under special use permit and reclamation plan requirements)
X Mineral and timber processing, including sawmills.

ISSUES for this topic include:
X The loss of farmland and large forest parcels areas in recent years.
X The encroachment of urban dwellers into prime agricultural areas.
X The impact of mining operations on native soils and nearby land owners.
X There are six landowners in Haring Township which are classified as "agricultural" for tax purposes. Of those, only two are "traditional"-type farms.
X In the township's 1990 Plan the goal is it is desired to preserve existing agricultural areas, but not to encourage additional agricultural areas.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. The continuation of farming and harvesting of timber products in the northern portions of the township.	1.1. Allow continued agricultural production on prime soils and areas that are currently being farmed.	1.1.1. Agricultural/Forest Production and Rural Residential zoning districts should encourage large parcel sizes.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.1.2. In this district approve, or not oppose any of the following, when perused on a willing basis by the landowner: X Cluster development with a minimum 50% open space requirement (based on developable area) where the same number of units can be sold and a large parcel is still retained. X Donation and tax advantages to the landowner, of a conservation easement to a municipality, county, or conservancy. X Purchase of development rights, where the landowner is paid, a conservancy. X Leasing of development rights by a conservancy. X Transfer of development rights when/if this tool becomes possible in Michigan. X Utilization of the Farmland and Open Space Preservation Act.[7] X Utilization of the Conservation & Historic Preservation Easement Act.[8] X Utilization of the Private Forestry Act.[9] X Utilization of the Commercial Forest Act.[10] (See pages 338-341 of the *Fact Book*).

[7] Part 361 of P.A. 451 of 1994, as amended, being the Farmland and Open Space Preservation part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.36101 *et. seq.* (formerly P.A. 116 of 1974, as amended, Farmland and Open Space Preservation Act, M.C.L. 554.701).

[8] Part 21 of P.A. 451 of 1994, as amended, being the Conservation & Historic Preservation Easement part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.2140 *et. seq.*

[9] Part 513 of P.A. 451 of 1994, as amended, being the Private Forestry part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.51301 *et. seq.*

[10] Part 511 of P.A. 451 of 1994, as amended, being the Commercial Forestry part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.51101 *et. seq.*

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Protect forestry land and existing farms in Haring Township.	2.1. Discourage smaller parcels in the township's agricultural and forest land.	2.1.1. Use minimum parcel size in the zoning ordinance.
	2.2. Encourage best management practices to protect farm and forest lands.	2.2.1. Promotion and utilization of services provided by the Wexford County Soil Conservation District and the Michigan State University Extension Service.
	2.3. Road construction and development should be a mix of County primary and local roads designed to accommodate agriculture and forest/timber industries.	2.3.1. Give priority to paved or gravel roads capable of use on a year round basis not subject to seasonal load restrictions.
		2.3.2. Road improvement should not take place if the improvement results in seasonal limitations.
		2.3.3. New roads for spot residential development should be given a low priority.
		2.3.4. Any new road development should be carefully examined and studied to avoid the impact of causing or contributing to further land fractionalization.
3. Protect and maintain the forests of Haring Township as a source for forest products, wildlife habitat and recreation.	3.1. Strengthen the current technical assistance (federal, state & local)	3.1.1. Encourage through an education program timber management practices (using Michigan Department of Natural Resources best management practices) for timber harvesting.
4. Restore sites of sand, gravel and other mining operations.	4.1. Require reclamation of gravel pits and other mining operations once they are no longer in operation.	4.1.1. New mining operations should be considered a special use. Applicants should be required to file a reclamation plan and post a performance bond with the local planning commission to guarantee that such action will be completed.

EXPECTED RESULTS
Agricultural and forest lands in Haring Township will receive greater protection through a combination of zoning and financial incentives for farmers and timber owners to continue operating.

Chapter F8: Special and Unique Areas

HARING Township has certain areas designated for existing and future "special and unique areas" (see explanation in Appendix K2.).

The statements found in this chapter apply only to the areas shown as green on the Future Land Use Map in Chapter F1. This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

Land uses found and commonly allowed:

- X Forestry, Fishing, and Hunting by individuals.
- X Single- family dwellings.

Under special conditions might include:

- X Museums, Historic Sites and Like Institutions
- X Parks, boat launch, campgrounds, and similar uses.

The types of permitted and special uses in special and unique areas will differ, depending on the reason for the designation as special and unique and the goals and objectives provided for the specific areas in this chapter of this *Plan*.

ISSUES for this topic include:

- X Watershed protection
- X Open space preservation
- X Wildlife habitats
- X Historic preservation.

This plan endorses the special and unique areas listed on pages 177-181, 185, and mapped on page 184 of the *Fact Book*.

The further recognition of local historic sites: Wexford County [indigent] farm, Shay locomotive birth site, and Bond's Mill Pond.

The list of special and unique areas for purposes and the reasons behind the special and unique areas in this *Plan* are listed in Appendix K3.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Protection of environmentally significant areas without severely restricting individual property rights.	1.1. Promote cluster zoning to encourage open space preservation.	1.1.1. Encourage cluster development with a minimum 50% open space requirement (based on developable area).
	1.2. Provide public access, to special and unique areas of the Township while protecting the resource.	1.2.1. County, state, and federal government should protect the resource through development or improvement of facilities and infrastructure.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Sustain and enhance tourist based economic growth and development while protecting natural, historic, cultural, scenic, recreational features of the township, and enhances the area for attracting new businesses.	2.1. Recognize, protect and enhance the historic special and unique areas: 43H Coates Highway (W 30 Road, S 23 Road, W and E 34 Road (Boon Road)).	2.1.1. Increase visitor and community interest in historically significant structures and sites.
		2.1.2. Increase private and government investment in historic site preservation, interpretation, and restoration.
		2.1.3. Promote tourism through development of facilities and infrastructure for serving the patrons of the tourist industry.
		2.1.4. Planning Commission shall maintain a list of historic sites.
	2.2. Discourage conflicting land uses in historic areas and preserve and restore historic buildings and sites.	2.2.1. Local governments should set up historic districts for tax advantages where applicable. Any new buildings or renovations should fit in with the historic character of the district.
	2.3. Recognize and enhance historic sites Wexford County [indigent] farm. Shay Locomotive birth site Bond's Mill Pond.	2.3.1. When there is a willing property owner, cooperate to add these sites to the state historic register.
	2.4. Recognize, protect and enhance the use of environmental/nature based special and unique areas: 4ERT Long Lake	2.4.1. Retention of environmentally fragile areas in their natural state, by use of surrounding land uses as buffers, restrictions, and protections for these environmental areas through zoning.
		2.4.2. Promote tourism through development of facilities and infrastructure for serving the tourist industry. County, state, and federal government should protect the resource through development or improvement of facilities and infrastructure.
		2.4.3. Ensure all proposals protect these areas, and maintain the long term sustainability of these area resources.
		2.4.4. In these areas, road development should be minimal.
		2.4.5. Encourage state and federal ownership of lands in these areas.
		2.4.6. Promote tourism through large public tracks of land for tourism activities.
		2.4.7. Encourage petitions for Natural Beauty Roads or other scenic road designations.
		2.4.8. Approve applications for open space preservation, and encourage open space preservation types of development with the intent to protect views.
	2.5. Encourage linked areas of open space that create corridors for wildlife habitat.	2.5.1. Identified wildlife corridors should be protected through the use of conservation easements, purchase of development rights, fee simple purchase, covenants, or other similar means.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.6. Recognize, protect and enhance the use of recreation based special and unique areas: 4ERT Long Lake	2.6.1. Promote tourism through development of facilities for serving the tourist industry.
		2.6.2. Park development should be encouraged. Provide specialized accommodations for recreation (camping, snowmobile trails, skiing, hiking, day use).
		2.6.3. Encourage state and federal ownership of lands in these areas.
		2.6.4. Ensure all proposals protect and maintain the scenic values of the area.
	2.7. Recognize, protect and enhance the use of timber based special and unique areas: 4ERT Long Lake	2.7.1. Promote tourism through large public forested tracts of land for hunting and related sport activities.
		2.7.2. Encourage landowner qualifying applications for inclusion under the Commercial Forest Act.
		2.7.3. Road development should be minimal.
		2.7.4. Encourage state and federal ownership of lands.

EXPECTED RESULTS
Historic areas are identified and protected through public and private investment and cooperation.
Watersheds are protected from the effects of urban development.
Wildlife corridors are established and maintained through open space preservation efforts.

Chapter F9: Transition Area

HARING Township has certain areas designated as urban growth areas and transition areas.

The statements found in this chapter apply only to the areas shown with a thick black line around Cadillac,[11] on the Future Land Use Map in Chapter F1. Transition areas are shown in brown on the Future Land Use Map in Chapter F1.

Generally the transition areas are locations where it is anticipated there will/should be a change in land use. The change would be to commercial, office service, or residential land uses/zoning.

The areas shown as residential, commercial, and industrial within the urban growth area boundaries, would be the "Phase I" area of expansion of residential/commercial/industrial land uses. The areas shown as transition within the urban growth area boundary would be considered "Phase II" for future expansion of residential/commercial/industrial development. Those areas would be rezoned as needed e.g. when land for development in Phase I is near full. The areas shown as transition outside the urban growth area boundaries would be considered "Phase III" expansion of residential/commercial/industrial development. Those areas would not be rezoned for such use until the lands in Phase I and II are considered near full. Infrastructure investment, and construction would also be planned for taking place concurrently with rezoning/development in the same phasing.

[11] For the county, this applies to areas shown with a thick black line around Cadillac, Manton, Buckley, Mesick and Harrietta on the Future Land Use Map in the 2004 Wexford County Plan .

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Avoid strip development	1.1. Haring Township, in concert with Wexford County and other municipalities, should discourage strip development.	1.1.1. Zoning should provide for and encourage cluster/open space protection..
		1.1.2. Infrastructure (e.g. sewer, water, etc.) should be concentrated within urban growth area boundaries.
2. Have phased progression of growth around the township's (County's) urban areas	2.1. Have a "Phase I" within the urban growth area which is shown as residential, commercial, and industrial and located within the "urban growth area" on the future land use map.	2.1.1. These areas may be zoned for urban development, upon adoption of this *Plan*.
		2.1.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts.
		2.1.3. Zoning approval for specific developments (PUD, special uses) should not be granted unless public infrastructure is developed concurrently.
	2.2. Have a "Phase II" which is shown as "transition" and located within the "urban growth area" on the future land use map.	2.2.1. These areas will be zoned for urban development when lands for development within Phase I has nearly been developed.
		2.2.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts after Phase I has nearly been developed.
		2.2.3. Zoning should not be changed nor approval for specific developments unless Phase I has nearly been developed and public infrastructure is also developed concurrently.
	2.3. Have a "Phase III" which is shown as "transition" and located outside but contiguous to the "urban growth area" on the future land use map.	2.3.1. These areas will be zoned for urban development, when lands for development within Phase I and Phase II have nearly been developed.
		2.3.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts after Phase II has nearly been developed.
		2.3.3. Zoning should not be changed for approval of specific developments unless Phase II has nearly been developed and public infrastructure is also developed concurrently.

Chapter F10: Zoning Plan Update

THESE goals may apply to all zoning authorities. It is recognized Haring's zoning, like all zoning in the County, has deficiencies which need to be addressed. For more background on each of the strategies (to address deficiencies in current zoning) outlined in this chapter see pages 329-358 of the *Fact Book*. The township's zoning will need to be changed to comply with this *Plan*, so that zoning continues to meet its statutory requirement that it is based on a plan.

The township has taken steps to amend its zoning ordinance on various issues such as, but not limited to open space zoning, site condominiums, and the addition of the light industrial zoning district.

Zoning Plan

This part of this chapter (F10) provides a general description of a zoning plan. It is followed by a brief explanation of the relationship between this Future Land Use Plan and the Township Zoning Ordinance. The basis for the establishment of proposed zoning districts is briefly described in part "F" of this *Plan* with a table here making cross references to those parts of this *Plan* and the current zoning districts. The last major section of this Chapter presents a list of proposed changes to the Zoning Ordinance which are desirable to make in order for the Zoning Ordinance to more closely conform with this *Plan*. It is done in the format of goals, objectives and strategies similar to what is found throughout this *Plan*.

Explanation of a Zoning Plan

A "zoning plan" is another term for a "zone plan" which is used in the Michigan Planning Enabling Act and Michigan Zoning Enabling Act. Section 33(2)(d) (M.C.L. 125.3833(2)(d)) requires that the plan prepared under that act (as this *Plan* is), serve as the basis for the zoning plan. Section 305 (M.C.L. 125.3305) requires a zoning plan be prepared as the basis for the zoning ordinance. It must be founded on an inventory of conditions pertinent to zoning in the Township and the purposes for which zoning may be adopted. The zoning plan identifies the zoning districts and their purposes, as well as the basic standards proposed to control the height, area, bulk, location, and use of buildings and premises in the Township. These matters are regulated by the specific terms in the Zoning Ordinance.

Relationship to the Plan

This *Plan* is a document to guide Township officials and citizens in making decisions about use of the land. A primary purpose of this *Plan* is to provide guidelines for the treatment of the areas of the Township which have varied characteristics. It is the result of a process of survey of existing conditions, public input on a vision of what the community should be like in twenty years and analysis of alternatives by the Planning Commission, synthesized with public awareness and input. This Chapter presenting the Zoning Plan, along with the rest of the relevant parts of this *Plan*, is intended to guide the implementation of and future changes to the Township Zoning Ordinance.

Zoning Plan Description of Each Zoning District

Schedule of regulations by district that includes at least, building height, lot area, bulk, and setbacks. (Sec. 33(2)(d))

Zoning District	**General purpose**	**Use Classes Permitted***	**General Locations for this type of district**	**building height (maximum)**	**lot area (minimum)**	**bulk (maximum lot coverage)**	**setbacks (feet)**
Industrial	Chapter F2 of this *Plan*.	*Chapter F2 of this Plan*.	*See "Future Zoning Map," below.*	*35 to 50 feet*	*one acre*	*50% to 75%*	*front: 35-75 side: 25-50 rear: 30-60 waterfront: 100+*
Light Industrial	*Chapter F2 of this Plan*.	*Chapter F2 of this Plan*.	*See "Future Zoning Map," below.*	*35 to 50 feet*	*30,000 sq ft.*	*50% to 75%*	*front: 35-75 side: 20-40 rear: 30-50 waterfront: 100+*
Commercial	*Chapter F3 of this Plan*.	*Chapter F3 of this Plan*.	*See "Future Zoning Map," below.*	*35 to 50 feet*	*20,000-30,000 sq ft. without sewer. 15,000-20,000 sq ft. with sewer.*	*40% to 60%*	*front: 35-50 side: 20+ rear: 30+ waterfront: 100+ With modification for access management.*
Commercial for Goode's Subdivision	*Chapter F3 of this Plan*.	*Chapter F3 of this Plan*.	*See "Future Zoning Map," below.*	*35 feet*	*10,000 sq ft.+*	*60%+*	*front: 35-50 side: 15+ rear: 15+ waterfront: 100+*
Freeway Commercial	*Chapter F3 of this Plan*.	*Chapter F3 of this Plan*.	*See "Future Zoning Map," below.*	*35 to 100 feet*	*20,000 to 30,000 sq ft.*	*40% to 60%*	*front: 35-50 side: 20+ rear: 30+ waterfront: 100+ With modification for access management.*
Office Service	*Chapter F4 of this Plan*.	*Chapter F4 of this Plan*.	*See "Future Zoning Map," below.*	*30 to 40 feet*	*20,000 to 30,000 sq ft.*	*30% to 50%*	*front: 25-35 side: 25+ rear: 35+ waterfront: 100+ With modification for access management.*
Residential (with sewer)	*Chapter F5 of this Plan*.	*Chapter F5 of this Plan*.	*See "Future Zoning Map," below.*	*Up to 35 feet.*	*12,000 + feet*	*20 to 40%*	*front: 25-35 side: 25+ rear: 35+ waterfront: 100+*

Zoning District	**General purpose**	**Use Classes Permitted***	**General Locations for this type of district**	**building height (maximum)**	**lot area (minimum)**	**bulk (maximum lot coverage)**	**setbacks (feet)**
Residential (without sewer)	*Chapter F5 of this Plan.*	*Chapter F5 of this Plan.*	*See "Future Zoning Map," below.*	*Up to 35 feet*	*20,000 to 25,000 feet*	*20%*	*front: 25-35 side: 25+ rear: 35+ waterfront: 100+*
Rural Residential	*Chapter F6 of this Plan.*	*Chapter F6 of this Plan.*	*See "Future Zoning Map," below.*	*Up to 35 feet, with exceptions for farm buildings.*	*One to five acre.*	*20% or less.*	*front: 40-60 side: 35+ rear: 35+ waterfront: 100+*
Agricultural-Forest Production	*Chapter F7 of this Plan.*	*Chapter F7 of this Plan.*	*See "Future Zoning Map," below.*	*Up to 35 feet, with exceptions for farm buildings.*	*40 acres (with sliding scale exceptions)*	*5% or less.*	*front: 40-60 side: 35+ rear: 35+ waterfront: 100+*
Special and Unique Areas	*Chapter F8 of this Plan.*	*Chapter F8 of this Plan.*	*See "Future Zoning Map," below.*	*Up to 35 feet*	*one to five acre or more.*	*20% or less*	*front: 40-60 side: 25+ rear: 50+ waterfront: 100+*

**General Use Classes are: single family residential, multiple family residential, commercial, office, industrial, agricultural, forestry, and mining.*

Future Land Use, Future Zoning, Current Zoning Comparison Chart

How the land use categories shown on the future land use map relate to the districts shown on the zoning map and future zoning map. This is required by section 33(2)(d) of the Michigan Planning Enabling Act. (A prerequisite to complying with this requirement is (1) having a description of each zoning district, and (2) a proposed zoning map.)

Future Land Use	**Future Zoning**	**Current Zoning**
Looking at the next 20 years.	The township intends to prepare a new zoning ordinance, or major amendments to the existing zoning ordinance, within one to two years of adoption of this Plan. The "Future Zoning Map" is intended to become the zoning map for that new zoning ordinance.	As of May 23, 1997, as amended.
Industrial	I Industrial	I-Industrial
	L-I Light Industrial	L-I -Light Industrial
Commercial	C-G Commercial for Goode's Subdivision	C1-General Commercial for Goode's Subdivision
	C Commercial	C-General Commercial
	C-Fl Freeway Commercial	

Future Land Use	**Future Zoning**	**Current Zoning**
Looking at the next 20 years.	The township intends to prepare a new zoning ordinance, or major amendments to the existing zoning ordinance, within one to two years of adoption of this Plan. The "Future Zoning Map" is intended to become the zoning map for that new zoning ordinance.	As of May 23, 1997, as amended.
Office Service	O-S Office Service	
Residential	R-2 Residential (with sewer; a zoning map change much farther into the future)	R-Residential
	R-1 Residential (without sewer)	
	phased out	RL-Lake Resort
Rural Residential	R-R Rural Residential	A-Agricultural
		FR-Forest & Recreation
Agricultural-Forest Production	A-F Agricultural-Forest Production	No equivalent
Special and Unique Areas	S-U-A Special and Unique	No equivalent
No equivalent	phased out (and changed to PUD handled as a special use)	PUD-Planned Unit Development [In zoning text, but not clear if as a special use or zoning amendment/district]
Transition Areas	R-1 or R-2 Residential; O-S Office Service; C-G, C, or C-Fl Commercial; or I Industrial (see "Transition Areas," Chapter F9 of this Plan) (a zoning map change farther into the future).	Part(s) of: R-Residential A-Agricultural FR-Forest & Recreation
No equivalent	phased out	OR-Office/Residential [In zoning text but never shown on current zoning map]
No equivalent	phased out	FI-Freeway Interchange [In zoning text but never shown on current zoning map]

Rezoning Criteria

The standards or criteria to be used to consider zoning amendments (rezonings) as consistent with the master plan follow. The three standards (numbers 1-3) below shall be found to have been met for a zoning amendment to receive favorable recommendation for adoption by the Planning Commission

A preponderance of the most germane and important of the remaining standards (numbers 4-13) shall be met for a zoning amendment to receive a favorable recommendation for adoption by the planning commission.

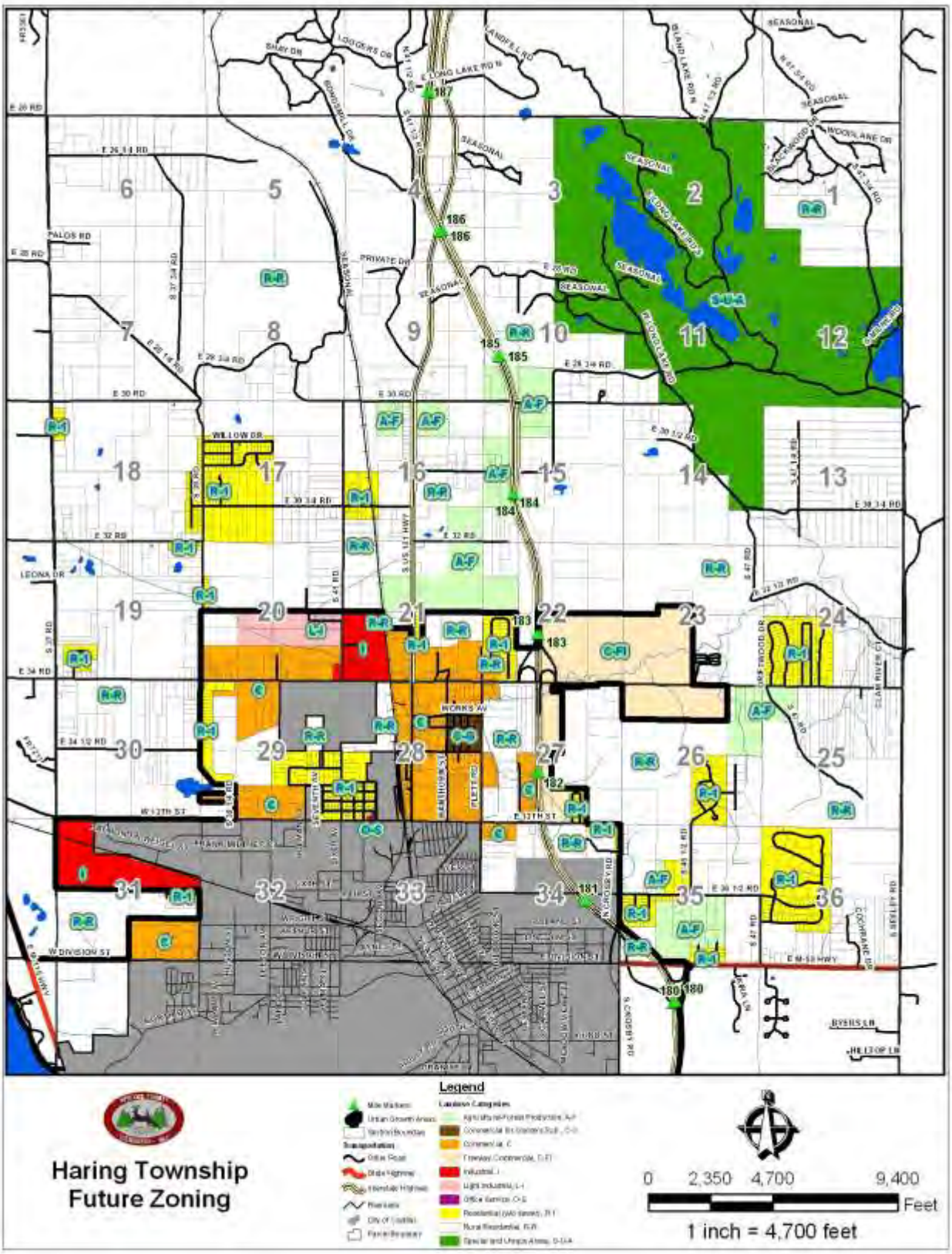
1. The change is consistent with the application of "Transition Areas", Chapter F9, if applicable (if answer is yes, that supports rezoning) (or amend this *Plan* first).
2. The change is consistent with both the policies and the uses proposed for that area in this *Plan* (if answer is yes, that supports rezoning) (or amend this *Plan* first).
3. The change to the zoning ordinance is consistent with other aspects of this *Plan*, including, but not limited to, the "Future Land Use Plan" (if the answer is yes, that supports rezoning) (or amend this *Plan* first).

A preponderance of the most germane and important of the following standards shall also be met for a zoning amendment to receive a favorable recommendation for adoption by the planning commission. However failure to meet any of the following standards may also constitute adequate reason for denial of a rezoning request.

4. The area in question can already be used for any permitted use under current zoning (if answer is no, that supports rezoning).
5. Any proposed use in the area being changed is compatible with other uses in the same zoning district (if answer is yes, that supports rezoning).
6. If the proposed change is a change to the zoning map: it would be more appropriate to amend the zoning ordinance to add the proposed use to the existing zoning district, either as permitted or special use (if answer is no, that supports the rezoning/map change).
7. The location proposed is appropriate for all of the range of uses permitted in the proposed zoning district requested (if answer is yes, that supports rezoning).
8. The change is consistent with other zones, land uses, or trends in development for that area (if answer is yes, that supports rezoning).
9. All possible uses in the proposed zone are equally or better suited to the area than the current uses (if answer is yes, that supports rezoning).
10. If the proposed change is a change to the zoning map: the change results in spot zoning (if the answer is no, that supports rezoning)
11. Any development possible (permitted use and special uses) in the new zoning district can be adequately serviced by public utilities and services (if the answer is yes, that supports rezoning).
12. Any use for the proposed zoning creates a greater negative impact on the surrounding area than the uses permitted under the current zoning (if the answer is no, that supports rezoning).
13. There is vacant land in the township (and greater Cadillac area, and to a lessor extent in Wexford County) already zoned for the proposed use (if the answer is no, that supports rezoning).

On the next page is a future zoning map for Haring Township.

Future Zoning Map



Proposed Zoning Changes

This section presents a list of proposed and needed changes to the existing Zoning Ordinance which are desirable to make in order for the Zoning Ordinance to more closely conform with this *Plan* as well as items necessary to remain consistent with current law.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Have better and more consistent zoning in the County.	1.1 Improve effectiveness and comprehensiveness of planning in the Township.	1.1.1. All zoning should be based on a plan, this *Plan*.
		1.1.2. Haring Charter Township, should have its plan or five year plan update coordinated and consistent with the *Wexford County Comprehensive Plan*.
		1.1.3. For those planning issues that cover large areas, the planning effort should be a partnership of all affected municipalities.
		1.1.4. Use a uniform format for plans and zoning ordinances (codification)
		1.1.5. Where feasible share zoning administrator, building inspectors and community planner.
		1.1.6. Consider adoption of sample ordinance(s) and zoning prepared by the county planning department for purposes of coordination throughout the county and to uniformly address issues which include territory in and out of Haring Township.
		1.1.7. Haring Township planning takes an active, helpful, and critical role in review and recommendation for adjacent local planning and zoning.
	1.2 Create a land development review system.	1.2.1. Consider adopting a subdivision ordinance that includes coordinated plat review (for fast, complete reviews)
		1.2.2. Consider including in the subdivision ordinance provisions for the same review of site-condominiums.
		1.2.3. Consider including in the subdivision ordinance a process for division of lots in a subdivision
		1.2.4. Consider including in the subdivision ordinance public/private road and drive requirements.
		1.2.5. Update site condominium regulations in local zoning ordinances.
	1.3. Township zoning to be updated.	1.3.1. In all zoning; district's lists of permitted uses and special uses need to be modified to comply with this *Plan*.
		1.3.2. In all zoning; the preamble needs to provide the proper citation of legal authority for zoning, and recite the purpose of the zoning.
		1.3.3. In all zoning, general regulations should clearly indicate the Article applies throughout the jurisdiction.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.3.4. In all zoning, reference to maximum lot coverage allowance (and/or one principal use per parcel) should be clearly indicated.
		1.3.5. Include surface and groundwater protection In all zoning.
		1.3.6. Include provisions for storage and handling of solid waste in all zoning
		1.3.7. Uniformity of setback and parcel sizes between similar zoning districts throughout the Township should be explored.
		1.3.8. In all zoning, parking requirements should be reviewed, with an intent to reduce impervious surfaces, and provide parking lot design that incorporates pervious islands, vegetation and snow storage areas .
		1.3.9. All zoning, include access management provisions for service roads, limited drives along highways, design, parking areas, traffic flow, and landscaping.
		1.3.10. All zoning needs to include comprehensive sign requirements that are standardized throughout the County.
		1.3.11. All zoning needs to have provisions for sexual oriented businesses.
		1.3.12. In all zoning there should be uniform dwelling regulations that apply equally to all dwellings, regardless of construction type (log, 2X4, frame, pole, modular, mobile home, pre-fabricated, etc.) and uniform structure regulations for non-dwellings.
		1.3.13. Update site condominium regulations in local zoning ordinances.
		1.3.14. In all zoning, consideration should be given for specific standards for specific types of possible special uses – not just the generic special use standards – as well as clearly indicate the general provisions and respective zoning district standards that apply.
		1.3.15. In all zoning , the zoning map should be referenced and made a part of the zoning ordinance, along with rules for interpretation, certification, revision, and replacement.

		1.3.16. In all zoning, the zoning map needs to be modified to comply with this *Plan*. In particular consideration for: X special and unique areas, X avoiding strip zoning, X agricultural preservation, X forest production, X removing incentives for sprawl, X having the option for cluster development, X reinforcement of "town centers" for residential and commercial development, and X heavy industrial in areas where needed infrastructure already exists.
		1.3.17. All zoning should have coordinated overlay districts for historic preservation, airport, wellhead protection, lakes, rivers, where applicable.
		1.3.18. All zoning should include provisions for replacing non-conformities under some circumstances.
		1.3.19. All zoning should include provisions for expansion of existing nonconforming buildings in some circumstances.
		1.3.20. In all zoning, site plans should be required for all permits (in varying degrees of complexity, based on the type of use being applied for).
		1.3.21. County and municipal development proposals and site plan review should be coordinated with all affected agencies. The submitted review comments and/or agency requirements, should be reflected in the staff report and may be made conditions of approval for the project. At the developer's option pre-application meetings, preliminary site plan, and possibly the decision to issue a special use permit conditioned on final site plan approval, should occur prior to requiring other permits.
		1.3.22. In all zoning, civil infraction system of enforcement should be incorporated.
		1.3.23. All zoning should include exceptions from needing a permit for certain types of land use activities, such as essential public utility services, small structures which are not on a permanent foundation, interior design (which is not a change of use).
2. Effective system of land use controls in the township.	2.1. Adequate staff to enforce zoning, and other ordinances dealing with land use issues.	2.1.1. Haring Township needs to maintain a user-pay system with a fee schedule for site plan reviews, and other labor intensive efforts within this *Plan*.
		2.1.2. Provide staffing within the Township to adequately implement this *Plan*, which may include hiring a part-time zoning enforcement officer.

EXPECTED RESULTS
A modern zoning ordinance in effect resulting in better land use management.

The vision of this *Plan* for the future of Haring Township becomes a reality.
Development regulations that provide timely review of zoning, plats, and site-condos.

Part G: Environment, Natural Resources Plan

Chapter G1: Environmental Protection

HARING Township has certain environmental issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on environmental protection. The statements found in this chapter apply only to matters of environmental protection.

Those communities that do not protect their natural resources and quality of life may fail in their long term efforts to sustain economic development.

There are state and federal statutes and administrative rules which govern water discharge. Pollution discharge permit laws preempt local government from enforcing the same or stricter regulations.

There are state and federal statutes and administrative rules concerning air quality emissions. Local governments can enforce the same or stricter regulations. However, it is not practical for the County to attempt to have its own enforcement of air quality issues.

For further information please see Chapter B6 in the *Fact Book*.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Have clean air and water.	1.1. Haring Township should have a cooperative working relationship with state agencies responsible for pollution control/regulation.	1.1.1. Haring Township needs to be pro-active, not reactive, concerning various activities of other government agencies within the boundaries of Haring Township The Township should have a formal review system to respond to public notices of: X Other municipal, county, state, federal and Native American government proposed actions, as appropriate. In doing these reviews the county should recognize that municipal, state, and federal agencies must make their decision based on the standards and policies which are written in the respective statute, ordinance, administrative rule, or plan. In conducting these reviews the county should: X base its comments on the standards which are discretionary, X base its comments on matters of compliance with this *Plan*, X make comment within the Township's area of expertise through its staff or consultants.
		1.1.2. Industry which have significant air pollution discharges should be located in designated industrial districts. New industrial districts should be located so there is consideration of prevailing wind direction relative to existing commercial or residential development.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.1.3. Township zoning inspection staff should establish a working relationship with Public Health Environmental inspection, state pollution enforcement staff, and County inspector-staff (building, soil and sedimentation, drain commissioner).
		1.1.4. Cooperation for enforcement is needed between agencies. When a County or municipality staff/inspector sees a suspected violation they should report to the agency which is responsible for enforcement or administration.
2. Maintain the scenic quality of the County	2.1. Avoid the proliferation of unregulated billboards and signs while allowing the business community the ability to advertise.	2.1.1. Encourage every township with commercial zoning to adopt billboard ordinance to maintain scenic corridors (see scenic roads listed as special and unique areas).
		2.1.2. Haring Township should adopt a comprehensive sign standard.

EXPECTED RESULTS
A close working relationship and information sharing exists between inspection/staff at county, municipality, district health department, state, and federal agencies.
Township officials are informed and provide comments on environmental permit requests.
Future heavy industrial land uses are located at the best possible locations in the county.
The township continues to enjoy a high air, water, and scenic quality.

Chapter G2: Ground and Surface Water Protection

HARING Township has certain ground and surface water issues and goals which apply throughout the township in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on ground and surface water protection.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. To have clean, protected groundwater for use by today's and future generations.	1.1 Participate in and develop programs for ground - water protection as part of county and municipal planning.	1.1.1. Develop wellhead protection plans for Haring Township's water system, and jointly cooperate with well head protection for public water systems in nearby communities.
		1.1.2. Amend the Haring Township Zoning Ordinance to include wellhead protection overlay zone(s).
		1.1.3. Utilize the Groundwater Stewardship Program to prioritize and close abandoned water wells and monitoring wells in wellhead protection overlay zones.
	1.2 Groundwater protection efforts should use a County-wide approach.	1.2.1. Groundwater protection regulations for site plan review and wellhead protection should be developed for Haring Township and be made a part of the zoning ordinance (see pages 120-124 in the *Fact Book*.)
		1.2.2. Haring Township should have a groundwater protection plan.
		1.2.3. Support the amendment of the Wexford County Health Code to provide for performance-based standards for on-site (and cluster) septic systems in areas of the county where large scale high density development is planned and for any development on waterfront.
		1.2.4. If the County Planning Commission creates a groundwater protection team Haring Township should participate.
	1.3 Continuous education programs to emphasize the importance of groundwater protection.	1.3.1. Participation in any county groundwater protection committee that may be formed for promotion, education, and raising awareness of the importance to protect groundwater.
2. Protection and wise management of surface water features in the township.	2.1. Restrict the motorized recreational use of waterways that are largely undeveloped.	2.1.1. Local governments and the DNR should work together to identify environmentally sensitive waterways where motorized water craft should be banned or restricted.
	2.2. Protect watersheds from the negative effects of urban development (surface runoff, point-source pollution,	2.2.1.High-density urban development should be directed away from wetlands and surface water features. Development should be in compliance with state regulation of wetlands.
		2.2.2. Local zoning should require greater setbacks from any surface water features and utilize vegetative buffer strips.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	stormwater.)	2.2.3. Consider developing an anti-funnel/key hole development provision for zoning to help protect intense use of a small area of shoreline based on lake management plan findings (G2., 3.2.8.).
3. To have clean, protected surface water for use by today's and future generations through preventative local zoning provisions to supplement pollution control efforts of state, county, and public health agencies.	3.1 Develop programs for surface water protection as part of County and township planning.	3.1.1. To encourage a county-wide environmental education about water pollution beginning at elementary school levels.
		3.1.2. See strategy, 1.3.1. in chapter G2, page . The committee should also address surface water protection.
	3.2. The township should recognize the valuable asset that inland lakes and streams provide, and the fragile nature of water bodies. The Planning Commission should encourage the development of lake and stream management plans.	3.2.1. Minimum parcel sizes throughout Haring Township should be based on the safe and environmental responsible quality of discharge of on-site sewage effluent, water runoff, water infiltration and other similar considerations. (See recommendation details in Appendix K4.)
		3.2.2. Waterfront parcels should have minimum parcel sizes which include minimum width. (See recommendation details in Appendix K4.)
		3.2.3. There should be uniform water protection standards, with adjacent counties and jurisdictions, for the protection of Muskegon River tributaries (e.g., Clam River). These standards should provide water quality, habitat protection, shade, and aesthetic quality to the river environments. (See recommendation details in Appendix K4)
		3.2.4. Encourage an education program for developed lake parcels which provide setbacks for nutrient sources, and maintaining a vegetation belt. (See recommendation details in Appendix K4)
		3.2.5. Encourage a program for undeveloped lake parcels which provides setbacks for buildings, nutrient sources, and maintaining a vegetation belt. (See recommendation details in Appendix K4.)
		3.2.6. Consider establishing maximum number of mooring places and docks per distance of shoreline based on a lake's carrying capacity. Maintain some shoreline in a natural vegetated state. (See recommendation details in Appendix K4.)
		3.2.7. Encourage lake management plans to be prepared for Long, and Round Lakes following the procedure similar to *Protecting Inland Lakes: A Watershed Management Guidebook*; (Wyckoff, Warbach, Williams) Michigan Department of Natural Resources; February 1990. Issues to focus on include housing density, number of boats on the lakes, and road ends.
	3.3. Have a system for protection from stormwater run-off.	3.3.1. Develop stormwater ordinance and guidelines for, at a minimum, non-residential/non-agricultural development in Haring Township.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		3.3.2. Zoning in the township should include approval, of a stormwater management plan prepared for non-single family residential/non-agricultural sites.
		3.3.3. Request the County Drain Commissioner to review and comment on stormwater management plans for new development.
		3.3.4. Consider reviewing number of parking spaces required in all zoning, to attempt to reduce the required size of parking lots (impervious surface) and requiring parking lot design to include islands of pervious surface.

EXPECTED RESULTS
Better coordination between township and county zoning, and various state and district permit administration agencies.
Haring Township and other municipal and county zoning ordinances includes site plan review for groundwater protection provisions.
County and municipal zoning with jurisdiction around a municipal water well has site plan review for groundwater protection and a Wellhead Protection Program will exist.
The County and the township will not see an increase in the incidence of ground and surface water contamination
Haring Township includes the recommended minimum parcel size, width, and vegetation belts, as appropriate along lakes and streams.
All zoning includes reference to stormwater ordinance and guidelines.
Ground and surface water are protected from increased peak flows, sediment, temperature, hydrocarbons, and streambank erosion.
Less economic loss due to flooding.
Better protection of fish population, and habitat.
Continued high level of tourism because of good water quality in lakes and streams, and abundant fisheries resource.

Chapter G3: Recycling, Solid and Hazardous Waste

HARING Township has certain land use issues and goals which apply throughout the township in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on recycling, solid and hazardous waste. The statements found in this chapter apply only to matters of recycling, solid and hazardous waste.

FOR more information on this issue, see pages 154-156 of the *Fact Book*.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Responsible solid waste management and strong reduce/reuse/recycle behavior by citizens.	1.1 Pay As You Throw (PAYT) programs will be widespread throughout the County and heavily promoted.	1.1.1 The county DPW and municipalities should investigate a PAYT system, where the disposal is based on the volume discarded.[12]
		1.1.2. Education promotes responsible solid waste management, reduce/reuse/recycling.
		1.1.3 The county DPW should investigate charging for solid waste disposal based on weight.
2. Easy, convenient system for recycling.	2.1. Consider participation in a county recycling program.	2.1.1. Participate in locating recycling drop off facilities in accordance with the county recycling program.
		2.1.2. Drop-off sites should be prioritized as follows: 1. At a grocery store 2. At another food & beverage store 3. At a shopping center or mall 4. At general Merchandise Stores 5. At other retail trade stores 6. At a recycling processing facility 7. At another location.
	2.2 Encourage participation in any county (or multi-government) household hazardous waste collection system.	2.2.1. Encourage the DPW and City of Cadillac should continue to seek grants and other funding to retain the hazardous waste collection system.

EXPECTED RESULTS
An increase in participation for recycling, and volume of material recycled in Haring Township and Wexford County.

[12] Pay As You Throw (PAYT) is a volume based charge for disposal of solid waste. It includes pre-paid garbage bags, or bag limits for municipal collection, or graduated fees for level of service. It may include other techniques of limiting volume of solid waste disposed, or charging more for more solid waste being disposed. There are a number of flexible ways do this.

Part H: Economic Plan

Chapter H1: Economic Development

HARING Township has certain land use issues and goals which apply throughout the Township in all future land use plan areas. These concerns are presented in this chapter. The issues presented here focus on economic development.

ISSUES for this topic include:

- X Future industrial, commercial, and office service areas.
- X Creating a positive economic growth climate
- X Retaining, expanding, and recruiting business and industry that will be in compliance with environmental standards
- X Ensuring sufficient housing for the community, industry, and its workforce

This *Plan* advocates a proactive economic growth approach that supports and creates economic opportunities throughout Cadillac area labor market (parts of Wexford, Missaukee, Osceola and Lake Counties). The long-term economic strength of this labor market area will be fundamentally stronger with the implementation of collective strategies and collaborative partnerships specific to business retention, economic development, and strategic planning.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Encourage an orderly pattern of sustainable economic growth with efficient extension of infrastructure, while limiting scattered development.	1.1. Adopt the concept of urban growth area based upon existing compatible land uses, topography, natural features, housing, and the availability of public infrastructure.	1.1.1. Provide training to educate both decision makers, and citizens about the benefits of future industrial, commercial, office service areas, and multi-family development; minimize urban sprawl for efficient use of government services, while protecting natural resources.
	1.2. Designate selected areas as urban growth areas and incorporate these locations in the Haring Township Plan and township Zoning Ordinance (as amended).	1.2.1. Identify areas that would be appropriate for inclusion in an urban growth area.
		1.2.2. Encourage incorporation of urban growth areas as an approach to planning in the Haring Township Plan and amended Haring Township Zoning Ordinance.
2. Support the attraction of new business, industry, and workforce and enhance existing business.	2.1. Encourage collaboration between employers, employees, and existing educational facilities to establish an educated, quality, and sustaining workforce.	2.1.1. Encourage the development of job training and education to increase employee job skills.
		2.1.2. Facilitate a relationship between federal, state, and municipalities with business and industry to promote economic growth through grants for existing and new business and industry.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.2. Retain the current business, and industry base, expand it as applicable, and attract new industry to the labor market area..	2.2.1. Provide incentives that encourage economic development, and strategic planning, including the following: X tax strategies/abatements, X affordable and attractive housing that meets the demands of employers and employees. X recreational and tourism opportunities, X quality and affordable health care, X e. mass and individual transportation.
		2.2.2. Provide and promote industrial parks which have adequate services and infrastructure.
		2.2.3. Provide speculative buildings to promote and attract new business.
	2.3 Identify the labor market area's future niche for economic growth.	2.3.1. Update job retention and development planning to accommodate changing local economic markets due to a global economy.
	2.4. County: Attract diverse business, and workforce. Township: Capitalize on diversity.[13]	2.4.1. County: Promote cultural diversity to attract multi-national business and industry. Township: Support businesses in their efforts to capitalize on diversity.
3. Encourage businesses that comply or exceed existing environmental standards.	3.1. Encourage economic development by supporting businesses that will meet existing environmental standards.	3.1.1. Advocate continued economic growth with compliance of environmental standards resulting in cleaner air, soil and water.
		3.1.2. Facilitate communication between businesses and government to ensure permit compliance.
4. Business should be located in areas with the least impact to the environment.	4.1. Encourage economic growth of existing populated and developed areas within the township.	4.1.1. Emphasize protection of the environment, to maintain quality residential, recreational, and tourist opportunities.
		4.1.2. Concentrate on commercial development using current infrastructure and buildings to the greatest extent possible to limit the environmental impact and employ Brownfield and other tax incentives to provide incentives.
5. Designate adequate residential areas to support community growth.	5.1. Preserve and promote open space in new developments.	5.1.1. Promote Planned Unit Developments (PUDs).
		5.1.2. Promote cluster developments.
		5.1.3. Promote residential development near business, industry, and infrastructure.

EXPECTED RESULTS
A healthy economy with low unemployment.

[13] The term "diversity" refers to valuing and benefiting from personal differences. These differences address many variables, including race, religion, color, gender, national origin, disability, sexual orientation, age, education, geographic origin, and skill characteristics, as well as differences in ideas, thinking, academic disciplines, and perspectives.

Chapter H2: Tourism

HARING Township has certain land use issues and goals which apply throughout the Township in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on tourism.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Sustain and enhance tourist based economic growth and development.	1.1 Develop trails which enhance and connect existing multi-use trail systems with the National Forests, State of Michigan, City of Cadillac, surrounding counties and communities.	1.1.1. Include trails as part of the Township's five year recreation plan for grant funding TEA-21 grants for trail development in instances of willing private property owner donation, or willing buyer-seller.
		1.1.2. Encourage easements for connecting multi-use trails in instances of willing private property owner donation, or willing buyer-seller.
		1.1.3. Cooperate in the extension of the Clam River Greenway from CASA-WISE north to E. 32 Road (Boon Road, Coates Highway) to connect with the Cadillac Pathways and possible additional points north (using the Freeway right-of-way) toward Manton in instances of willing private property owner donation, or willing buyer-seller.
		1.1.4. Educate developers and businesses where the trails and trail connections are so that they will promote them as part of their developments and to business customers.
		1.1.5. In creation of trails, include in its design appropriate buffering along private property and reasonable mitigation for private property.
	1.2 Cooperate with others to provide year-round recreational opportunities to provide for additional tourism.	1.2.1. Coordinate recreation events with local governments, Chambers of Commerce and the Cadillac Visitor and Convention Bureau.
		1.2.2. Recognize that volunteer organizations such as the Cadillac Anglers Association, Quality Deer Management, Winter Warriors and others play an important role in promoting tourism.
		1.2.3. Encourage compatibility of tourism with residents through education and law enforcement so people respect the rights of the private property owner.
	1.3 Cooperate with others to promote tourism through development of facilities and infrastructure.	1.3.1. Identify this need as part of the Township's 5 year recreation plan for grant funding for eligibility of state and local grant funding.
		1.3.2. Consider public access to scenic, and appropriate special and unique areas of the township while protecting the resource in instances of willing private property owner donation, or willing buyer-seller.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.3.3. Recognize the county's important downtown areas in Cadillac, Manton, Buckley, and Mesick as tourist attractions and tourist service/retail centers.
	1.4 Protect scenic corridors along the scenic roads in special and unique areas.	1.4.1 Consider the Natural Beauty Roads (Act 150 of 1970).

EXPECTED RESULTS
Identification and protection of the county's special and unique areas.
Promotion of city, villages, and townships recreation events.
Respect and protect private property while obtaining the above objectives.

Part I: Human Services and Housing Plan

Chapter I1: Human Services

HARING Township has certain land use issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter. The issues presented here focus on human services.

ISSUES for this topic include:

- X Education
- X Health Care
- X Healthy Families
- X Safety

Haring Township will improve its awareness, and support for the existing human service organizations by supporting the county's conduit for information throughout the county.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Haring Township will have high quality life time education available to all citizens.	1.1. Support multiple levels of education including: special education, preschool, vocational, technical education and colleges.	1.1.1. Participate in a community/school interaction task force to focus on the quality of education, if created.
		1.1.2. Participate in a ity/county schools committee to oversee facilities and assess needs for growth and maintenance, if created.
		1.1.3. Improve communication and public awareness to promote school quality.
		1.1.4. Strengthen support for school counselors.
		1.1.5. Support or participate in the School Success Worker program.
		1.1.6. Support or participate in any mentoring programs.
		1.1.7. Encourage and support expansion of the Career Tech Center.
		1.1.8. Participate and collaborate with *Community Asset/Needs Assessment* Educational Task Force.
2. Wexford County will have quality, affordable health care for all citizens.	2.1. Haring Township will support county, human service agencies, and other organizations working on health care.	2.1.2. Collaborate with the *Community Asset/Needs Assessment* Health Assessment Task Force to support community health initiatives.
3. Maintain strong, healthy families.	3.1. Support collaboration with the Multi-Purpose Collaborative Body, *Community Asset/Needs Assessment*, United Way, and other community organizations committed to	3.1.1. Support Multi-Purpose Collaborative Body, and *Community Asset/Needs Assessment* efforts to strengthen communities.
		3.1.2. Support and improve programs such as: domestic violence prevention and treatment, child abuse and neglect prevention and treatment, parenting education.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	strengthening families.	3.1.3. Participate in any countywide asset survey on youth development, if created.
		3.1.4. Adopt state standards for child care or elder care day care facilities.
4. Wexford County will be a safe community that provides a good quality of life.	4.1. Haring Township provides the means for a safe community environment.	4.1.1. Haring township supports emergency services such as Emergency Medical Service (EMS) and police. Haring Township will continue to provide fire protection services.
		4.1.2. Support emergency coverage in all areas of the Township by participating in any county established emergency house numbering systems.
		4.1.3. Participate in the County disaster plan.
		4.1.4. Encourage and support crime prevention programs through school/police collaboration.

EXPECTED RESULTS
A healthy and diverse community in terms of education, health care, families, and safety.

Chapter I2: Housing

HARING Township has certain land use issues and goals which apply throughout the township in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on housing.

ISSUES for this topic include:
Housing.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Haring Township will have safe and affordable housing available for all income levels and family situations.	1.1. Provide a variety of housing types to meet all income levels.	1.1.1. Promote and encourage property maintenance. This may include ordinance regulation in residential, commercial and industrial areas as shown on the future land use map.
		1.1.2. Encourage the use of grant funds to support low-income, disabled, and elderly housing.
		1.1.3. Encourage community plans for the construction of affordable homes, and maintenance of affordable homes for low income persons.
		1.1.4. Provide zoning for multiple-family homes.
		1.1.5. Encourage cooperation between cities, townships, and County on housing needs.
		1.1.6. Support and participate in an Affordable Housing Task Force to review, recommend, and monitor housing needs.
		1.1.7. Support and participate creative financing for low income housing.
		1.1.8. Support existing agencies for needs of the elderly and the homeless.
		1.1.9. Encourage an adequate number of well-maintained rental properties.

EXPECTED RESULTS
Safe and affordable housing.
More services for the elderly and disadvantaged.

Part J: Infrastructure Plan

Chapter J1: Transportation

HARING Township has certain land use issues and goals which apply throughout the Township in all future land use plan areas. These concerns are presented in this chapter and focus on roads.

Haring Township's interest is with county local roads, where the township shares in the cost of road improvement and construction.

ISSUES for this topic include:

- X Roads
- X Public Transportation

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Wexford County will improve and maintain a safe and efficient road system (Wexford County Road Commission Mission Statement, 2002.).	1.1. Coordinate the future land use map with existing road structures.	1.1.1. For primary roads: a. Review and actively participate with the Road Commission's creation and updating of its revolving five-year plan for Primary Road Construction and Heavy maintenance; b. Review and actively participate with implementation of the Road Commission's prioritized list of surface maintenance locations, while working within annual budget constraints; and c. Support bi-annual bridge inspections and subsequent funding applications.
		1.1.2. Subdivision and plat development, and road upgrades are in accordance with the road commission policies.
		1.1.3. For local road systems: a. Consider developing and maintaining a Township revolving five-year plan for local road improvement; b. Review and actively participate in the development of the Road Commission's revolving five-year plan for local road improvement, (the Road Commission Five Year Plan is incorporated as part of this *Plan*); c. Consider exploring millages for road improvement, d. Continue road commission local road maintenance, procedures for road surfaces, bridges and culverts while working within annual budget constraints; e. Support bi-annual bridge inspections and subsequent funding applications; and f. If a paved road is returned to a gravel state, it should be re-paved as soon as possible.
		1.1.4. Consider using township and private funds, county and township road millages, and maximize funds through participation to maintain local roads.
2. Wexford County will have public transportation services appropriate for its size and rural nature.	2.1. Maintain support for existing public county transportation services in Haring Township.	2.1.1. Continue support for Cadillac-Wexford Transportation Authority and private taxi services.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.2. Support moderate expansion of the Wexford County Airport.	2.2.1 Continue to enhance services at the airport to attract commuter business.
		2.2.2. Encourage zoning that is compatible with the possibility of increasing the length of the runway.
		2.2.3. Recommend restrictions on heights to conform with state and federal regulations. Recommend construction to provide noise abatement features.
		2.2.4. Encourage commuter air traffic; e.g. through the Instrument Landing System (ILS) development.
		2.2.5. Encourage update the existing terminal building.
		2.2.6. The County Airport Master Plan is incorporated as part of this *Plan*, and future revisions of that Airport Plan may be submitted to the Commission for consideration as an addendum to this *Plan*.

EXPECTED RESULTS
Development occurs as planned.
Infrastructure costs decrease.
The environment remains clean and healthy.
Municipalities begin to participate in regional facilities, and individual costs decrease.
A safer and more efficient road system.

Chapter J2: Recreation

HARING Township has certain land use issues and goals which apply throughout the Township in all future land use plan areas. These concerns are presented in this chapter.

At this time Haring Township does not have a park system.

The issues presented here focus on recreation.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Have more emphasis on development of a non-motorized trail system as part of a Recreation Plan.	1.1. Plan and develop a trail system on parcels of land before they become developed.	1.1.1. Consider a non-motorized trail plan.
		1.1.2. Seek agreement with developers of parcels of land, where the trail plan anticipates a future trail, to have easements for future trail development. Agreements concerning easements are to be with willing private property owner donation, or willing buyer-seller.
		1.1.3. Participate in the expansion of the Clam River Greenway from Thirteenth Street north to E. 34 Road (Boon Road) and Cadillac Pathways.

EXPECTED RESULTS
Safe regional outdoor sports facility for soccer, football, baseball, etc.
Trails that link natural areas, historic sites, parks, gathering places, athletic fields, and open space in the Township.

Chapter J3: Water and Sewer

HARING Township has certain land use issues and goals which apply throughout the Township in all future land use plan areas. These concerns are presented in this chapter. The issues presented here focus on water and sewer.

ISSUES for this topic include:

- X Water and Sewer Systems
- X In 2017 the sewer treatment contract between the city, county, and Haring Township comes to an end, with it being unclear if the city will consider renewing it.
- X There are three primary sewer and wastewater treatment system possibilities, all of which should remain options under this plan: (1) a regional system using the city of Cadillac's wastewater treatment plant, (2) Haring Township constructs its own wastewater treatment plant, and (3) a regional wastewater treatment plant in Haring Township which services other townships (Selma, Cherry Grove, Clam Lake, and possibly others).
- X While this plan preserves a regional approach, the township reserves the right to pursue non-regional options if conditions of regionalization become disadvantageous to Haring Township (e.g., loss of territory among other issues).

The Township has an overall goal which is to provide water and sewer service within the urban growth area. Cooperation with other local governments to support regionalization for the purpose of improving the economic health of the entire region is desired.

To accomplish these goals the township recognizes regionalization may reduce costs to users for providing these services. The first strategy is that Haring Township should create future plans for maximum use of existing infrastructure. The second strategy is to examine the existing infrastructure in neighboring municipalities, and determine if regionalization will better serve the community.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Provide sewer and treatment through cooperative efforts that benefit the region as a whole.	1.1. Regionalize municipal sewer facilities so they operate in the most efficient manner, using the city of Cadillac's wastewater treatment plant.	1.1.1. Identify existing infrastructure and capacity.
		1.1.2. Draw an infrastructure service area that is coordinated with the future land use map urban growth area boundary to define where sewer infrastructure should be supported.
		1.1.3. Direct new development to existing infrastructure.
		1.1.4. Encourage a central authority to operate the facilities.
		1.1.5. Develop a planning group for infrastructure.
		1.1.6. Improve enforcement of sewer ordinances to require hookups and regular evaluation of rate structures.
		1.1.7. Research models for regional cooperation and boundary establishment.
	1.2. Haring Township	1.2.1. Identify existing infrastructure and capacity.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	constructs its own wastewater treatment plant.	1.2.2. Draw an infrastructure service area that is coordinated with the future land use map urban growth area boundary to define where sewer infrastructure should be supported.
		1.2.3. Direct new development to existing infrastructure.
		1.2.4. Improve enforcement of sewer ordinances to require hookups and regular evaluation of rate structures.
		1.2.5. Develop a planning group for infrastructure.
	1.3. A regional wastewater treatment plant in Haring Township which services other townships (Selma, Cherry Grove, Clam Lake, and possibly others).	1.3.1. Identify existing infrastructure and capacity.
		1.3.2. Draw an infrastructure service area that is coordinated with the future land use map urban growth area boundary to define where sewer infrastructure should be supported.
		1.3.3. Direct new development to existing infrastructure.
		1.3.4. Encourage a central authority to operate the facilities.
		1.3.5. Develop a planning group for infrastructure.
		1.3.6. Improve enforcement of sewer ordinances to require hookups and regular evaluation of rate structures.
		1.3.7. Research models for regional cooperation and boundary establishment.
	1.4. Utilize alternative methods for on-site sewage treatment.	1.4.1. Support modification of the county health code to allow the option of use of performance standards for on-site sewage treatment to allow alternative designs.
		1.4.2. Encourage or require performance-based septic systems in waterfront and high ground water areas.
2. Provide clean and safe water in the township.	2.1. Provide water through the township system and consider future cooperative efforts that benefit the region as a whole.	2.1.1. Draw an infrastructure service area that is coordinated with the future land use map urban growth area boundary to define where water infrastructure should be supported.
		2.1.2. Improve enforcement of water ordinances to require hookups and regular evaluation of rate structures.
		2.1.3. Overall improvement of the existing water distribution system to avoid dead ends and maximize loop design.
	2.2 Participate in and develop programs for ground water protection as part of county and township planning.	2.2.1. Develop wellhead protection plans for Haring Township's water system, and jointly cooperate with well head protection for public water systems in nearby communities.
3. Cost effective finance of water and sewer service	3.1. Reduce overall costs of operating a water and sewer system to residents, commercial, and industrial customers.	3.1.1. Proactive research of grants, loans, donations, technology advances, and inclusion of future sinking fund (capital improvement) for future improvements to water and sewer systems, as well as technology advances.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
4. An informed citizenry on the township's water and sewer issues.	4.1. Educate citizens on the finance, needs, and consequences regarding water and sewer.	4.1.1. Include information in any number of ways, including township newsletter, web site, public meetings.

EXPECTED RESULTS
Development occurs as planned.
Infrastructure costs decrease.
The environment is better protected.
Municipalities begin to participate in regional facilities and individual costs optimized.
A water and sewer system is in place for the long term, which meets the township's needs.

Part K: Appendixes and Addendums

Appendix K1: Background For Government Cooperation

THIS appendix is to present, in more detail, the background discussion which was agreed to by the "Government Cooperation" subcommittee of the "Plan Committee" of the Wexford County Planning Commission during its deliberations which resulted in the goals, objectives, and strategies contained in the county's Plan chapter "E2: Government Cooperation."

For further background one should review the sections of the *Fact Book* on urban growth areas (pp. 90-94, 115), the sections on public water, and public sewer in the Infrastructure Chapter (B12, pp. 273-286, 301-302); and the County Plan appendix K1.

The Haring Township Planning Commission modified "E2: Government Cooperation" in this *Plan* in accordance with the needs of the township.

Appendix K2: Future Land Use Map Detail

THE future land use map for the *Wexford County Comprehensive Plan* was made using GIS analysis capacity. The analysis is based on the resource mapping information found in the *Fact Book*. That map was the starting point for the Haring Township future land use map.

The following table presents a brief outline of the process used to develop the future land use map in Chapter F1. The rules, or steps to produce the county's map were selected after a process of study and discussion by the Land Use Map Subcommittee of the Plan Committee of the Wexford County Planning Commission. That was the starting point for the future land use map for this *Plan*.

Then the Haring Township Planning Commission reviewed the map from the county, and made the following modifications:
1. [[[[[

The process presented here, favors both protection of environment and favors commercial and industrial development, but in different appropriate areas, and affords protection of residential and agricultural-forest production areas from commercial/industrial encroachment. It is the intention of the Haring Township Planning Commission to balance the need for commercial/industrial parts of the economy while at the same time recognizing the environmental aspect of quality of life are important for residents, to attract commercial/industrial enterprise owners to the area, and for tourism.

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
1	Show on a map the designated **Special and Unique Areas**. This is a starting point, in an attempt to recognize those areas of the county which may require particular land use management attention. All Special and Unique Environments might not be treated equally. A priority is given to those special and unique areas that are so designated because of natural, environment or timber harvesting reasons. (For example, on the map, historic districts would not appear as special and unique. Rather, it is shown as a commercial Plan Map Area. This is because the commercial district treatment of that area (such as with zoning, or a downtown development effort) is not unique, while zoning treatment for a fragile wetland has a more likely chance of requiring particular zoning regulation or treatment.) Also, some special and unique areas are "written off" as having been already developed to the point of having lost the character that caused the area to be so designated.	High precedence	Dark green	coarse dot pattern

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
2	Overlay on the map information on urban residential use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed residential (high density housing, subdivisions), and areas currently zoned residential). From this one develops an area labeled as "**residential**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1) have precedence and remain as shown.	Yellow	brick pattern
3	Overlay on the map information on office service use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed office service (professional offices, personal service establishments), and areas defined on the Clam Lake DDA Plan, Draft #5. From this one develops an area labeled as "**office service**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1, 2) have precedence and remain as shown.	Light Orange or Magenta	45 degree diagonal thin lines
4	Overlay on the map information on resort use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed resorts (golf courses, ski areas, conference centers, etc.), and areas defined as resort on the Clam Lake DDA Plan, Draft #5. From this one develops an area labeled as "**resort**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-3) have precedence and remain as shown; other areas (#6-9) do not have precedence and the area is shown as office service.	Pink	horizontal thin lines

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
5	Overlay on the map information on commercial activities (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed commercial (high density commercial, commercial subdivisions), and areas currently zoned commercial). Strip zoning districts that are not currently used as commercial were eliminated; those that are commercial were expanded to include entire properties, with a maximum quarter mile setback in rural areas. From this one develops an area labeled as "**commercial**." (Note: Wexford County's C-2 districts were mapped as commercial, despite being classified as industrial. This was done to eliminate industrial uses in rural areas.) Remove from the map commercial sites that are small (single or very few property owners) and isolated. The boundaries of the sphere of economic influence of communities in the county were used, mainly to identify trade centers and to check to make sure to place a commercial area in each trade center.	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-4) have precedence and remain as shown; other areas (#6-9) do not have precedence and the area is shown as commercial.	Orange	Gray
6	Overlay on the map information on industrial activities (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed industrial parks, and areas currently zoned industrial). From this one develops an area labeled as "**industrial**." (Note: The industrial zone in the southwest quadrant of the village of Mesick was changed to residential, due to it's proximity to the Hodenpyl Pond Remove from the map industrial sites that are small (single or very few property owners) and isolated (i.e. saw mills, oil wells).	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-5) have precedence and remain as shown; other areas (#7-9) do not have precedence and the area is shown as industrial.	Red	Black

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
7	**Urban Areas** have been defined and shown on the map. The Land Use Map Subcommittee defined urban growth areas (UGA). All incorporated areas were included in the initial UGA boundaries. Commercial, industrial, office, and urban residential developments near or adjacent to incorporated areas were then added to the UGA. In addition, any “holes” in the UGA map were filled in as **transition** or as an expansion of an adjacent current land use. Remaining areas were added at the request of the Land Use Map Subcommittee. In the Cadillac UGA, remaining areas bounded by E. 34 Rd, US 131 Freeway, M-115, W. Division St., and S. 39 Rd extended, were added as transition areas. The Manton UGA was extended east from the easterly city limits to the US 131 freeway. The Buckley UGA also includes a transition area in the west half of Section 6, Hanover Township. The Mesick UGA includes a industrial expansion area in the NE ¼ of Section 12, Springville Township and a residential expansion area in the SE ¼ of Section 12, Springville Township.		Black solid thick boundary around the Urban Growth Areas.	Black solid thick boundary around the Urban Growth Areas.
8	There may be areas that are likely to be in transition (usually toward urban residential, office service, commercial, or industrial uses). These areas should be defined and shown on the map. From this one develops an area labeled as "**transition**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-6) have precedence and remain as shown; areas (#8-9) do not have precedence and the area is shown as transition.	Brown	wavy lines

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
9	Overlay on the map information from the agricultural and prime forest mapped information. These areas are then added to the Plan Map as "**resource development**" Plan Map Areas. This is intended to show areas of the county where the land resources presents more suited conditions for agriculture and forestry practices, as well as areas that have a history of being used as agricultural. Contiguous areas of less than 40 acres are not included in the "resource development" map areas.	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-7) have precedence and remain as shown; other areas do not have precedence and the area is shown as resource development.	Light Green	vertical thin lines
10	All the area now left over is an area labeled "**rural residential**."	Lowest precedence	White	White
11	Compare the boundaries on the map with the following to modify/straighten them to follow, in order of priority: (1) Survey lines created from the public land survey system (e.g. tier and range lines, section lines, ¼ lines, $^{1}/_{16}$ lines, etc.), (2) Natural features (rivers, lakes, contours), (3) Transportation right-of-ways (roads, railroads, alleys, utility easements), and (4) Parcel boundaries (property lines). Adjust the boundaries shown on the map to follow the above.	n/a	Thin black line (with roads in a gray and water as dark blue).	Thin black line (with roads, water shoreline s as gray lines)
12	Editing done by public review and action by the county planning commission and committee(s).	n/a	n/a	n/a
13	Haring Charter Township Planning Commission then went through the detail of the county future land use plan map by a public land survey section at a time. The purpose of the section-by-section review was to compare with the former township future land use map and current township zoning. Most the time the new county future land use plan map was followed, but there will be detail which will result in changes. Those changes are: 1. [[[[[			
14	Final editing was done as a result of public review and action by the Haring Township Planning Commission following public comment and hearings on this *Plan*. No further changes were requested or made as a result:	n/a	n/a	n/a

Future Land Use Map areas relative to Projected Growth Demands in Haring Charter Township

Future Land Use Map classification	Generic Zoning Name	Existing Zoning Districts in Haring Charter Township (Based on Wexford County GIS Composite Zoning Map)		Actual Land Use **1978** (Based on Miris Land Use/cover)	Actual Land Use **1998/99** (Based on Miris Land Use/cover)	County Future Land Use and Anticipated Growth
		Estimated Square Miles (source: p. 326 *Fact Book*)	Percent of Township Land Area (source: p. 326 *Fact Book*)	Square Miles in Haring Charter Township	Square Miles in Haring Charter Township (source: p. 326 *Fact Book*)	Square Miles shown on County Future Land Use Map
Industrial	Industrial	0.43	1.31%	0.33 (inc. airport)	0.32 (inc. airport)	0.48
Commercial	Commercial (& Mixed Residential/ non-rural Residential	1.64	4.98%	0.20	0.52	1.34
Office Service						0.00
Resort	Residential	3.98 (residential & lake resort)	12.10%	1.41	2.10	0.00
Residential						1.60
Rural Residential	Rural	26.86 (agricultural & forest recreation)	81.64%	27.76	26.38	23.84
Agricultural-Forest Production	Agricultural-Forest Production (agriculture/ forest preservation)	0.00		1.57	1.13	0.00
Special and Unique	Conservation	0.00	0.00%	1.11	1.82	4.07
(Transition)		n/a	n/a	0.00	0.00	0.96
	Overlay (airport)	n/a	n/a	n/a	n/a	yes
	Other	n/a	n/a			n/a
	Not zoned	n/a	n/a	n/a	n/a	n/a

August 26, 2005

Columns will not add to precisely the same total due to rounding, different mapping projection used for different data sets, and acquisition differences. An error of 0.0004% to 0.016% should be expected.

The Special and Unique area does not include the lineal area along Coates Highway (Boon Road, E. 34 Road).

Appendix K3: List of Special and Unique Areas

The list of special and unique areas for purposes of this *Plan* are listed in this Appendix.

Map Symbol	Name	Reasons
4ERT	Long Lake	Long Lake State Forest Campground. Network of lakes around Long Lake. Public ownership block Timber management. Occupied habitat for rare, endangered, and threatened species of plant and animal life.
43H	Coates Highway (W 30 Road, S 23 Road, W and E 34 Road (Boon Road)).	Proposed in the 1930s by Dr. Coates, Kaleva, Michigan, as the route for M-55, marked with monuments in Manistee and Wexford Counties. Goes from Manistee to Lake City.

Other areas of concern:

Map Symbol	Name	Reasons
Twp1	Former township dump (SW¼ of section 9)	Possible brownfield site, with tax incentives for cleanup and redevelopment.
Twp2	Cemetery (NE¼ of the SE¼ of section 17)	Local historic area.
Twp3	Wexford County [indigent] farm. (NE¼ of NW¼ of Section 16)	Local historic area.
Twp4	Shay Locomotive birth site (SW¼ of NW¼ of section 16)	Local historic area.
Twp5	Bond's Mill Pond (W½ of NW¼ of section 4).	Local historic area.
Twp5	Cronkite private dump (SW¼ of SE¼ of Section 8)	Possible brownfield site, with tax incentives for cleanup and redevelopment.

Appendix K4: Specific Detail/Recommendation; Selected Strategies

THIS appendix is for reporting details and recommendations which grew out of the County Plan Committee subcommittees, County Plan Committee, and County Planning Commission process of preparing this *Plan*. The detail that follows is what the Haring Township Planning Commission felt was appropriate as part of a statement of strategy, policy, or method for purposes of this *Plan* document.

Chapter F5 and F6: Residential and Rural Residential

Recommendation details for strategy F5.3.1.1., F5.3.1.2., F6.2.1.3., and F6.2.1.4.

> "(convenience stores, ice cream parlors, etc.) as a special use in residential and rural residential areas. Restrict the scope of operation (square footage of the building, number of parking spaces, signage, hours of operation, etc…) to eliminate the potential for negative impacts on the surrounding area. Such commercial uses should be located along county primary roads or state highways; not on local roads or neighborhood streets".

Chapter G2: Ground and Surface Water Protection

Recommendation details for strategy G2.3.2.1.:

> "Minimum parcel sizes throughout Haring Township should be based on the safe and environmental responsible quality of discharge of on-site sewage effluent, water runoff, water infiltration and other similar considerations."

These following are recommendation/details presented by the county planning commission's Environmental Subcommittee: The minimum parcel size should be 15,000 square feet for three bedroom single family homes where no public water and sewer available. The parcel size should be larger if the size of the home (thus septic system size) is larger. A minimum parcel size should be 12,000 square feet when both public water and sewer are available (to reflect the minimum lot size contained in the Michigan Land Division Control Act. These minimum sizes should be considerably larger in recreation and environment oriented special and unique areas on the Future Land Use Map areas.

Recommendation details for strategy G2.3.2.2.:

> "Waterfront parcels should have minimum parcel sizes which include minimum width."

The following are recommendation/details presented by the county planning commission's Environmental Subcommittee: On any waterfront land the parcel width should be a minimum of 100 feet wide throughout. These minimum sizes should be considerably larger in recreation and environment oriented special and unique areas on the Future Land Use Map areas.

Recommendation details for strategy G2.3.2.3.:

> "There should be uniform water protection standards, with adjacent counties and jurisdictions, for the protection of Muskegon River tributaries (e.g., Clam River). These standards should provide water quality, habitat protection, shade, and aesthetic quality to the river environments."

The following are recommendation/details presented by the county planning commission's Environmental Subcommittee: On the Muskegon River's tributaries (e.g., Clam River) regulations should be in place to require:

- A minimum vegetation belt of 75 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel).
- Building, and nutrient source setback of 100 feet from the ordinary high water mark (but may be decreased 1 foot for every foot rise in bank height to a minimum setback of 75 feet) and nutrient sources at least 4 feet above the seasonal high groundwater table.
- Bluff setback of 25 feet.
- Minimum parcel size of 80,000 square feet (pre-existing parcels are grandfathered).
- Minimum parcel width of 200 feet, and have at least 200 feet of water frontage (pre-existing parcels are

grandfathered).

- A parcel must have at least ½ acre of existing contiguous upland buildable area landward of the minimum building setback line.
- A parcel must have a maximum impervious surface which is 35% if the parcel is less than 10,000 square feet; 25% if the parcel is 10,000 to 40,000 square feet; 20% if the parcel is over 40,000 square feet.
- One principal use per parcel (single family dwellings with accessory uses (garage, sheds, decks, dock, stairs, 2 sq.ft. sign, home occupations); rental cabins; campgrounds; agriculture; mining if 300 feet from the river) with a 2½ story (35 feet) maximum height.
- Structures, dredging, filling, and draining may not be placed on land within the 100-year floodplain or in any wetland area.
- Docks should not exceed 4 feet in width, 12 feet in length, and no more than 4 feet of dock over the water.

Recommendation details for strategy G2.3.2.4.:

"Encourage an education program for developed lake parcels which provide setbacks for nutrient sources, and maintaining a vegetation belt."

The following are recommendation/details presented by the county planning commission's Environmental Subcommittee:

On lake front land which is already developed an education program should be in place to encourage:

- a set-back from lakes, ponds of 50 feet for buildings;
- 100 feet for nutrient sources such as drain fields, highly fertilized area, manure storage;
- A minimum vegetation belt of 20 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel) for rivers and streams.

(This would be considerably wider and apply to lakes, ponds, rivers, and streams in recreation and environment oriented special and unique environment Future Land Use Map areas.)

Recommendation details for strategy G2.3.2.5.:

"Encourage a program for undeveloped lake parcels which provides setbacks for buildings, nutrient sources, and maintaining a vegetation belt."

The following are recommendation/details presented by the county planning commission's Environmental Subcommittee: On lakefront land which is currently not developed regulations should be in place to require:

X a set-back from lakes, ponds of 50 feet for buildings;

X 100 feet for nutrient sources such as drain fields, highly fertilized area, manure storage;

X A minimum vegetation belt of 20 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel) for rivers and streams.

(This would be considerably wider and apply to lakes, ponds, rivers, and streams in recreation and environment oriented special and unique environment Future Land Use Map areas.)

Recommendation details for strategy G2.3.2.6.:

"Consider establishing maximum number of mooring places and docks per distance of shoreline based on a lake's carrying capacity. Maintain some shoreline in a natural vegetated state."

The following are recommendation/details presented by the county planning commission's Environmental Subcommittee: On all lakefront land regulations should be in place to require:

X Not more than one dock per 100 lineal feet of water frontage (existing second, or more, docks are grandfathered)

X A maximum of two watercraft with a motor moored (to a dock or in a hoist) per 100 lineal feet of water frontage.

Appendix K5: *Plan* Adoption Documentation

THIS appendix has four parts

- X One; comments for the 65 day cooperative planning review period and Planning Commission responses.
- X Two: comments for the public hearing and Planning Commission responses.
- X Three: Adoption documentation.
- X Four: Type of plan this *Plan* is.

Parts One and Two

On the remainder of the pages in this appendix, are copies of the letters, public notices, news media coverage, etc. documenting the proper procedural steps for the adoption of this *Plan*. Included are:

This Appendix presents the text of each comment received by the Haring Township Planning Commission on the proposed *Plan*, [[[[date]]]] (page numbers in this

Appendix refer to the printed version of this draft). The comments are arranged to appear in the same order as the subject of the comment appears in the *Plan*.

Each comment is titled, with reference to the goal, objective, policy/strategy/method using a citation method of the chapter number, and the goal, objective, policy/strategy/method followed by the page number. An example would be E1., 1.1.1. (p.) to refer to the first policy/strategy/method of the first objective of the first goal of chapter E1 on "Township Wide Goals" on page . In cases where the comment is not about a specific goal, objective, policy/strategy/method place those in order as it appears in the *Plan* and refer to it be chapter number, column and paragraph.

The purpose of receiving comments, and reviewing those comments, is for the Planning Commission to determine which one of the following actions are taken concerning each comment:

- X The *Plan* was changed as a result of the comment.
- X A presentation of a preponderance of evidence/facts exists which does not support any change of the *Plan*.
- X A combination of the above.

Upon review by the Planning Commission, the Commission made its decision based on a preponderance of evidence/facts contained or not contained in the comment, the *Plan*, the *Fact Book*, and other sources.

ONE: 65 Day Comments by Governments

THE first part is a review of comments made during the 65 day comment period on the proposed *Plan*, [[[date]]], 2009 draft. This comment period was for municipalities within and contiguous to Haring Township. Copies of the plan was also available on the Internet, and at each public library in the county. The proposed *Plan*, [[[date]]].

TWO: Public Hearing Comments

THE second part is a review of comments made during the 30 day public comment period and public hearing on the proposed Plan, [[[[date]]]] draft. This hearing was for the general public, with copies of the plan available on the Internet, and at each public library in the county. (page numbers in this

Appendix refer to the printed version of this draft). The comments are arranged to appear in the same order as the subject of the comment appears in the *Plan*.

THREE: Adoption Documentation

ON the remainder of the pages in this appendix, are copies of the letters, public notices, news media coverage, etc. documenting the proper procedural steps for the adoption of this *Plan*. Included are:

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (1 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (2 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (3 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (4 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (5 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (6 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (7 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is starting to prepare this *Plan* (8 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of _ Haring Township Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Haring Township the planning process is startingto prepare this *Plan* (9 of 9 pp.).

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of Haring Township Planning Commission minutes acting to send the plan to the township board for the start of the 65 day adjacent and within municipality review
X Memo to Township Board conveying the draft plan to the Board

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of the Haring Township Board resolution (_) which approves the plan for distribution at the start of the 65 day adjacent and within municipality review.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Affidavit of publication of legal notice on 65 day comment period.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within municipality review period. (pp. 1 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within review period. (pp. 2 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within municipality review period. (pp. 3 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within municipality review period. (pp. 4 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within municipality review period. (pp. 5 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within municipality review period. (pp. 6 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Planning Commission resolution to Hold a Public Hearing on the Proposed *Plan*.
X Copy of the legal notice and publisher's affidavit of publication in the *Cadillac News* of the public hearing.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy Township Board resolution which asserts the right of the township board to adopt the plan.
X Certified copy of the minutes of the hearing (pp 1 of 3)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of the minutes of the hearing (pp 2 of 3)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of the minutes of the hearing (pp 3 of 3)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of Haring Township Planning Commission March 18, 2004 resolution to adopt the *Plan* and recommending the same to the Township Board.
X Certified copy of the Township Board resolution which approves the *Plan*.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

X Certified copy of the letter, affidavit of mailing, of transmittal of a "certified copy of the adopted *Plan*" to the Wexford County Board of Commissioners (j the county clerk).

X Certified copy of the letter, and affidavit of mailing, of transmittal of the adopted *Plan* to:

a. Planning Commission of each city, village, township within or next to Haring Township (if no planning commission, then to the legislative body).

b. Northwest Michigan Council of Governments.

c. Planning Commission of each adjacent county (if no planning commission, then to the county board).

d. Each public utility company and railroad company, if they have registered their name to get a copy (if you do not know if they registered or not, then send a copy to each).

(Optional)

e. The U.S. Forest Service (Manistee Ranger office), MDOT, DNR forestry, DDA, airport, TIFA districts.

f. Cadillac Public Library and public high school libraries.

g. State of Michigan Library, MSU Library, MSU School of Urban Planning library.

FOUR: Type of Plan This *Plan* Is

THE following table presents the content of a plan, according to "Best Planning Practices" adopted by the Michigan Society of Planning.[14] The table provides the "Best Plan Practice" along with a cross reference for where the material is found in this *Plan*.

There are a number of different types of plans which might be prepared by a township planning commission. The first or most basic is a county "**General Plan**" (not applicable for a township). This is the most basic type of plan, and should only be considered as adequate for a county that does not have a county zoning ordinance. If the county administers a zoning ordinance, or if the plan is intended to be a document a township adopts for purposes of being the basis of that municipality's zoning ordinance, then the planning commission should also prepare a "**Future Land Use Plan**," at a minimum. The next step up would be a **"comprehensive plan."** The planning commission can also combine the "General Plan" and "Future Land Use Plan" into one document. In addition, if the situation in the community warrants, a "**Growth Management Plan**" or "**Redevelopment Plan**" should be prepared to include a mechanism for phasing growth or redevelopment efforts. In addition a plan may include as part of the plan, or as separate plans some or all other planning efforts. Finally, a plan can incorporate, by reference to relevant portions of other plans, including any of the following adopted plans that apply to the territory covered by the planning commission.

As a result of this analysis, this is a "Comprehensive Plan," which the township is calling a "Comprehensive Master Plan."

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
General Plan Is a policy-based plan with generalized future land use maps.		(entire plan)	
Include a section on affordable housing needs and a strategy to meet those needs.	Chapter B2	Chapter I2	
Includes a section on job development and a strategy to meet those needs.	Ch. B10	Ch E1, Part H	
Address the relationship between jobs, housing, and transportation within the county or region.	Part of Ch. B4, B8. Ch. B11		
Include a separate section on multimodal transportation including streets and highways, public transit, airports, railroads, ports, and pedestrian and bicycle ways.	Transportation part of Ch. B12, Appendix C8	Ch. J1, (also F1, H1)	Airport Plan Road Comm. 5 year plan

[14] Michigan Society of Planning's *Implementation Guidelines for the 2001 Planning and Zoning Law Amendments* "Types and Contents of Plans" and Schindler, Kurt H.; *Land Use Series*; Checklist C1, M1, T1; "For Adoption of a County/City & Village/Township Plan; February 1, 2002. (Http://www.msue.msu.edu/wexford/LU/index.html).

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
A section on capital facilities owned or operated, or both, or privately contracted by the county, together with long-range fiscal plans for the provision of new capital facilities for the county.	County facilities/Buildings part of Ch. B12 (not fiscal plans)	Ch. E1, Part J (not fiscal plans)	
The plan shall be the basis for the county or regional capital improvement program including capital improvements to be done by a county road commission, drain commissioner, parks and recreation commission, department of public works, or other county board or commission.		(entire plan)	
Provide an analysis of all the municipal or joint municipal plans of municipalities within the county to ensure coordination and consistency, including, but not limited to, buildout, economic, fiscal, environmental, and social impact analyses.	Ch. B14, appendix C10	parts of chapters E2, G1, G2, G3, H1, H2, and I1.	
A plan may incorporate by reference plans, or portions of plans, adopted by other agencies of political subdivisions, a regional plan, this state, or the federal government.		Appendix K6	
Include such other elements as determined by the planning commission.	Appendix C11	Ch. E2	
Future Land Use Plan The arrangement of future land uses, as well as the intensity and density of such uses		Ch. F1	
An explanation of the future land uses' degree to which they are or are not compatible with the future land use plans and zoning regulations of adjoining jurisdictions, municipalities within the county, or the management plans of state or federal agencies with public lands within the county	Ch.. B14	Ch. F1	
Future land use shall be described in the text and depicted on a future land use map showing the general location and arrangement of future land uses, but not parcel lines.	Ch. B4, B14, part of Ch. B8, appendix C6	Ch. F2-F9, appendix K2, part of Ch. F1.	
A future transportation network, including, but not limited to, roads and streets, bridges, railroads, airports, bicycle paths, and pedestrian ways.	Transportation part of Ch. B12.	J1	
Provision for a network of electronic communication facilities.			
Future capital facilities.		Ch. J1, J2, J3	
A zoning plan for the control of the height, area, bulk, density, location, and use of buildings and premises, for current and future zoning districts.	Ch. B14	Ch. F1, F10	
An explanation of the zoning plan's relationship to the future land use plan.	Ch. B14	Ch. F1, F10	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
A description of how the community intends to move from present conditions illustrated on the current zoning map and described in the zoning plan to the proposed future relationship of land uses illustrated on the future land use map.		Ch. F10	
A discussion of measures considered and included in the development of the future land use plan to avoid possible takings of private property without just compensation if land use regulations were to be subsequently adopted or amended consistent with the plan.		Throughout (in particular E1, D3, D4, F1, F8)	
Each of the elements of a future land use plan, above, should incorporate goals, objectives, policies, and strategies to be employed in fulfilling the plan		(entire plan)	
Each element of a future land use plan should utilize maps and, if helpful, plats, charts, and tables. Maps, plats, charts, and tables should be accompanied by descriptive explanatory text.	(entire plan)		
Comprehensive Plan Recommendations for the social, environmental, economic, or physical development or redevelopment of the jurisdictional area. The plan should identify the amount and source of the fiscal and other resources to be used to implement the recommendations in the plan.	Social: Ch. B2, B9, B11 Environment: Ch. B1, B5, B6, B7 Economic: Ch. B5, B8, B10 Physical: Ch. B12	Social: Ch. E2, I1, I2. Environment: Ch. G1, G2, G3 Economic: Ch. E2, H1, H2 Physical: Ch. J1, J2, J3	
An analysis of existing community social and economic disparities in employment, income, housing, transportation, education, and crime and recommendations for public and private measures to rectify disparities.	Parts of Ch. B8, B9, B10, B11		
A section on multimodal transportation facilities, together with long-range fiscal plans for the provision or replacement of transportation facilities. (This may be part of the future transportation network element of a Future Land Use Plan.)	Transportation part of B12, Appendix C8	Ch. J1	Airport Plan Road Comm five year Plan
Information on capital facilities necessary for the comprehensive plan to serve as the basis for the development and annual updating of a capital improvement including a map of the location of new capital facilities on which construction is proposed to begin within a period at least as long as that covered by a capital improvement program.	County Facilities/Buildings part of Ch. B12 (not fiscal or CIP Plan)	Part J (not fiscal or CIP Plans)	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for housing, including, but not limited to, the condition of existing housing and specific needs for affordable and assisted housing, and analysis of options for meeting those needs.	Ch. B11, Appendix C7	Ch. I2	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Economic development, including both job retention and promotion strategies.	Ch. B10 and B11. Part of Ch. B4, B8	Part H	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Natural resources management, including, but not limited to, agricultural and forest lands, mineral lands, wetlands, floodplains, headwaters areas, sand dunes, areas at high risk of erosion, other sensitive areas, endangered or threatened species habitat, and land use related to preserving biodiversity.	Ch. B4 (part), B5, B6, B7	Part G, Ch. E1, F1,F7, F8, H1, H2.	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Measures to define, protect, enhance, or change community character.	Ch. B13, B14, Appendix C12	Part E	
Growth Management Plan The boundaries for expansion of capital facilities and/or public services local units during the period of the plan.	Urban Growth Area part of Ch. B4	Ch. F1	
Maximum density of land use based on available public services and facilities and specified level of service standards for those services and facilities.			
The plan should be consistent with P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*) as applicable, for a program for the purchase of development rights, and/or to the extent permissible by law, transfer of development rights.			
Maps showing the location of proposed future road right-of-way and of other public facilities beyond 5 years in the future.			
A strategy and locations to target provision of affordable housing.			
A strategy that links future jobs, housing, and transportation in mutually supportive ways.			
A strategy for land assembly and redevelopment.			
Other elements as necessary to implement the growth management or redevelopment goals of the plan.			
Include as part of the Plan, or as separate plans some or all of: Soil and water conservation.	Ch. B6	Ch. G1	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
Open space protection.	Ch. B7	Many locations throughout	
Intergovernmental coordination.		Ch. E2, G1, I2, J3.	
Human services, including, but not limited to, childcare services, senior citizen programming, and mental health services.	Ch. B9	Ch. I1	
Historic preservation.	Ch. B2	Ch. F8, F10	
Coastal zone management.	n/a	n/a	
Solid waste management.	Solid Waste part of Ch. B6	Ch. E2, G3	
Energy conservation.			
Watershed planning and management.	Ch. B5	Ch. F8, G1, G2, Appendix K6	
Community corrections.			
Annexation.		See Ch. E2	
Redevelopment.		E1	
Special purpose, sub-area, functional, neighborhood, corridor, or strategic plans.			
Incorporate, by reference to relevant portions of other plans, including any of the following adopted plans that apply to the territory covered by the planning commission: A development plan adopted by a tax increment finance authority under P.A. 450 of 1980, as amended, (the Tax Increment Finance Authority Act, M.C.L. 125.1801 *et. seq.*).			
A development plan adopted by a downtown development authority under P.A. 197 of 1975, as amended, (M.C.L. 125.1651 *et. seq.*).			
A development plan adopted by a local development finance authority under P.A. 281 of 1986, as amended, (the Local Development Financing Authority Act, M.C.L. 125.2151 *et. seq.*).			
A development plan adopted by an international tradeport development authority under P.A. 325 of 1994, as amended, (the International Tradeport Development Authority Act, M.C.L. 125.2521 *et. seq.*).	n/a	n/a	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
A brownfield plan adopted by a brownfield redevelopment authority under P.A. 381 of 1996, as amended, (the Brownfield Redevelopment Financing Act, M.C.L. 125.2651 *et. seq.*).			
A plan adopted by a county or regional economic development commission under P.A. 46 of 1966, as amended, M.C.L. 125.1231 *et. seq.*).			
A project plan adopted by an economic development corporation under P.A. 338 of 1974, as amended, (the Economic Development Corporations Act, MCL 125.1601 *et. seq.*).	n/a	n/a	
A plan adopted by a housing commission under P. A. 18 of 1933 (Extra Session), as amended, (M.C.L. 125.691 *et. seq.*).	n/a	n/a	
A development plan approved by a planning commission and supervising agency under P.A. 250 of 1941, as amended, (the Urban Redevelopment Corporations Law, M.C.L. 125.901 *et. seq.*).			
A county or regional park or recreation plan adopted by a county or regional commission under P.A. 261 of 1965, as amended, (M.C.L. 46.351 *et. seq.*).		Ch. J2	(County Recreation Plan)
A plan adopted by an historic district commission under P.A. 169 of 1970, as amended, (the Local Historic Districts Act, M.C.L. 399.201 *et. seq.* 399.215.			
An airport approach plan adopted by the aeronautics commission under P.A. 23 of 1950 (Extra Session), as amended, (the Airport Zoning Act, M.C.L. 259.431 *et. seq.*).			Airport overlay zoning
A school district plan adopted by a public school district or charter school.			
A sewer or water plan adopted by a local unit or joint sewer and water authority.			
A solid waste management plan adopted pursuant to Part 115 of P.A. 451 of 1994, as amended (the Solid Waste			Solid Waste Management Plan
Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 to 324.11550).			
A blighted area rehabilitation plan adopted pursuant to P.A. 344 of 1945, as amended, M.C.L. 125.71 *et. seq.*).			
A neighborhood area improvement plan adopted pursuant to P.A. 208 of 1949, as amended, (M.C.L. 125.941 *et. seq.*).			
A plan for redevelopment of principal shopping areas under P.A. 120 of 1961, as amended, (M.C.L. 125.591 *et. seq.*).			
Enterprise or empowerment zone plans.	n/a	n/a	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the Wexford County *Fact Book*	Where the element is found in this *Plan*	Other Plans
Any capital facility or other metropolitan plan prepared by a metropolitan council under P.A. 292 of 1989, as amended, (M.C.L. 124.651 *et. seq.*).			Airport Plan

Appendix K6: Associated Plans, Reports, Bibliography

THE following plans and reports are made a part of this *Plan* by this reference, and are considered a part of this *Plan*.

Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002.
Cadillac-Wexford Airport Authority; *Airport Master Plan*; (c. Prior to 2002).
Wexford County Road Commission; *Five Year Plan for Primary Road Improvements*; Spring 2002.
Wexford County Emergency Operations Plan, as amended. February 1999.

BIBLIOGRAPHY: The following documents are referenced and were considered in the development of the Plan (but not a part of this *Plan*):

Grand Traverse County Planning Department; *Grand Traverse Bay Region Development Guidebook*; Grand Traverse County Planning Department, 400 Boardman Avenue, Traverse City, Michigan 49684.
Human Services Collaborative Body for Wexford-Missaukee; *Community Asset/Needs Assessment*, (work in process); 2002-2003.
Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002.
Secrest, Marian and Nagel, Jan; *Greenbelts: A Circle of Protection for Inland Lakes*; Lakeland Report Number 12, University of Michigan Biological Station.
Protecting Inland Lakes: A Watershed Management Guidebook; (Wyckoff, Warbach, Williams) Michigan Department of Natural Resources; February 1990

Addendum K7: About Addendums

THE purpose of addendums is for the Commission to be able to record interpretation of this *Plan*, provide for specific recommendations for implementation of this *Plan*, to have further explanation of its application, and to prepare model ordinance or other language to implement this *Plan*.

Addendums can only be added to this *Plan* by action of the Haring Township Planning Commission, or to record Planning Commission actions which may set precedent concerning the use or interpretation of this *Plan*.

An addendum is <u>not</u> an amendment to, or an addition to this *Plan*. Its purpose is limited to clarification, expounding, interpretation, and to create a history of the *Plan*'s use and application.

The addendum is used to perform these functions, and flexibility without the need to formally amend this *Plan*, but still creating a formal record of such actions.

Addendum K8: Precedent & Interpretive Decisions

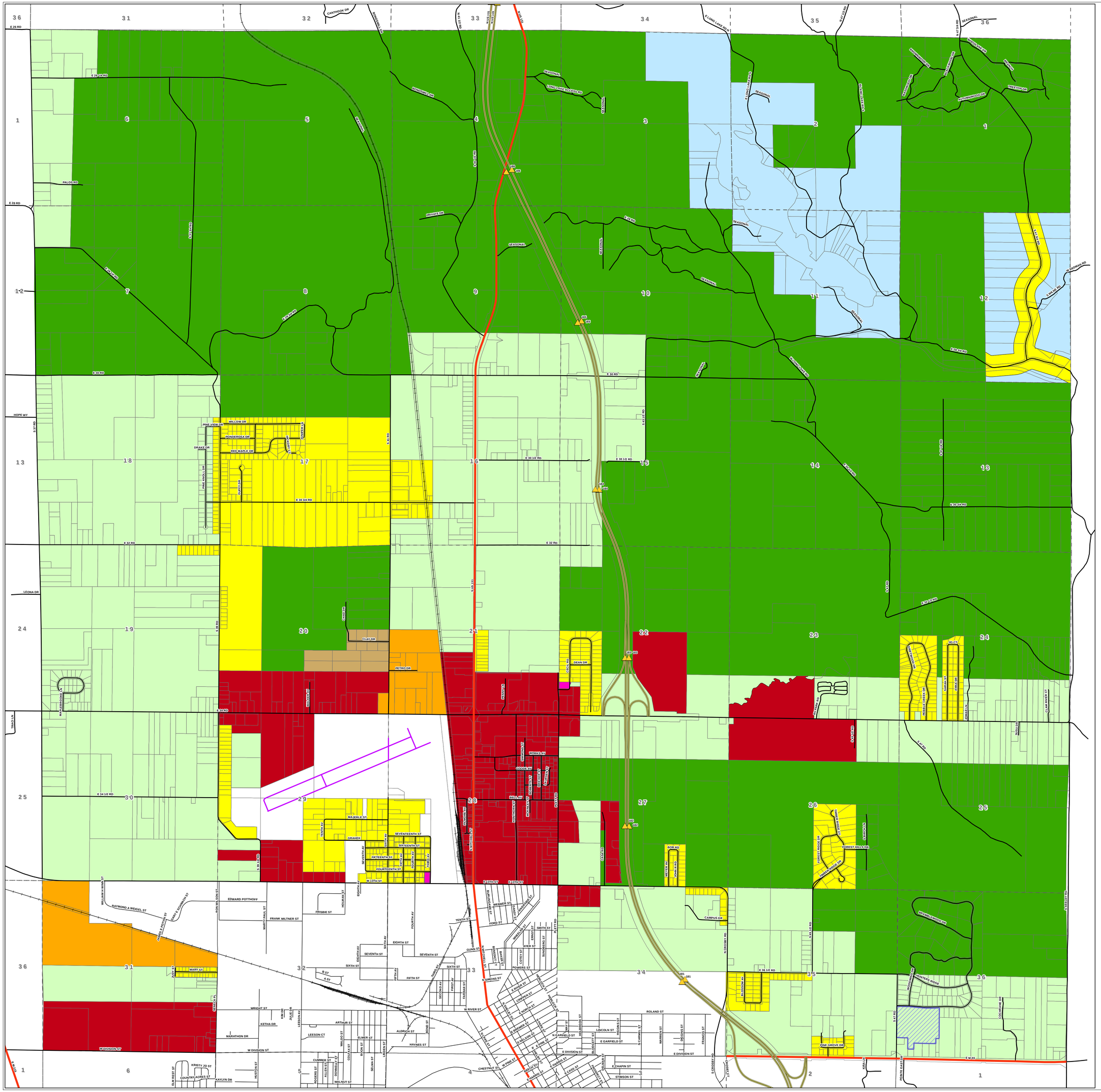
THE last addendum is reserved to provide a continuing record of decisions and interpretation if this *Plan* by the Haring Township Planning Commission. This copy provides that information through Wednesday, June 1, 2011 1:15PM.
X

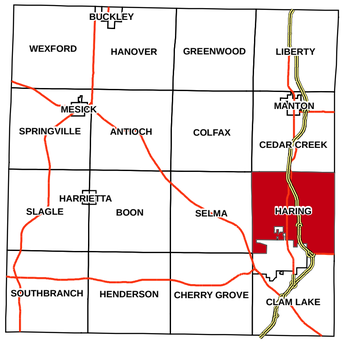
[C:\Documents and Settings\mike\My Documents\Haring Township\HaringComprehensiveMasterPlan_Adopted2009.wpd; Wednesday, June 1, 2011 1:15PM]

Haring Township Zoning Overlay

Adopted By the Haring Township
Board of Supervisors.
Updated: September 25, 2006

All communities in Wexford County are zoned.
Cedar Creek and Haring Townships,
as well as all incorporated areas, maintain their own
zoning ordinance. Please contact their zoning
administrator for current information.





Legend

- Other Road
- State Highway
- Interstate Highway
- Mile Marker
- Railroad
- Airport Runway
- Hydrology
- Water Body
- Parcel Boundary

Haring Township Zoning

- AGRICULTURE
- COMMERCIAL
- FOREST/RECREATIONAL
- INDUSTRIAL
- LIGHT INDUSTRIAL
- OFFICE RESIDENTIAL
- RESIDENTIAL
- RESORT/LAKE
- PUD Overlay Zone

N

0 2,000 4,000 Feet

1 inch = 1,320 feet
1 inch = 0.25 miles

*Copyright Wexford County GIS 2013

CHARTER TOWNSHIP OF HARING

ZONING ORDINANCE

Long Lake

Effective: May 23, 1997

Version Date: September 26, 2013

HARING CHARTER TOWNSHIP, WEXFORD COUNTY, MICHIGAN

ORDINANCE NO. 45

An Ordinance Adopting a New Zoning Ordinance, Repealing the Current Zoning Ordinance (Ordinance No. 3) and all amendments thereto.

ZONING ORDINANCE

THE CHARTER TOWNSHIP OF HARING ORDAINS:

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CHAPTER 1 - MISCELLANEOUS PROVISIONS

SECTION 101. TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of Haring Charter Township" and may be referred to as "this Ordinance".

SECTION 102. PURPOSE

This Ordinance is based on the Haring Township Master Plan (and as amended) adopted by the Planning Commission and Township Board and is intended and designed to regulate the use of land and structures, and to accomplish all of the following objectives:

1. To promote the public health, safety, and welfare;

2. To ensure that the use of land shall be situated in appropriate locations and relationships

3. To limit the overcrowding of land and congestion of population, transportation, and other public facilities;

4. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;

5. To encourage the use of lands and natural resources in accordance with their character and adaptability;

6. To limit the improper use of land;

7. To provide for the orderly development of the Township;

8. To provide each property owner with reasonable opportunity to use of their land;

9. To accomplish the objectives of the Township's Master Plan;

10. To reduce potential hazards to life and property; and

11. To encourage the development of land and structures in an attractive manner.

In order to effectively meet these objectives, Haring Township is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the Township as

a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish the purpose and objectives as outlined above by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality development by limiting the location, height, bulk, occupancy and uses of buildings and other structures, defining maximum residential density, specifying the percentage of a site available for a building, providing for basic site design standards to ensure that land is developed in a functional and attractive manner, and requiring building and parking setbacks from property lines and public street right-of-way.

SECTION 102.5 PURPOSE: Sexually Oriented Business Regulation

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious effects upon nearby residential, educational, religious and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of township residents. The provisions of the Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by Township ordinance state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

SECTION 103. SCOPE

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more

restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance or regulation adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.

2. This Ordinance shall not abrogate or annul any easement, covenant, or other private agreement. Where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

3. Zoning applies to every building, structure, or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged, or altered except in conformity with this Ordinance.

4. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

5. Unless otherwise provided for by this Ordinance, any conditions attached to a lot as a result of public action taken pursuant to the application of this Ordinance shall remain in effect even though said lot may be subject to a change in ownership.

6. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and welfare.

SECTION 104. AUTHORITY

This Ordinance is enacted in accordance with Act 184 of the Public Acts of 1943, as amended.

SECTION 105. VALIDITY AND SEVERABILITY

This Ordinance and the various parts, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular lot, use, building, or structure, such ruling shall not affect the application of said provision to any other lot, use, building, or structure not specifically included in said ruling.

SECTION 106. EFFECTIVE DATE

This Ordinance was adopted by the Haring Charter Township Board on __ May 12, 1997, and shall take effect of May 23, 1997.

SECTION 107. REPEAL OF PRIOR ORDINANCE

The Haring Charter Township Zoning Ordinance, Ordinance No. 3, all amendments thereto, and any prior zoning ordinances of the Township are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of such ordinances and amendments shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under said ordinance or amendment, or any part thereof, and said ordinance or amendment shall be treated as still remaining in force for the purpose instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

SECTION 108. REZONING OF CERTAIN PARCELS

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CHAPTER 2 - GENERAL REQUIREMENTS

SECTION 201. NON-CONFORMING USES

It is the intent of this Ordinance to permit lawful use of a dwelling, building or structure and of land or a premise as existing and lawful at the time of enactment of this Ordinance, or of amendments to this Ordinance, although the use does not conform with the Ordinance or amendment.

Such non-conforming lots, uses of land, structures, and uses of structures and premises are declared by this Ordinance to be incompatible permitted uses in the areas involved. It is further the intent of this Ordinance that non-conforming uses and structures not be enlarged upon, expanded or extended, nor be used as grounds for other structures or uses prohibited elsewhere in the same district.

1. NON-CONFORMING LOTS.

   a) Any lot created and recorded prior to the effective date of the Ordinance may be used even though such lot fails to satisfy requirements for lot area, or width, or both.

      1) The use of the lot is a use permitted by right in the district in which the lot is located.

      2) All other provisions of the Ordinance have been satisfied.

   b) Lots or combinations of lots of record which were held in single ownership at the time when this Ordinance became effective shall be considered an undivided parcel. This provision shall not apply to divisions or splits that satisfy the requirements of this Ordinance.

2. NON-CONFORMING USES OF LAND.

Where, at the effective date of adoption of this Ordinance, or amendment to this Ordinance, a lawful use of land exists that becomes non-conforming under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

   a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a) No such structure may be enlarged or altered in a way which increases it's non-conformity.

b) Should such structure be destroyed by any means except intentional demolition, it may be reconstructed as a non-conforming structure, provided that the reconstruction begins within **12 months of the date** of destruction. A structure which is intentionally demolished to any extent shall not be reconstructed except in conformity with the provisions of this Ordinance.

c) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the area in which it is located after it is moved.

4. NON-CONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed under the terms of this Ordinance, the lawful use may be continue so long as it remains otherwise lawful, subject to the following provisions.

(a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, or structurally altered which increases the area of the structure, except when changing the use of the structure to a use permitted in the district in which it is located.

(b) Any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of a structure, or structure and premises, if authorized by the Zoning Board of Appeals. In permitting such change the Board of Appeals may require appropriate conditions

and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land or land with structure is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

5. REPAIR AND REPLACEMENT OF NON-CONFORMING STRUCTURES

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair on replacement on non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

6. CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses.

SECTION 202. ACCESSORY BUILDINGS.

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

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this Ordinance applicable to main building.

2. Building accessory to residential buildings shall not be erected in any required front yard.

3. No detached building accessory to a residential building shall be located closer than ten (10) feet to any side or rear lot line.

   a) In the case of corner lots, all yards having frontage on a street or road shall be considered front yards for the purpose of satisfying dimensional requirements.

   b) In those instances where the rear lot line coincides with an alley right-of-way, the accessory building shall not be closer than three (3) feet to such rear lot line. In no

instance shall an accessory building be located within a dedicated easement or right-of-way.

4. No detached accessory building in R-1, FR, or RL districts shall exceed thirty-five (35) feet in height, except that farm accessory buildings are exempt from this provision.

SECTION 203. PERFORMANCE STANDARDS.

Standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained for all land uses:

1. OPEN STORAGE

In the "I" Industrial District the Open Storage of any industrial equipment, unlicensed vehicles used for industrial purposes, and all industrial materials including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

2. WASTE MANAGEMENT AND DISPOAL

(a) No waste materials shall be kept, stored, placed, piled, or dumped on any land within the Township in a manner, which constitutes a nuisance or creates a hazard to the health, safety, or general welfare of the citizens of the Township. All waste materials shall be removed from the site of generation frequently enough to protect the public health.

(b) All waste materials shall be managed or disposed of in accordance with the Soil Waste Management Act. P.A. 641 of 1978 as amended, the Wexford County Solid Waste Management Plan, and all other applicable local regulations.

(c) All animal wastes (manures) must be managed in accordance with a waste utilization plan, which complies with the guidelines for generally accepted and recommended livestock waste management practices, as approved by the Michigan Department of Agriculture.

SECTION 204. LOT AREA ALLOCATION RESTRICTION.

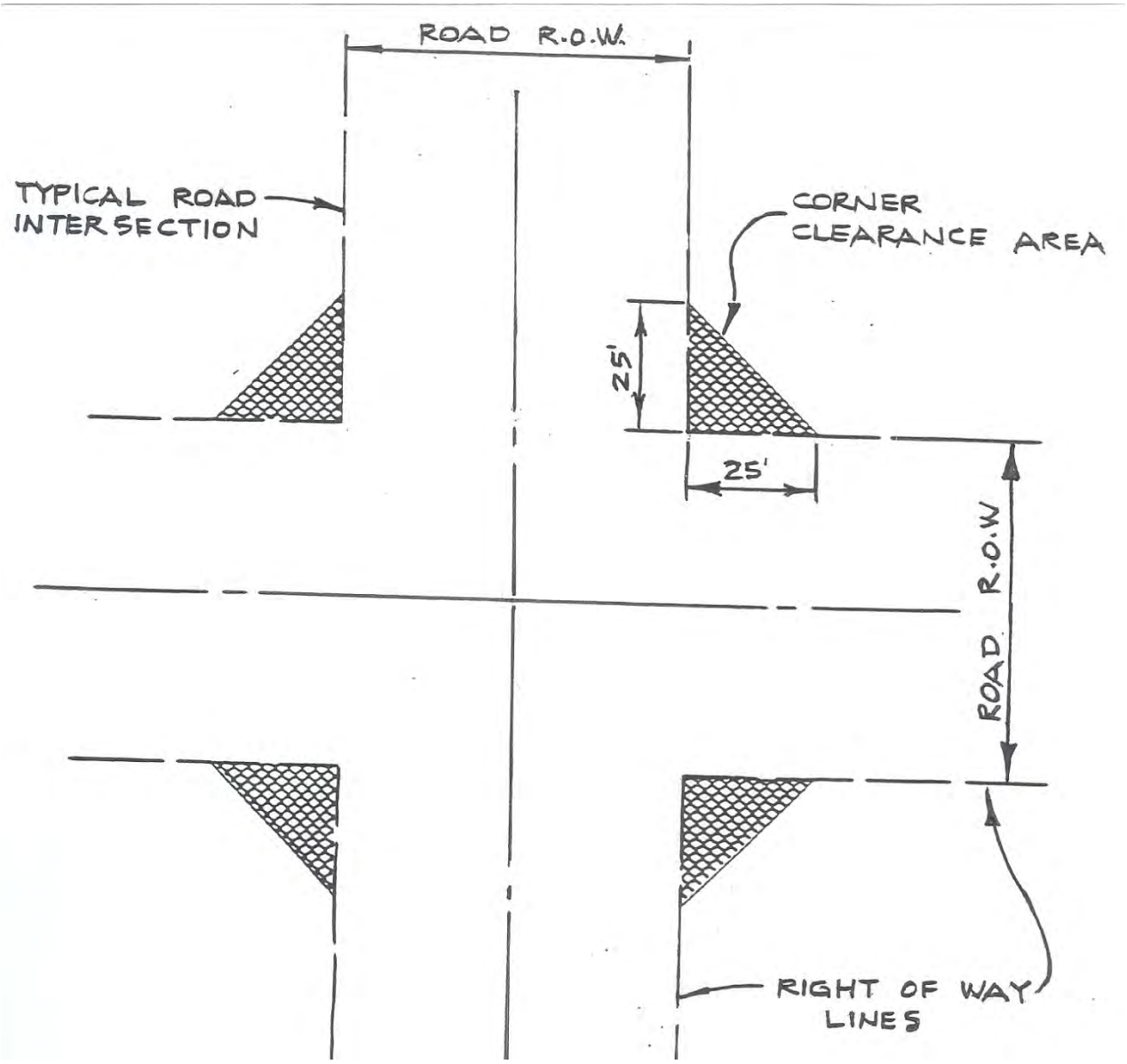
No portion of a lot or parcel can be used more than once in complying with the provisions for lot area and yard dimensions for the construction as proposed, or the alteration of any existing building.

SECTION 205. CORNER CLEARANCE.

No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty inches from the established street grades in any district within a triangular area formed by the intersection of any street right-of-way lines at a distance along each such line of 25 feet from their point of intersection. See figure 1. Next Page

Figure 1. REQUIRED CORNER CLEARANCE AREAS

SEE SECTION 205



SECTION 206. SITE PLAN REVIEW. (Amended by Ordinance #73)

1. **Site Plan Required.** A site plan shall be submitted to the Zoning Administrator for review by the Site Plan Review Officer or Planning Commission of:

   a) Any use or development, including but not limited to residential subdivisions and commercial or industrial developments of any type, for which a submission of a site plan is required by any provision of this Ordinance.

   b) Any use or development that is contiguous to a major street or collector street. Individual single-family residential construction is exempt from this requirement.

   c) All non-residential uses permitted in residential areas, such as but not limited to: churches, schools, and public facilities.

2. **Required Information.** Every site plan submitted shall be in accordance with the requirements of this Ordinance and shall include the following information:

   a) A scale of not less than 1″ equals 50′ if the subject property is less than 3 acres and 1″ equals 100′ if 3 acres or more.

   b) Date, North point and scale.

   c) The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.

   d) The location of existing and proposed structures on the subject property and all existing structures within 100′ of the property.

   e) The location of all existing and proposed drives and parking areas.

   f) The location and right-of-way widths of all abutting streets and alleys.

   g) The names and addresses of the person(s) responsible for the preparation of the site plan.

3. **Considerations on Review.** In the process of reviewing site plans the Planning Commission or Site Plan Review Officer appointed pursuant to this section shall consider:

a) Overall design to achieve harmonious relationships with adjacent property and the surrounding area.

b) The location and design of driveways providing vehicular ingress and egress from the site shall be made in relationship to the streets giving access to the site and in relationship to pedestrian traffic.

c) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matter as will assure:

i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

ii. Satisfactory and harmonious relationships between the development of contiguous land and adjacent neighborhoods.

d) The Planning Commission or Site Plan Review Officer may require landscaping, fences, walls, and other modifications of the site plan in pursuance of the objectives of this Ordinance. All such requirements shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.

e) Whenever landscaping or a landscaping plan is required as part of the site plan review for any use (including a planned unit development), it shall be a condition of approval that all landscaping plants shall be healthy when planted and thereafter maintained, in perpertuity, in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but not longer than one growing season. *(Amended by Ordinance #13-84)*

4. **Site Plan Review Officer.** The Planning Commission may appoint a Site Plan Review Officer and delegate authority to conduct Site Plan Reviews pursuant to this Section to said Officer, with Township Board approval. The Site Plan Review Officer shall serve at the pleasure of the Planning Commission and the Township Board. The Site Plan Review Officer's authority shall be limited to review and approval or disapproval of site plans for proposed uses allowed by right in the zoning district in which the proposed development is to be located. Delegation of site plan review authority under this subsection shall not

preclude the Planning Commission from exercising its authority under this Section.

5. **Written Decision.** Following site plan review under this Section, the Planning Commission or the Site Plan Review Officer shall render a written decision on a form developed for that purpose. The decision shall include findings of fact for each of the criteria set forth in this section as well as for any other applicable regulations and standards contained in this Ordinance, other Township Planning Documents and other applicable Township Ordinances. The decision shall state conditions, if any, to which approval may be subject. The written decision shall be a part of the official record and shall constitute the decision of the Planning Commission for purposes of Section 703.2(a).

6. **Issuance of Permits -** Provided that all other requirements of this Ordinance have been met, the Zoning Administrator may issue Zoning Permits immediately upon approval of Site Plans under this Section.

SECTION 207. RESIDENTIAL ENTRANCEWAY.

In areas zoned for residential uses, so-called entranceway structures, including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided by Section 205, Corner Clearance, provided that such entranceway structures shall comply to all codes and ordinances of the Township and be approved by the Zoning Administrator and zoning permit issued.

SECTION 208. GENERAL EXCEPTIONS AS TO AREA, HEIGHT AND USE.

The regulations of this Ordinance shall not apply to the following:

1. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances of the Township, it being the intent to exempt such essential services from the application of this Ordinance.

2. Voting Place. The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

SECTION 209. MULTIPLE DWELLING SIDE YARD.

For the purpose of side yard regulations, a multiple family dwelling shall be considered as one building occupying one lot.

SECTION 210. FENCES (ORDINANCE #60) also see Section 205.

(a) General Requirements. Unless otherwise provided in this section, fences in all districts shall be subject to the following requirements.

(1) Unless specifically exempted by this section, any person desiring to construct a fence upon property in the Township shall first apply to the Zoning Administrator for a permit. A written application shall be submitted containing such information as may be required by the Zoning Administrator, necessary to determine that the proposed fence will not violate any ordinance of the Township.

(2) Fees for fence permits may be established from time to time by resolution of the Haring Township board.

(3) Fences shall be of such construction, design and location so that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises enclosed by the proposed fence.

(4) No fence shall be constructed of waste or scrap materials such as, but not limited to, pallets, tree trunks or stumps, trash, tires, junk or other similar items.

(5) Fences may touch the property line of the parcel to be enclosed thereby but may not extend over said line nor onto any right-of-way or across alleys which have not been vacated.

(6) Fences shall not exceed six (6) feet in height, measured from the ground immediately below the location of the fence.

(7) Fences situated in the front yard shall be 3 feet or less in height OR, no more than 25% solid.

(8) No "privacy fence," i.e. any fence greater than 3 feet in height AND greater than 25% solid, may be constructed within the front yard setback distance established for the district in which the fence is to be located.

(9) Electrified fences shall not exceed 24 volts.

(10) No fence, wall, shrubbery, crops, signs, or other visual obstructions shall be permitted above a height of thirty-six inches from the established street gra les in any district, within a triangular area formed by the

intersection of any street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(11) Interior fences, i.e., fences located entirely within the setback distances established for the district in which the fence is to be located, require no permit under this section.

(12) Fence posts must face interior of property

(b) Fences in Commercial and Industrial Districts. The following additional provisions shall apply to fences in the Commercial and Industrial Districts:

(1) All required fences shall be no less than six (6) feet but no more than eight (8) feet in height.

(2) Chain link protective fences shall be permitted in all yards.

(3) No electrified fences shall be permitted in the Commercial District.

(c) Fences in the Forest Recreational and Agricultural Districts. The following additional provisions shall apply to fences in the Forest Recreational and Agricultural Districts:

(1) Electrified fences exceeding 34 volts may be constructed in the Forest Recreation and Agricultural Districts without a permit, provided that such fencing is undertaken pursuant to farm operations conforming to generally accepted agricultural and management practices as contemplated by the Michigan Right to Farm Act, MCL 286.471, et seq.

(d) Parks, Playgrounds and/or Public Areas. The following additional provisions shall apply to fences around parks, playgrounds and/or public areas:

(1) Fences enclosing public or private parks, playgrounds, fields, and similar recreation or athletic use areas shall not exceed eight (8) feet in height. Such fencing may be installed upon a finding that the proposed fencing is needed for reasons of public safety, protection of property from vandalism, or to prohibit unwanted trespassing. Such fencing shall be constructed of boards, non-barbed wire or other suitable material as approved by the Charter Township of Haring Zoning Administrator.

(2) Backstops and similar barriers used in connection with athletic fields, courts or similar recreation facilities are exempted from this subsection, but must comply with the general requirements of subsection (a).

SECTION 211. ACCESS THROUGH YARDS.

Access drives may be placed in the required front and/or side yards so as to provide access to rear yards and/or accessory structures.

SECTION 212. MOBILE HOME PARKS.

Mobile home parks shall meet the following minimum standards:

1. All developments shall conform with the Michigan Mobile Home Commission Act as amended, and all rules established under this Act. All provisions of the Act and its rules shall supersede the provisions of this Ordinance if the Ordinance provisions are found to be in conflict with the Act or its rules.

2. There shall not be less than nine hundred eighty (980) square feet of floor space within each mobile home.

3. There shall be provided for each mobile home a recreation area equal in size to at least two hundred (200) square feet per mobile home site. The recreation area shall be no longer than one and one-half (1 & ½) times its width. The area shall be graded, developed, sodded, and maintained by the management, so as to provide recreation for the residents of the mobile home park.

4. The front yard, and any side yard adjacent to a street shall be landscaped within one (1) year of construction and entire mobile home park shall be maintained in a good, clean, presentable condition at all times.

5. All mobile homes must be skirted with fireproof material. Adequate ventilation and access must also be provided.

6. All fences, other than the greenbelt surrounding the park, shall be uniform in height, shall not exceed thirty (30) inches in height, and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.

SECTION 213. DISH ANTENNAS AND SIMILAR STRUCTURES.

Dish antennas, amateur radio antennas, and other structures similar in size, shape and function are permitted in all zoning districts subject to the following condition:

Any such structure shall meet the minimum front and side yard setback requirement for the zoning district in which it is located, as specified in Chapter 3 of this Ordinance. Any height restrictions imposed by the Wexford County Airport Zoning Regulations shall also apply

SECTION 214. ACCESS ROAD REQUIREMENTS.

Every parcel created after the effective date of this Ordinance shall have access by one of the following means:

1. The parcel shall have access to a public road, and it shall have continuous, permanent frontage on the public road for not less than the minimum lot width required for the Zoning District in which the parcel is located.

2. The parcel shall have access to a recorded easement which runs with the land, which is dedicated for ingress and egress, and which is a minimum width of thirty-three (33) feet. A parcel utilizing a recorded easement for access shall have continuous frontage on the easement for not less than the minimum lot width required for the Zoning District in which the parcel is located.

SECTION 215. ROADSIDE STANDS.

Roadside stands are permitted in the agricultural zoning district, subject to the following requirements:

1. One parking space off the road right-of-way shall be provided for each fifteen (15) square feet of space in the stand.

2. The stand may have no more than two (2) signs. The sign size shall not exceed 16 square feet.

SECTION 216. TEMPORARY OUTDOOR USES.

A Zoning Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator by the event sponsor. The Zoning Administrator shall determine the off-street parking requirements for the event.

SECTION 217. ZONING AND BUILDING PERMITS.

No building permits of any kind, or authorization for any construction activity requiring a building permit shall be given or considered given unless a zoning permit issued by the Zoning Administrator has been granted.

SECTION 218. REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry, or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Wexford County Health Department and applicable State agencies. Additionally, the following shall govern water and sewage supplies:

1. In areas of the Township where public water and/or sewer lines have been constructed, all new structures or uses shall be required to hook up with the public system before they may be occupied.

2. Accessory building shall not be required to connect to public water and sewer, unless the County Health Department, Building Inspector, or Zoning Administrator believes the connection is necessary.

SECTION 219. OFF-STREET PARKING REGULATIONS.

1. INTENT This section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

2. TABLE OF OFF-STREET PARKING REQUIREMENTS This table appears on the following pages. It identifies the number of parking spaces required for specific uses based upon measures of activity intensity.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Total parking required is the sum of spaces for all uses proposed on the site, plus employee parking, as defined below.

THE FOLLOWING USES MAY HAVE GRAVEL SURFACED PARKING

LAND USE	# SPACES	PER ACTIVITY UNIT
-1&2 Family Homes	2	Dwelling Unit
-Campground/RV Park	1	Campsite
-Animal Boarding	1	5 Animals Boarded
-Riding Stable	1	2 Horses Housed on site
-Produce Stand	5	Stand
-Grain Elevator	4	Business
-Cemetery	2	Acres
-Game Area, Nature Preserve	1	10 Acres
-Fishing Site	1	20 Ft. Dock or Waterfront
-Boat Launch	10*	Ramp (10'x45'/car & Trailer)
-Picnic Area	1	Picnic Table
-Tennis	2	Court
-Team Sport	12	Court or Field
-Park, Golf Course	1	2 Acres
-Driving Range	1	Tee
-Gun Club	4	Range, skeet or Trap House
-General Aviation	1	Tie Down of Hangar Space
-Day Nursery	1	4 Children, per License
-Vehicle Sales	1	500 Sq. Ft. of Indoor Sales Area
-Barber Shop or Beauty Salon	2	Chair
-Meeting or Bingo Hall, Skating Rink	1	4 persons allowed in Building. Based on Fire Code Rules
-Church	1	3 Seats or 6 feet of Bench of Pew Seating
-Nursing Home	1	6 Beds
-Private Club	1	2 Member Families
-Sexually Oriented Business	1	4 persons allowed in building based upon fire code

-Any Employment Site: 1** Employee on Peak Shift

* Spaces must be sized as noted.

TABLE OF OFF-STREET PARKING REQUIREMENTS (CONTINUED)

LAND USE	#SPACES	PER ACTIVITY UNIT
-Mobile Home Park, Apartments	2	Dwelling Unit
-Senior Citizen Housing	1	3 Dwelling Units
-Doctor, Dentist, Veterinarian	2	Exam or Treatment Room
-Retail, office, Service, Financial	1	150 sq. ft. of Public Area
-Vehicle Service/Wash, Gas Station	3	Wash, Stall, or Fuel Pump
-Truck Stop	5*	Fuel Pump (12'x70'/Truck)
-Bar or Restaurant (Not Drive-In)	1	2 Seats
-Drive-In Restaurant	1	20 sq. ft. Gross Floor Area
-Hotel or Motel	1	Guest Room
-Community Center, Gymnasium	1	4 persons allowed in bldg. Based on Fire Code rules
-Bowling Alley	4	Lane
-Wholesale, Industrial	1	900 sq. ft. Gross Floor Area
-Theater, Arena, Stadium, Auditorium	1	3 seats or 6 feet of Bench or Pew
-Grade School	1	10 Students
-High School	1	5 Students
-College, Technical School	1	3 Students
-Hospital, Visitor Parking	1	3 Beds
-Hospital, Doctors Parking	1	2 Medical Staff Members
-Library, Museum, Gallery, Post Office	1	600 sq. ft. Gross Floor Area
-Transitional/Sheltered Housing: *(Amendatory Ordinance #12-1008)*	Applicant shall provide one (1) space per employee/ volunteer of the largest shift and one (1) space per bedroom, unless approved otherwise by the Planning Commission. However, in all cases, there shall be parking for no less than one (1) space per four (4) bedrooms plus one (1) space per employee/ volunteer of the largest shift. A parking plan must be provided and approved for anticipated needs for off-street parking	
-Any Employment Site: 1** Employee on Peak Shift		

* Spaces must be sized as noted.

3. CALCULATIONS. The TABLE OF OFF-STREET PARKING REQUIREMENTS is used to compute the required number of off-street parking spaces for a parcel. Calculate the total number of spaces to be provided by adding the requirements for each existing or proposed activity. Read down the "Land Use" column, identifying all situations which apply to parcel under consideration. For each line identified, calculate the number or activity units involved and the required number of parking spaces to serve that many units. Finally, add the total number of spaces required.

   (a) USES NOT LISTED. Requirements or a use not mentioned shall be the same as for that use which is most similar to theuse not listed as determined by the Zoning Administrator whose decision may be reviewed by the Zoning Board of Appeals (see Interpretation-Section 703).

   (b) ADDITIONS. Additional parking shall be provided in proportion to any increase in floor area, change in use or expansion of a building's use capacity.

   (c) AVAILABILITY OF SPACES. Parking spaces are counted toward the requirement for an activity if they are located on the same parcel or an adjoining parcel with the farthest space not over five hundred feet (500') from the nearest public entrance to the principal building and a continuous paved walkway between said lot and entrance.

4. REDUCTIONS IN PARKING REQUIREMENTS. Parking requirements calculated as noted above may be reduced in the following situations.

   (a) MIXED USED. In the case of mixed uses, each of which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.

   (b) JOINT PROVISIONS OF OFF-STREET PARKING. Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular and pedestrian access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this section.

   (c) REDUCTIONS FOR FURTHER PUBLIC BENEFITS. In any Commercial or Industrial Zoning District, uses on parcels fronting on

County Primary Roads or State Highways, except limited access expressways, and meeting and three (3) of the following conditions, may reduce the number of parking spaces required by ten percent(10%) in addition to reductions allowed by other provisions of this section.

(1) The parcel has no driveway openings onto the major road.

(2) No freestanding signs are located in the required front yard setback area for the building.

(3) A portion of the parcel equivalent to at least thirty five percent (35%) of the total area devoted to parking, including driveways and aisles, is left unpaved and undeveloped except for landscape plantings.

(4) Sidewalks are provided along the full length of the major road frontage of the parcel, with curb cuts to provide barrier free non-motorized travel.

5. SITE DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.

(a) DRAINAGE. Storm water collection, drainage and retention structures meeting all requirements of the Wexford County Road Commission and the Wexford County Drain Commissioner shall be installed for all off-street parking areas, if required.

(b) DRIVEWAY AND AISLE CONFIGURATION. Driveways and aisles for any off-street parking area shall be clearly marked meeting the following requirements:

(1) WIDTH. Each driveway shall be a minimum of fifteen feet (15’) and a maximum of twenty feet (20’) in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement.

(2) STACKING AREA. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces on the parking area.

(3) ANGLE. The driveway shall intersect the abutting street at a ninety (90) degree angle.

(4) AISLES. Aisles shall be at least twenty feet (20’) wide.

(c) LIGHTING. Off-street parking provided for multiple family housing, or for any business, industrial or institutional use shall be so arranged that light is not directed at adjacent properties or public thoroughfares.

(d) SCREENING FOR RESIDENTIAL AREAS. Any parking area larger than ten (10) spaces must have a visual screen not less than five feet high on any side which abuts a parcel which is zoned for residential use.

(e) PERMIT. A Zoning Permit shall be required for construction of any parking lot.

SECTION 220. OFF-STREET LOADING REGULATIONS.

1. UNLOADING SPACES. Provide off right-of-way unloading.

2. LOCATION. A Loading space must be located within or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley.

SECTION 221. SUPPLEMENTARY STANDARDS FOR SINGLE-FAMILY DWELLINGS

All single-family dwellings shall comply with the following standards:

1. If the dwelling is a mobile home, the mobile home must be certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.

2. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by the Township; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards are different than those imposed by Township codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the County Building Official.

3. The dwelling unit shall comply with all requirements of this Ordinance.

4. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels removed.

5. The dwelling unit shall be attached to a permanent continuous foundation constructed on the building site. The foundation shall have a wall of the same perimeter dimensions as the dwelling unit and shall be constructed of such materials and type as required by the County Building Code for on-site constructed single-family dwellings. If the dwelling is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism. The skirting shall be constructed of a fireproof material and shall be adequately ventilated.

6. If the dwelling unit is a mobile home, it shall be installed on the foundation referenced by Item 6 above pursuant to the manufacturer's setup instructions and shall be secured to the building site by a anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or responsibility for mobile home parks.

7. The dwelling shall be connected to public sewer and water supply, or to private facilities approved by the Wexford County Health Department.

SECTION 222. TELECOMMUNICATION TOWERS

Telecommunication towers and their attendant facilities shall be permitted in accordance with current FCC regulations, provided that any tower structure must be centrally located on a parcel having dimensions of not less than one and one-half (1 ½) times the height of the tower, as measured from the base of the tower to all points on each property line.

SECTION 223. LAND DIVISIONS (Ordinance #67)

Except as otherwise provided in Section 421 of this Ordinance, no parcel or lot hereafter created by the division of a tract of land, shall be less than the minimum required square footage and lot width for the zoning district wherein situated. The provisions of the Land Division Act, 1967 PA 288, as amended, shall also govern the procedure of land division.

SECTION 224. HOME OCCUPATIONS.

Home occupations are permitted in the Agricultural (A), Residential (R), Forest Recreation (FR), and Lake Resort (RL) Zoning District. Prior to establishing any home occupation, a zoning permit must be obtained from the Township Zoning Administrator.

Home occupations must meet the following standards:

1. The activity must be operated in its entirety within the principal dwelling, and accessory building.

2. The activity must not involve alteration or construction not normally found in a residential dwelling.

3. The activity must not display or create outside the structure any external evidence of the operation of the home occupation except for one sign which is not more than four (4) square feet in area.

SECTION 225. TEMPORARY SITE REMEDIATION PERMITS.

1. A Temporary Special Site Remediation Permit may be granted by the Planning Commission, *subject to* the procedures and standards set forth in sections 502 and 503 of this Ordinance, for on-site remediation of parcels that are found to be contaminated or contain waste materials. Special Site Remediation Permits shall only be granted for remediation of conditions existing prior to the adoption of this amendment and shall not establish a *permanent* use not otherwise permitted in the Zoning District in which the parcel is located.

2. Conditional Approval - In approving an application for a Temporary Special Site Remediation Permit, the Planning Commission may impose reasonable and necessary conditions to ensure that the use will be in compliance with this Ordinance and the findings required by section 503 of this Ordinance. The conditions may address any pertinent factors affecting the establishment or operation of the temporary use, and may include, but are not limited to the following:

   a) Time limits. Provision for fixed periods of time as specified by the permit for completion of remediation activities, site restoration and removal of temporary facilities, equipment or structures. Where not specified, such time limits shall not exceed 90 days for a temporary clean-up;

   b) Nuisance mitigation. Regulation of nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration;

   c) Hours of operation. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection a), above;

d) Parking. Provision for adequate temporary parking facilities, pedestrian, and vehicular circulation, including vehicular ingress and egress, and public transportation, if applicable, in compliance with Section 219 (Off-Street Parking Regulations);

e) Performance guarantees. Submission of a performance bond, irrevocable letter of credit, or other surety measures, in compliance with Section 702 (4) (Performance Guarantees), to ensure:

(1) Removal of temporary facilities, equipment or structures from the site following completion of site remediation, expiration or revocation of the temporary permit,

(2) That upon completion of the temporarily permitted activity, the property will be cleaned of debris, litter, or any other evidence of the temporary use, and

(3) That the property shall otherwise be brought into compliance with the requirements of this Ordinance;

CHAPTER 3 - DISTRICT REGULATIONS

SECTION 301. DIVISION OF THE TOWNSHIP (Ordinance #67)

For the purpose of this ordinance, all land within Haring Charter Township, excepting the streets and alleys, is divided into the following Zoning Districts;

R	Residential
A	Agricultural
FR	Forest Recreation
RL	Lake Resort
C	Commercial
CI	Commercial (Goode Subdivision)
L/I	Light Industrial
I	Industrial
PUD	Planned Unit Development
O/R	Office/Residential
FI	*Freeway Interchange*

SECTION 302. OFFICIAL ZONING MAP.

The boundaries of zoning districts are defined and established as shown on a map entitled the "Haring Charter Township Zoning Map." This map, with a explanatory matter thereon, is hereby made a part of this ordinance. The official Zoning Map shall be kept and maintained by the Township Clerk.

SECTION 303. INTERPRETATION OF BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of these roadways.

2. Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow these lines

3. Boundaries indicated as approximately parallel to the center lines of streets or alleys shall be interpreted as being parallel thereto and at such a distance therefrom as indicated by given distance or scaled dimension.

SECTION 304. SCOPE OF REGULATIONS

1. APPLICABILITY. No Building or structure, or part thereof shall be hereafter erected, moved, constructed, or altered; and no new use or change in use of a parcel shall be made unless it conforms with the provision of this Ordinance, including the regulations for the Zoning District in which it is located.

2. CLASSIFICATION OF USES NOT LISTED. The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance, as described in **Section 703**. The use shall be treated in a like manner with comparable uses permitted or prohibited by the District Regulations for each Zoning District.

SECTION 305. DISTRICT REGULATION TABLES

The following tables identify the intent and purpose, uses permitted by right and by special land use permit, and the dimensional requirements for the Zoning District of Haring Charter Township as identified in Section 301.

"R" RESIDENTIAL ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To encourage attractive residential neighborhoods and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
R RESIDENTIAL	25,000 S.F.	125'	30'	35'	25'
Other requirements:		Maximum height of 35', 2.5 stories Maximum lot coverage of 20% Maximum lot width-to depth ratio of 1:4 Minimum floor area for SF dwelling 980 S.F.			

USES PERMITTED BY RIGHT

* Single-family and two-family dwellings.
* Home occupations.
* Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* Multiple-family dwellings.
* Public and private schools.
* Churches and religious institutions.
* Group day care homes.
* Child care centers.
* Bed and breakfast establishments.
* Clinics.
* Family day care homes.
* State licensed residential facilities.
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"A" AGRICULTURAL ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To provide a controlled mixture of farms and dispersed rural residences. To permit a gradual transition from rural portions of the Township to more intensively developed areas without giving way to urban sprawl.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
A AGRICULTURAL	1 Acre	150'	50'	35'	35'
Other requirements:		Maximum height of 35', 2.5 stories Maximum lot coverage of 20% Maximum lot width-to depth ratio of 1:4 Minimum floor area for SF dwelling 980 S.F.			

USES PERMITTED BY RIGHT

* Farms and general farming operations.
* Tree farms, not including the storage or sale of trees not grown on the property.
* Greenhouses and plant nurseries.
* Single-family dwellings.
* Home occupations.
* Seasonal roadside stands, not exceeding six (6) months of continuous operation.
* Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* State-licensed residential facilities.
* Churches and religious institutions.
* Public and private schools.
* Veterinary clinics.
* Kennels.
* Riding Stables, including boarding of horses.
* Cemeteries.
* Clubs, lodges, and community centers
* Multiple-family dwellings.
* Mobile home parks.
* Public and private parks and recreational facilities.
* Health care institutions.
* Two-family dwellings (duplexes)
* Family day care homes.
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"FR" FOREST RECREATION ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To retain the Township's forested and scenic natural areas. To permit the controlled development of appropriate uses which require large tracts of land, such as forest products industries and outdoor recreation uses. To permit limited, dispersed residential development on large lots.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
FR FOREST RECREATION	5 ACRE	150'	50'	35'	35'
Other requirements:		Maximum height of 35', 2.5 stories Maximum lot coverage of 5% Maximum lot width-to depth ratio of 1:4 Minimum floor area for SF dwelling 980 SF			

USES PERMITTED BY RIGHT

* Single-family dwellings.
* Commercial forestry, including tree farms, sawmills, and forest products industries
* Public and private parks and outdoor recreation uses.
* Home occupations.
* Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* Resorts motels, lodges, cottages, and other tourist lodging.
* Public and private campgrounds.
* Hunting and fishing clubs and camps.
* Riding Stables.
* Retail businesses intended primarily for tourists and visitors, such as boat rentals, fishing equipment sales, and convenient stores.
* Cemeteries.
* Mobile home parks.
* Churches and religious institutions.
* Two-family dwellings (duplexes)
* State-licensed residential facilities.
* Family day care homes
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"RL" LAKE RESORT ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To provide for appropriate uses in the area adjacent to the Township's lakes, including both permanent and seasonal dwellings, tourist-oriented facilities, and water-based recreation uses.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
RL LAKE RESORT	25,000'	150'	50'	50'	25'
Other requirements:	Maximum height of 35', 2.5 stories Maximum lot coverage of 20% Maximum lot width-to depth ratio of 1:4 Minimum floor area for SF dwelling 980 S.F.				

USES PERMITTED BY RIGHT

* Single-family dwellings.
* State licensed residential facilities.
* Public and private parks and outdoor recreation uses.
* Home occupations.
* Accessory uses and structures.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* Resorts motels, lodges, cottages, and other tourist lodging.
* Public and private campgrounds.
* Hunting and fishing clubs and camps.
* Retail businesses intended primarily for tourists and visitors, including water-based businesses such as boat sales and rentals, and fishing equipment sales.
* Bed and breakfast establishments.
* Family day care homes
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"C" GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To accommodate general commercial activities that serve both local and regional markets. To permit a wide range of businesses to be conveniently located near each other.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
C GENERAL COMMERCIAL	25,000 S.F. (15,000 S.F. in areas served by public sewer)	150'	40'	30'	20'

Other Requirements:

* Maximum height of 50'(35' if adjacent to A, R, FR or RL District.
* Maximum lot coverage of 50%.
* 6' high obscuring fence required if adjacent to A, R, FR or RL District.
* Property located on US 131, Boon Road and Plett Road, within the Downtown Development District boundaries, will include an area a minimum of the first 20 (twenty) feet from the front property line for landscape/streetscape which is not to be used for parking. (Ordinance #59)
* Landscape improvements will consist of such improvements as referenced by the Cadillac Corridor Study or the Grand Traverse Bay Region Development Guidebook. (Ordinance #59)

USES PERMITTED BY RIGHT

* General retail, office, financial, and service businesses.
* Hotels and motels.
* Restaurants.
* Commercial recreation, such as bowling alleys, skating rinks, and arcades.
* Theaters.
* Clinics.
* Clubs, lodges, and community centers.
* Mortuaries.
* Retail greenhouses and nurseries.
* Building supply yard, warehouses, and wholesale businesses.
* Drive-thru businesses.

USES PERMITTED BY RIGHT ("C" DISTRICT CONTINUED)

* Motor vehicle sales and/or repair facilities.
* Self-service storage facilities; (may include caretaker's quarters.)
* Contractors and builders establishments.
* Coin-operated laundries.

USES PERMITTED BY SPECIAL LAND USE PERMIT ("C" DISTRICT)

* Churches and religious institutions.
* Veterinary clinics and kennels.
* Bars and night clubs (not including "sexually oriented businesses).
* Arenas and stadiums.
* Single family dwellings (which existed prior to Zoning Ordinances).
* Motor freight terminals.
* Motor vehicle service facilities, including gas stations and car washes.
* Sexually oriented business.
* Recycling drop-off center.
* Tool and Die Shops *(Added by Ordinance # 69)*
* Manufacturing, processing, assembling, packaging, treatment, or use of previously prepared materials (must be conducted in a completely enclosed building) *(Added by Ordinance #11-78)*
* Transitional/Sheltered Housing *(Amendatory Ordinance #12-1008)*

"C1" GENERAL COMMERCIAL ZONING DISTRICT FOR GOODE SUBDIVISION

INTENT AND PURPOSE

To accommodate general commercial activities that serve both local and regional markets. To permit a range of businesses to be conveniently located near each other.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
C1 GENERAL COMMERCIAL	10,000 S.F.	100'	40'	15'	15'
	Only in areas of subdivision served by public sewer.				

Other Requirements:

* Maximum height of 35'.
* 6' high obscuring fence required if adjacent to A, R, FR or RL District.

USES PERMITTED BY RIGHT

* General retail, office, financial, and service businesses.
* Mortuaries.
* Retail greenhouses and nurseries.
* Building supply yard, warehouses, and wholesale businesses.
* Drive-thru businesses.
* Motor vehicle sales and/or repair facilities.
* Self-service storage facilities.
* Contractors and builders establishments.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* Hotels and motels
* Restaurants
* Commercial recreation, such as bowling alleys, skating rinks and arcades.
* Theaters
* Clinics.
* Clubs, lodges, and community centers.
* Coin-operated laundries.
* Churches and religious institutions.
* Veterinary clinics and kennels.
* Bars and night clubs (not including "sexually oriented businesses).
* Arenas and stadiums.
* Single family dwellings (which existed prior to Zoning Ordinances).
* Motor freight terminals.
* Motor vehicle service facilities, including gas stations and car washes.
* Sexually oriented business.
* Recycling drop-off center.
* Tool and Die Shops *(Added by Ordinance # 69)*
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"I" INDUSTRIAL ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To encourage attractive industrial development that is in keeping with the Township's rural and suburban character. To permit limited manufacturing, assembly, packaging, warehousing, and related uses which are mainly confined within enclosed buildings. To encourage the development of planned industrial parks and research centers.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
I INDUSTRIAL	1 ACRE	150'	50'	50'	50'*

Other Requirements:

* Maximum height of 50'(35' if adjacent any district other than I)
* Maximum lot coverage of 60%.
* 6' high obscuring fence required if adjacent to A, R, FR or RL District.
* Property located on US 131, Boon Road and Plett Road, within the Downtown Development District boundaries, will include an area a minimum of the first 20 (twenty) feet from the front property line for landscape/streetscape which is not to be used for parking. (Ordinance #59)
* Landscape improvements will consist of such improvements as referenced by the Cadillac Corridor Study or the Grand Traverse Bay Region Development Guidebook. (Ordinance #59)
* Side yard may be reduced to 25' if adjacent to another industrial use.

USES PERMITTED BY RIGHT

* Manufacturing, processing, assembling, packaging, treatment, or use of previously prepared materials (must be conducted in a completely enclosed building).
* Building supply, warehouses, and wholesale business.
* Motor freight terminals.
* Bottling Plants.
* Tool and die shops and machine shops.
* Motor vehicle sales and/or repair facilities.

USES PERMITTED BY SPECIAL LAND USE PERMIT ("I" DISTRICT)

* Industrial parks and research facilities.
* Motor vehicle service facilities.
* Drive-thru businesses.
* Bulk storage and/or sales of fuel and petroleum products.
* Salvage operations.
* Solid waste transfer stations and processing facilities as defined in Act 641.
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"L/I" LIGHT INDUSTRIAL ZONING DISTRICT (Ordinance #67)

INTENT AND PURPOSE

To encourage development of light industrial uses, compatible with neighboring use and in keeping with the Township's rural and suburban character. To permit light manufacturing, assembly, packaging, warehousing and other related uses which are mainly confined within enclosed buildings, being of a less intensive nature than those permissible in the Industrial District (I).

DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
L/I LIGHT INDUSTRIAL	30,000 S.F.	150'	50'	40'	50'*

Other Requirements:

* Maximum height of 50 ft (35 ft if adjacent to any district other than L/I
* Maximum lot coverage of 60%,
* 6 ft high obscuring fence required if adjacent to any district other than L/I or I.
* Side yard may be reduced to 20' if side is adjacent to another light industrial or industrial use.

USES PERMITED BY RIGHT

* Manufacturing, processing, assembling, packaging, treatment (excluding heat treating and plating), or use of previously prepared materials (must be conducted in a completely enclosed building).
* Building supply, warehouses, and wholesale businesses.
* Tool and die shops and machine shops.

USES PERMITTED BY A SPECIAL LAND USE PERMIT

* Industrial parks and research facilities
* Drive-thru businesses.
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)
* Other light industrial uses compatible with adjacent land uses, as determined by the Planning Commission.

"PUD" PLANNED UNIT DEVELOPMENT ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To provide a controlled degree of flexibility in meeting the requirements of this Ordinance by permitting certain pre-planned developments. To encourage innovation in design. To provide for the controlled development of site condominium subdivisions.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
PUD PLANNED UNIT DEVELOPMENT	20 Acres for industrial parks 10 Acres for all others				

Other Requirements: As specified in Chapter 4.

USES PERMITED BY RIGHT

* All uses permitted by right or by Special Use Permit by this Ordinance, with the following exceptions.
    1. **PUD's located in residential areas shall not contain an industrial use.**
    2. **PUD's located in industrial areas shall not contain a residential use.**
    3. **Site Condominium Subdivisions shall meet all use and other requirements of the Underlying Zoning District in which they are located.**
    4. **Mixed-use commercial/residential PUDs may contain only those uses specified by Section 422.3(b).**

SEE CHAPTER 4 FOR DETAILED REQUIREMENTS.

"OR" OFFICE/RESIDENTIAL ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To establish a transitional district which will serve as a buffer between more intensive commercial areas and residential areas. To provide an area for low-intensity office uses and related non-retail uses which are compatible with adjacent areas. To encourage infill development and redevelopment of specified areas.

DIMENSIONAL REQUIREMENTS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
OR OFFICE/ RESIDENTIAL	25,000 S.F.	125'	30'	35'	25'

Other requirements: Maximum height of 35', 2.5 stories
Maximum lot coverage of 35%
Minimum floor area for SF dwelling 980 S.F.

USES PERMITED BY RIGHT

* Single family and two-family dwellings.
* Professional offices, financial services, and business services **not** involving any retail sales and **not** involving the storage or display of products.
* Family day care homes.
* State-licensed residential facilities.

USES PERMITTED BY A SPECIAL LAND USE PERMIT

* Medical offices and clinics.
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

"FI" FREEWAY INTERCHANGE ZONING DISTRICT REGULATIONS

INTENT AND PURPOSE

To provide for appropriate development of the area surrounding freeway interchanges. To provide for servicing the needs of automobile highway traffic at the interchange areas of feeder roads and expressway facilities. To avoid undue congestion on feeder roads, to promote smooth traffic flow at the interchange area and on the expressway. To protect adjacent properties from adverse impacts of high volumes of traffic.

DIMENSIONAL REQUIREMENTS					
ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM ROAD FRONTAGE	MINIMUM FRONT	YARD REAR	REQUIREMENTS EACH SIDE
FI FREEWAY INTERCHANGE	25,000 S.F.	150'	40'	30'	20'
Other requirements:		Maximum height of 50' (35' if adjacent to A, R, FR or RL District). Maximum lot coverage of 50% 6' high obscuring fence required if adjacent to A, R, FR, or RL District.			

USES PERMITTED BY RIGHT

* General retail, office, financial, and service businesses.
* Hotels and motels.
* Restaurants.
* Commercial recreation, such as bowling alleys, skating rinks, and arcades.
* Theaters.
* Motor vehicle sales and/or repair facilities.

USES PERMITTED BY SPECIAL LAND USE PERMIT

* Drive-thru businesses.
* Building supply yard, warehouses, and wholesale businesses.
* Self-service storage facilities.
* Motor vehicle service facilities, including gas stations and car washes.
* Contractors and builders establishments.
* Motor freight terminals.
* Industrial parks and research facilities
* Transitional/Sheltered Housing (Amendatory Ordinance #12-1008)

CHAPTER 4
PLANNED UNIT DEVELOPMENT AND OPEN SPACE DEVELOPMENT OPTION

SECTION 401. DESCRIPTION AND PURPOSE

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one (1) principal building per lot. In certain larger or unusual developments these requirements result in a less desirable development for the achievement of the purposes of this Ordinance than if a controlled degree of flexibility is allowed. For example, a large scale residential development might better achieve the purposes of this Ordinance if a portion of the open space requirements were consolidated into small community parks rather than on an individual, lot-for-lot basis.

A development may be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store, or barber shop primarily for the residents of the development. Permitting these uses within the development can, in certain cases, increase convenience, be compatible with the overall character of the development, and not be injurious to adjoining properties.

The Planned Unit Development (PUD) Zoning District is intended to permit and control the development of preplanned areas as planned developments (PUDs) for various compatible uses permitted by this Ordinance in other zoning districts and for other special uses not so permitted. In so doing, a degree of flexibility is allowed in the use, area, height, bulk, and placement regulations for PUD developments. However, it is also the intent of a PUD district to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to the PUD zoning district.

Note that the provisions of this Charter are not intended as a device for ignoring the Zoning Ordinance or the Master Plan on which they are based. Instead, the provisions of this Chapter are intended to result in land use and development that are <u>substantially consistent with the underlying zoning.</u>

All zoning pursuant to this Chapter shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, <u>effect on surrounding property values,</u> light and air, overcrowding of persons, sanitation, surface and

groundwater quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

SECTION 402. REZONING REQUIRED

The granting of a Planned Unit Development (PUD) application shall require an amendment of the Zoning Ordinance and Zoning Map, which is part of this Ordinance. An approval granted under the provision of this Chapter, including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

SECTION 403. PERMITTED USES

Land in the PUD Zoning District may be used for any use permitted by this Ordinance as a use by right except that PUD's located in residential districts shall not contain an industrial use.

SECTION 404. PROCEDURES

Any land in the Township may be zoned or rezoned as PUD Zoning District in accordance with the procedures and requirements specified in the remainder of this Chapter.

SECTION 405. PRE-APPLICATION CONFERENCE

Prior to the submission of an application for a PUD, the applicant shall meet with the Zoning Administrator, and other Township staff and/or consultants as deemed appropriate. At the pre-application conference (or conferences), the applicant shall present a sketch plan of the proposed PUD and the following information:

1. A legal description of the property in question;

2. The total number of acres to be included in the project;

3. A statement of the approximate number, type, and square footage of both residential units and non-residential units;

4. The approximate number of acres to be occupied by or devoted to each type of use;

5. Departures from the minimum underlying zoning district regulations which may be requested;

6. The number of acres to be preserved as open space or recreation space; and

7. All known natural resources and natural features on the site.

SECTION 406. PRELIMINARY PLAN

Submissions and Content: Applicants for PUD zoning district shall prepare and submit to the Zoning Administrator, three (3) copies of a preliminary plan for the PUD. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission and one (1) copy to the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information.

1. A legal description of the land included in the PUD.

2. Small-scale vicinity map indicating the location of the PUD in relationship to the general area.

3. A map, to scale, showing any existing or proposed arrangement of; (1) street, (2) lots and buildings, (3) access points, (4) other transportation arrangements, and (5) buffer strips.

4. A narrative describing: (1) the overall objectives of the PUD, (2) number of acres allocated to each use, (3) gross densities, (4) proposed methods of providing sewer and water service as well as other necessary public and private utilities, and (5) proposed method of providing storm drainage.

SECTION 407. PLANNING COMMISSION REVIEW OF PRELIMINARY PLAN

The Planning Commission shall review the preliminary plan and make recommendations to the applicant based on (1) requirements of this Ordinance and (2) the standards described in Section 408.

1. Minimum Area; In order to be rezoned as a PUD, the proposed land area shall be at least ten (10) acres; provided, however, that the proposed area to be zoned as a PUD industrial park or research park shall be at least twenty (20) acres.

2. Maximum Residential Density; The density of a residential PUD shall not exceed ten (10) dwelling units per acre.

3. Minimum Single-Family Residential Floor Area; All single-family residential dwellings proposed as part of a PUD shall have a minimum floor area of 980 square feet.

4. MINIMUM OPEN SPACE REQUIREMENTS: Each PUD project must devote a minimum of ten (10) percent of the project site to permanent open space. Sites which include woodlands, wetlands, or other natural features may leave these areas in a natural state as part of the site’s open space. The required open space must be

set aside for use either by all residents of the PUD or by the public at large. Yard areas of individual residential lots may not be included as part of the required open space, but yard areas for multi-family or non-residential uses may be included.

5. MINIMUM STANDARDS-UNDERLYING ZONING DISTRICTS AND WAIVER: Unless **specifically waived** by the Township Board with the recommendation of the Planning Commission, **all regulations of the underlying zoning district prior to the PUD request shall apply.** This includes regulations pertaining to lot size, lot width, yard area, structure height, setbacks, accessory uses, signs, off-street parking and loading areas, general provisions, and all other applicable regulations. In projects within an underlying residential district which contain mixed used, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply. These regulations **MAY** be waived **ONLY** if it is demonstrated by the applicant that the purposes of this Ordinance would be achieved by alternate means.

6. DESIGN CONSIDERATION: A proposed PUD shall adequately address the following design considerations. These considerations are necessary to ensure compliance with all applicable regulations, and to ensure the compatibility of the project with adjoining properties and the general area where the project is located:

   (a) Ingress and egress to the property and proposed buildings and structures thereon, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

   (b) Off-street parking and loading areas where required, with particular reference to the items in subparagraph 1 above and the economic, noise, glare, or odor effects for each use in the proposed PUD.

   (c) Refuse and service area, with particular reference to the item in subparagraphs 1 and 2 above.

   (d) Utilities, with reference to locations, availability and compatibility.

   (e) Screening and buffering with reference to type, dimension, and character.

   (f) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and

compatibility and harmony with adjoining properties and properties in a proposed PUD.

(g) Required yards and other open spaces.

(h) General compatibility with adjoining properties and properties in the proposed PUD.

(i) General compatibility with the purposes of this Ordinance, as well as compatibility with other ordinances and statutes which regulate land development.

(j) General compatibility with the Township Master Plan.

SECTION 408. (reserved for future use)

SECTION 409. TRANSMITTAL OF PLANNING COMMISSION'S RECOMMENDATION

The Planning Commission shall transmit its recommendations pertaining to the preliminary plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary plan, the Planning Commission may call an advisory public hearing and give such notice there of as it shall deem appropriate.

SECTION 410. FINAL PLAN SUBMISSION

1. After receiving the recommendations to the Planning Commission on the preliminary plan, the applicant for PUD district zoning shall submit four (4) copies of a final development plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit two (2) copies to the Planning Commission, One (1) copy to the Township Board, and retain one (1) copy.

2. Simultaneously with the submission of a final development plan, the applicant shall submit to the Zoning Administrator, an application for rezoning requesting that the land included in the final plan for the PUD be zoned a PUD Zoning District. Consideration of the requested zoning amendment shall then proceed in accordance with the Ordinance amendment chapter thereof, and Public Act 184 of 1943, being the Township Rural Zoning Act, as amended.

SECTION 411. FINAL PLAN CONTENT

The final plan shall include all the following information, unless the same is not reasonably necessary for the consideration of the PUD:

1. A plot plan based on an accurate certified land survey showing:

2. Location, size, and type of present buildings or structures to be retained or removed;

   a) Location of existing and proposed buildings, structures, or other improvements;

   b) Location of existing and proposed street, easements, right-of-way, drives, and parking lots;

   c) Location of water and sewer lines;

   d) Storm drainage;

   e) Topographical features including contour intervals no greater than five (5) feet;

   f) Bodies of water;

   g) Ditches and water courses;

   h) Ground cover and other pertinent physical features of the site such as trees;

   i) Proposed landscaping;

   j) Location of existing improvements;

   k) Location of lot lines;

   l) Loading and unloading facilities;

   m) Wetlands; and

   n) Exterior lighting and signs.

3. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described.

4. The period of time within which the project will be completed.

5. Proposed staging of the project, if any.

6. Gross areas of building and parking.

7. Delineation of the one hundred (100) year flood plain, if applicable and any proposed uses therein.

8. A description of all aspects of such plan which might have an adverse effect on public health, safety, and welfare.

9. An environmental impact statement or report, if requested by the Planning Commission.

10. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase contract.

11. Such other data or information as required by the Planning Commission.

SECTION 412. PUBLIC HEARING

The Planning Commission shall hold a public hearing pursuant to the provisions of Public Act 184 of 1943, as amended, and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

SECTION 413. FINAL PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall transmit its recommendations concerning the final development plan and the proposed zone change along with any recommended changes, conditions, or modifications to the Township Board.

SECTION 414. FINAL APPROVAL BY TOWNSHIP BOARD

Final approval (together with conditions of approval) or disapproval of the zone change shall be by the Township Board. A copy of the final zone change, if finally approved, shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance and shall be an official amendment to that Ordinance by the procedures required therein. If all conditions and requirements of this Chapter are fulfilled, the Township Board shall approve the planned unit development. The Township Board may attach conditions to any PUD approval.

SECTION 415. TIME LIMITATIONS ON DEVELOPMENT

Each development shall be under construction within one (1) year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year final approval by the Township Board, any building permit issued for said development shall be invalid and void, and the Township Board may initiate

proceedings to hold a public hearing for the purpose of rezoning said property.

SECTION 416. PERFORMANCE BONDS

The Township Board, in connection with reviewing any application for a final development plan, will require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond, such bond shall be in the amount of ten percent (10%) of the total cost of the development. The bond shall be posted with the filing of the application. The bond is required in order to ensure that the development will be executed in accordance with the approved plan. Bond non-refundable for non-performance. Performance Bonds to include PUDs, Site Condominium Plans, Mobile home, Condominium Project. This bond would be non-refundable for non-performance.

SECTION 417. REQUIRED IMPROVEMENTS PRIOR TO ISSUANCE OF OCCUPANCY PERMIT

The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Building Inspector may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit. This bond would be non-refundable for non-performance.

SECTION 418. ADDITIONAL PROVISIONS

All provisions of this Ordinance and other ordinances of the Township shall apply to the PUD district except where they are inconsistent. In such cases, the provisions of this Chapter shall control.

SECTION 419. SITE CONDOMINIUM SUBDIVISION APPROVAL *This section repealed by Ordinance # 67, 7-05-2003 – Site Condominiums now covered under Section 505 – Table of Special Use Permit Standards*

SECTION 420. MODIFICATION OF PUD PLANS

Minor changes to a PUD site plan may be approved administratively in writing by the Zoning Administrator provided the changes comply with all applicable requirements of this Ordinance and all other Township

regulations and state laws. Any other changes shall require a formal amendment to the developers' PUD Ordinance for approval.

SECTION 421. OPEN SPACE PRESERVATION (Ordinance #67, 7/5/2003)

1. **Open Space Development Option.** Any parcel of land in Haring Township which is zoned to allow for residential development, may be developed at the option of the landowner with the same number of dwelling units that could otherwise be developed on the entire land area on a portion of the land not to exceed fifty percent of the entire land area if all of the following apply:

   a) The land is zoned at a density equivalent to two or fewer dwelling units per acre, or if the land is served by a public sewer system, three or fewer dwelling units per acre;

   b) At least fifty percent of the entire land is set aside as open space to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. Unbuildable areas such as wetlands do not count towards the 50% open space minimum.

   c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without exercise of the option provided by this section would also depend upon such and extension; and

   d) The option provided by this Section has not been previously exercised with respect to the land.

2. **Re-zoning.** After a landowner exercises the option provided by this Section, the land may be re-zoned accordingly.

3. **Other Regulations Applicable.** Except as otherwise provided in this Section, the development of land under the open space option provided herein is subject to all other provisions of the Haring Township zoning ordinance as well as other applicable ordinances, laws and rules including rules relating to suitability of groundwater for on-site water supply for land not served by public water, and rules relating to suitability of soils for on-site disposal for land not served by public sewers.

4. Required Procedures

(a) **Site Plan Review.** Development under this Section shall be subject to the plan review process set forth in Section 206 of this Ordinance. Where a landowner elects to proceed under this Section, in addition to an open space site plan, a "parallel" site plan shall be prepared showing a feasible development under the requirements of the specific zoning district in which the development is to be located and the requirements of any and all State, County and Township regulations. It must be determined by the Planning Commission that the parallel plan or conventional can meet all current zoning and subdivision regulations if developed without reliance upon the open space provisions of this section. The Planning Commission may waive the submission of a parallel plan if it is determined that the number of housing units proposed for open space development is clearly below what would otherwise be allowable for the site.

(b) **Special Use Permit.** Development under this Section shall also be subject to the Special Use Permitting process set forth in Chapter 5 of this Ordinance.

SECTION 422. MIXED-USE COMMERCIAL/RESIDENTIAL PUDs ***(Ordinance #13-84)***

1. **Purpose.** The purposes of the regulations stated in this Section 422 are as follows:

   a) To allow for limited commercial development in areas where, because of the nearby presence of federal or state highways, or major thoroughfares, there is a demand for commercial use, but due to the close proximity of established residential areas, there is a need to ensure that the commercial development is designed and constructed in a manner that is protective of surrounding residential populations.

   b) To provide architectural and site design standards in order to promote harmonious development in the Township.

   c) To preserve woodlands, view sheds and other natural features within the Township, to the extent practicable.

2. **Findings.** The Township finds that the standards of this Section 422 are necessary to promote the health, safety and welfare of the Township and its residents, based on the following findings:

   a) Design standards are important safety and aesthetic considerations for the Township's future image and the citizens' quality of life.

b) Architectural guidelines are necessary to ensure building design is consistent with the intended character of the area.

c) Commercial growth and development put an increased demand upon natural resources. The protection of natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the State of Michigan Constitution and the Michigan Environmental Protection Act of 1970, MCL 324.1701, et seq.

3. **Mixed-Use Commercial/Residential PUD Regulations.**

a) Mixed-use commercial/residential PUDs are permitted in the Township only in accordance with the provisions of this Section 422.

b) Permitted Uses. Uses that may be approved within a mixed-use commercial/residential PUD shall include the following:

1) Any use permitted by right in the "C" General Commercial Zoning District.

2) The following uses that are permitted by special land use in the "C" General Commercial Zoning District:

i) Churches and religious institutions.

ii) Veterinary clinics and kennels.

iii) Bars and nightclubs (not including "sexually oriented businesses").

3) Any use permitted by right or by special land use permit in the "R" Residential Zoning District, except that "transitional/shelter housing" shall not be permitted.

c) <u>General Requirements.</u>

1) Commercial uses shall comprise not more than 60% of the developed land area, exclusive of open space.

2) The density of development in the residential phase of the PUD shall not be more than 4 units/acre. Multifamily buildings shall be designed and constructed to avoid excessive length and box-like appearance and to have varied architectural features.

3) Commercial uses shall be physically separated from adjacent residential uses (both existing residential

uses and those included within the PUD) by means of a berm and buffer zone of undeveloped or landscaped open space that is of significant size, width and height, so as to visibly screen the commercial uses from the residential uses, and so as to ensure that noises from the commercial phase do not interfere with the peace, quiet and enjoyment of the residential uses. The open space used to buffer the commercial and residential uses shall comprise not less than 10% of the total land area included in the PUD plan.

4) The development shall be served by public wastewater and public water supply systems.

d) Architecture.

1) All proposed commercial buildings shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.

2) The applicant is required to submit and present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the architectural guidelines prior to preparations of detailed design drawings.

3) Building designs shall be reviewed by the Planning Commission as a part of final plan review under the following criteria:

i) Commercial buildings shall possess architectural variety.

ii) Commercial buildings shall be consistent with the scale and proportion of existing structures in the surrounding area.

iii) For commercial buildings, a minimum of eighty percent (80%) of the exterior finish material of all front building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native, field stone, cast stone or wood with an opaque or semi-transparent stain, or bleaching oil.

Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those living in and traveling through the Township.

iv) Exterior Insulation and Finishing Systems (EIFS) material shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other material for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.

v) Front building facades for commercial buildings shall provide a minimum 15% glass window but shall not exceed 80% glass. Calculations are exclusive of the roof area. The Planning Commission may allow a lower percentage of glass windows where it has been demonstrated that industry-recognized safety or security practices for the use being proposed mandate a lower percentage of glass windows.

vi) Building materials and colors shall be related to and harmonious with the surrounding area.

vii) Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.

viii) Commercial buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.

ix) Building walls (both commercial and residential) over 100 feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades,

windows, architectural accents, bands of complementary building materials and trees.

x) Commercial building entrances shall utilize windows, canopies, and/or awnings, provide unity of scale, texture, and color and provide a sense of place.

xi) Rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.

xii) Commercial building rear facades shall be constructed to a finished quality that is comparable to the front facade where visible to a public street or residential district or use, but strict adherence to the percentage requirements for finish materials and window glass, as stated in subsections (iii) and (v), shall not be required. This subsection shall not apply to a building rear façade that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.

xiii) Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.

xiv) Exterior neon, LCD or LED lights (including such interior lights that are clearly visible from the exterior) are generally prohibited, except that they may be used only as architectural detail, they must be complementary to the overall design of the building, and they must be specifically found by the Planning Commission to be compatible with surrounding properties. Such lighting shall be indicated on the building elevation and allowed only as part of site plan approval. The provisions of this subsection do not apply to small interior neon, LCD or LED signs that are used to communicate directional or operational information such as “exit”, “open” and “closed.”

xv) The commercial portion of the mixed-use PUD shall complement the overall PUD plan and the commercial

buildings therein shall have an architecture and appearance that are reasonably compatible with the buildings in the residential portion of the PUD.

xvi) Loading docks, refuse accumulation areas, truck maneuvering area and other utility or service areas shall be appropriately screened from view by landscaping, berms or other effective means.

e) Landscaping and Overall Site Design. Landscaping and design elements of the PUD plan shall comply with the following requirements:

1) Plants that have been identified as invasive or potentially invasive plants in the region shall not be used for any landscaping purposes.

2) The overall design shall promote the impression of a natural landscape.

3) Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.

4) Retention, detention and the overall stormwater system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

5) *Parking Lots.* The following landscaping requirements shall apply to parking lots:

i) Parking lots, or any parts thereof, which are located in the front yard or which are adjacent to or visible from within 20 feet of any public right-of-way (excepting the highway U.S.-131 right-of-way) shall have perimeter landscaping, between the parking lot and right-of-way, as follows:

A. The perimeter landscaping shall include a landscaped area measuring at least ten feet in width.

B. The landscaped area shall include at least one tree, measuring at least eight feet in height at

the time of planting, for every 30 feet, or fraction thereof, of street frontage of the parking lot.

C. The landscaped area shall also include a continuous screen, measuring at least thirty-six inches in height above the street grade, consisting of a hedge, berm, brick wall, or combination thereof. The Planning Commission may determine the location of the screen so that it does not cause a traffic hazard, vision obstruction or other hazard to public safety.

ii) For parking lots of over 100 spaces or 30,000 square feet, the interior of the parking lot shall have one square foot of landscaped area for each 15 square feet of paved area. The following requirements shall apply to the interior landscaped areas:

A. Traffic islands shall be located to improve traffic flow and views.

B. Traffic islands shall have a minimum width of 18 feet and a minimum area of 150 square feet.

C. Details on traffic islands shall be provided on the PUD site plan, including radii, dimensions, adjacent parking space depth, ground cover and any lighting or irrigation.

D. There shall be at least one deciduous tree for each 150 square feet, or fraction thereof, of interior landscaped area. Around each tree, there shall be an open land area of at least 75 square feet, with a minimum diameter of four feet at the tree trunk.

E. All interior landscaped areas of a parking lot shall be designed as “bio-retention” areas, to facilitate the treatment and ground absorption of stormwater runoff using a combination of microbial soil process, infiltration, evaporation, and appropriate plantings.

6) Loading and service bay doors shall not face a public street. Such doors shall be in the rear of the site. Where this is not practical, location on the side may be permitted provided additional walls and landscaping are provided, and/or such areas are recessed, to minimize

the negative visual impact. This subsection shall not apply to a loading or service bay door that is viewable only from highway U.S.-131, and which is not otherwise viewable from a residential district or use.

7) Generally, curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception upon finding that overall stormwater disposition will be enhanced, that snow removal will be facilitated, or that there will be other beneficial improvements to the overall site design.

8) *Outdoor Storage.* The following requirements shall apply to outdoor storage:

   i) The outdoor display of items for sale, whether a few items or on a large-scale basis, such as motor vehicle sales establishments, shall be arranged in a neat and orderly fashion of rows and columns. All outdoor display items for sale shall be setback from the frontage road right-of-way so as to be located, at a minimum, inside of the greenbelt required by subsection (11), below, and a minimum of twenty (20) feet from any side property line.

   ii) The outdoor storage of other items, such as vehicles, equipment and extra supplies, shall be performed by placing the items in a fenced and screened area, to the side or rear of the principal building on the premises.

9) Fences, if proposed, must be shown on the site plan, including details on materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence will be vinyl coated with additional landscaping provided to screen the view.

10) A minimum 35 foot greenbelt is required along state highways and other major thoroughfares (excluding highway U.S.-131), as measured from the edge of the highway or road right-of-way. Said greenbelt shall be landscaped and planted in accordance with Section 422.3(e)(6)(i)B and C, except for approved driveways.

11) Buildings shall be set back a minimum of 100 feet from the right-of-way for state highways and other major

thoroughfares, excepting the highway U.S.-131 right-of-way.

f) Commercial Lighting.

1) All exterior lighting shall be within fully-shielded fixtures, so that no light may escape above the horizontal plane. The wattage of any single lamp fixture shall not exceed 320 watts.

2) Lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height of 40% of the horizontal distance of the light pole from the property line, nor a maximum height of 30 feet, whichever is lower.

3) No lighting on any site shall cause or create obtrusive light, or light which protrudes onto any adjacent or nearby residential property.

g) Other.

The PUD plan for a mixed-use commercial/residential PUD shall be reviewed in accordance with, and shall otherwise comply with, the PUD regulations of this Ordinance, as stated in Sections 401 through 420, to the extent that those regulations are not inconsistent with the above minimum requirements. Where the regulations of this Section 422 are more stringent, the more stringent regulations shall apply.

CHAPTER 5 - SPECIAL USE PERMIT REQUIREMENTS

SECTION 501. INTENT, PURPOSE, AND PROCESS.

1. INTENT. The formulation and enactment of this Ordinance is based upon the division of the Township into districts. Each district allows for uses that have been deemed compatible, and those uses are permitted by right. Other use, however, may also be compatible in these districts based on their particular location and anticipated impact. These uses have been deemed special uses and should be permitted only after it has been found that they are in conformance with the standards and requirements of this Chapter.

2. PURPOSE. (*Amended by Ordinance #67)* This Chapter provides procedures and standards for regulating activities identified as uses permitted by Special Use Permit in Chapter 3 of this Ordinance or developments undertaken pursuant to the Open Space Preservation Options of Section 421. The purpose of designating a special use is to allow practical latitude for a property owner or developer to use a parcel of land while also maintaining protection of the health, safety, comfort, convenience and general welfare of the community at large.

3. PROCESS. The regulation of Special Uses includes two separate steps. The first step is the review of the Site Plan for the proposed use. The second step is the decision of whether a Special Land Use Permit will be granted.

   a) STANDARDS. During the Special Use Permit process, various considerations must be explored before the Site Plan or the Special Use Permit may be approved. Some of these considerations are defined in this Chapter as additional review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use o surrounding properties. These are minimum requirements which must always be met.

   b) CONDITIONS. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.

   c) PRECAUTION. No person should think that any provision of this Ordinance automatically grants them the right to establish a Special Use in any given Zoning District. Instead, the privilege of establishing a Special Use is granted or denied by the Planning Commission in accordance

with the procedures and standards identified in this Chapter.

d) PERMANENCE. Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when a parcel is rented or sold. Therefore, This Ordinance does not provide for the placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as specified in Section 502.

SECTION 502. PERMIT PROCEDURES.

1. SUBMISSION OF APPLICATION. The application package is to be submitted to the Haring Township Zoning Administrator.

a) CONTENTS. The Application package consists of a Special Use Permit application form completed in full by the applicant, accompanied by a fee as established by the Township Board and site plan meeting the requirements of Section 206.

In addition to the above, a completed application package for a Special Use Permit must contain individual statements addressing each of the Special Use Permit standards and any additional standards listed in that table of Special Use Permit standards from Section 505. Licenses, permits, and other documents or items which evidence compliance with said standards and additional requirements shall be attached.

b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

2. SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements:

   a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.

   b) PROCEDURES. The ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of proposed rezoning by the Township Board.

   c) STANDARDS. All standards required by this Ordinance shall be observed for each action .

   d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and the Special Use decisions. Therefore, two (2) separate public hearings shall be held at the same meeting.

3. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission, if the applicant wishes to have the Site Plan Review and the Special Use Permit considered at a single Planning Commission meeting. In the case of an application for a Special Use Permit for a sexually oriented business, the Site Plan Review and the issuance of a Special Use Permit shall be initially considered at a single Planning Commission meeting.

   a) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedures and standards presented in Section 206 and other specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date. In the case of a Site Plan Review for a sexually oriented business, if the Planning Commission has not made and adopted findings of fact and either approved, approved with conditions or denied the proposed site plan within sixty (60) days of its initial review of the site plan, then the site plan shall be deemed to have been approved.

      1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of

granting the Special Use Permit. There are no provisions for holding a public hearing concerning a site plan. However, the Planning Commission may, at its discretion, choose to accept public comments or questions relating only to design considerations of a site plan.

2) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.

b) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting at which the Special Use Permit is considered.

1) NOTICE. Notices of the public hearing, in accordance with the requirements of Section 166(2) of the Township Rural Zoning Act (Act 184 of 1943) shall be made.

2) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that consideration of the Special Use Permit, including the public hearing, be postponed. However, postponement of the public hearing requires additional notification of neighboring property owners and newspaper publication of another notice. The applicant will be required to reimburse the Township for any additional costs incurred.

c) CONSIDERATION OF SPECIAL USE PERMIT. Following the public hearing, the Planning Commission shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. The Planning Commission members shall then discuss the motion and vote upon it.

1) OPEN MEETING. Note that the Open Meeting Act requires this vote to take place in an open public meeting.

2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting at which the public hearing is held, unless further

information must be obtained before a decision can be made. In such cases, action on the Special Use Permit may be tabled to a public hearing of the Planning Commission to be held on a specific date which is identified in the motion to table.

PROMPT DECISION REGARDING SEXUALLY ORIENTED BUSINESSES. In addition to the requirements of this subsection (2) above, if the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved, approved with conditions, or denied the issuance of a Special Use Permit for that business within sixty (60) days of its public hearing on same, then a Special Use Permit shall be deemed to have been approved.

3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.

4. TERMS OF PERMIT. A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of this permit, are described by Section 702. If a use established under a Special Use Permit is discontinued for a period of one year, the Special Use Permit shall expire. To re-establish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.

5. REVOCATION. The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process previously described. Except as noted in item (5), the permit remains valid as long as all of the conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit. Revocation of the Special Use Permit shall also void the Zoning Permit.

a) FIRST NOTICE. The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within 30 days or the Planning Commission will revoke the Special Use Permit and order the use to cease.

b) CONSIDERED NON-CONFORMING. From the time the Zoning Administrator's notice of violation is issued and until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as a non-conforming use. Actions specified in Section 201 pertaining to the regulation of non-conformities shall be taken whenever they apply.

c) PLANNING COMMISSION ACTION. The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered at that time. The Planning Commission's meeting will usually occur before the 30 day period for the first notice of violation as expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. The resolution shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violation(s) are not corrected by the end of the first notice period.

d) SECOND NOTICE AND ORDER. After expiration of the 30 day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within 60 days from the date of the second notice.

e) ENFORCEMENT OF ORDER. Failure to comply with the order to cease any activity for which a Special Use Permit has been revoked is a violation of this Ordinance and is subject to all penalties thereof.

SECTION 503. PERMIT STANDARDS AND BASIS FOR DETERMINATIONS

Prior to the approval of a required site plan and Special Use Permit, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied.

1. GENERAL STANDARDS. The Planning Commission shall review the particular circumstances of the special use request in terms of the following standards, and shall approve a Special Use Permit only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in the Ordinance:

   a) The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

   b) The special use shall not inappropriately change the essential character of the surrounding area.

   c) The special use shall not interfere with the general enjoyment of surrounding property.

   d) The special use shall represent an improvement to the use or character of property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

   e) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.

   f) The special use shall be adequately served by essential public services and facilities, or it shall be demonstrated that the person responsible for the proposed special use shall be able to provide for the services and facilities deemed essential to the special use under consideration. Such public services and facilities include, but are not limited to, highways, streets, fire and police protection, drainage structures, water and sewage disposal facilities, and schools.

   g) The special use shall not place demands on public services and facilities in excess of current capacity.

h) The special use shall be consistent with the intent and purpose of this Ordinance, and with the objectives of the Township Comprehensive Master Plan.

2. STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit application, the Planning Commission reviews the site plan for the proposed use to establish that all applicable standards are satisfied. The Site Plan Review shall determine compliance with the applicable Zoning District regulations from Chapter 3, the Site Plan Review Standards from Chapter 2, Section 206, and any applicable standards from this Chapter.

3. ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit itself. These conditions and the reasoning behind them, must be documented in the Planning Commission's minutes and communicated to the applicant in writing.

4. ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 502 (6).

SECTION 504. PERFORMANCE GUARANTEE

In authorizing a Special Use Permit, the Planning Commission may require a sum of money to be deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Special Use Permits. The procedures for performance guarantees are specified in Chapter 7, **Administration and enforcement**, **Section 702 (4).** Non-refundable for non-performance.

SECTION 505. APPEALS.

1. APPEAL TO ZONING BOARD OF APPEALS. Within 15 days following the date of a decision on any Special Use Permit, an applicant or any aggrieved party, including any governmental body or agency, may appeal the decision of the Township Planning Commission to the Zoning Board of Appeals. Upon the filling of an appeal, the application and all relevant documents and testimony, and the findings and decision of the Township Planning Commission, shall be transmitted to the Zoning Board of Appeals.

2. APPEAL TO ZONING BOARD OF APPEALS – SEXUALLY ORIENTED BUSINESS. If the Planning Commission denies a site plan, application for

a Special Use Permit, or both, for a sexually oriented business, the applicant shall be entitled to prompt review by the township Zoning Board of Appeals upon written request to the Zoning Administrator. The Zoning Board of Appeals shall convene a meeting within (7) business days of the Zoning Administrator's receipt of the applicants request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether: 1) the Planning Commission's decision was based upon competent, material and substantial evidence, and 2) the Planning Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and federal law. The Zoning Board of Appeals shall have all powers of the Planning Commission in reviewing the decision.

Within thirty (30) days of the initial hearing on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the Zoning Board of Appeals affirms the Planning Commission's denial of a special use permit application to operate a sexually oriented business, then, upon written request from the applicant to the Zoning Administrator, the Township shall within three (3) business days of its receipt of such written notice do the following:

a) File a petition in the Circuit Court for the County of Wexford seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;

b) Request that the motion for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall

join in such request.

In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeal's denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if within five (5) business days of the filing of Township's petition, a show-cause hearing has not been scheduled.

The Zoning Board of Appeals shall determine whether the party filing the appeal is aggrieved by judging the merits of the application.

HARING CHARTER TOWNSHIP ZONING ORDINANCE
TABLE OF SPECIAL USE PERMIT STANDARDS

IMPORTANT NOTES;

* Granting of a Special Use Permit requires Site Plan Review and a public hearing.
* A Special Use Permit is a privilege granted by the Township, not a right.
* THE TOWNSHIP WILL REVOKE A SPECIAL USE PERMIT FOR FAILURE TO MAINTAIN COMPLIANCE.
* Each Special Use must meet the minimum requirements for the Zoning District in which it is located, EXCEPT AS SPECIFICALLY NOTED IN THIS SECTION.
* This section lists the standards and additional requirements for uses which may be permitted by Special Use Permit. These standards supersede the District Regulations.

SPECIAL USE: Bed and Breakfast Establishments

STANDARD AND ADDITIONAL REQUIREMENTS:

* Not more than 25% of the total floor area may be used for sleeping room for guests.
* No separate cooking facilities may be provided for guest.
* One non-illuminated wall sign of not more than 4 square feet shall be permitted

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SPECIAL USE(S): Group Child Day Care Homes and Child Care Centers.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Shall provide on-site parking for all employees in addition to the parking required for the residence itself.
* Must be licensed or certified by Michigan Dept. of Social Services.

SPECIAL USE: Clinics.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Minimum lot area of 25,000 S.A. required.
* Minimum building setbacks of 50’ on all sides.
* Must provide an obscuring fence or Berm 6’ high on all sides adjacent to parcels zoned R, FR, or RL.

SPECIAL USE: Health Care Institutions
Churches
Public and Private Schools
Clubs, lodges, and community centers.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Minimum lot area shall be 4 acres unless the building is less than 20,000 s.f., site shall be a minimum of 2 acres.
* No building shall be closer than 50’ to an adjacent property line or street R.O.W. line.

* Structures over 30’ high shall be set back one additional foot for each additional foot in height.

SPECIAL USE: Campgrounds.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* The site shall be a minimum of 20 acres in area.
* The site shall be no closer than 200’ to a R zone.
* There shall be at least 750 S.A. of area provided within each campsite.
* Must maintain compliance with all regulations of the County Health Department and all other state and local regulation which apply to such facilities.

SPECIAL USE: Multiple-family dwellings.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Shall be located on an improved County road.
* Site shall be at least one acre in size.
* No structure shall be closer than 50’ to any adjacent property line or street R.O.W. line.
* Must be served by public water and sewer, or must provide suitable project-wide water and sewer service.
* Shall not exceed a density of 10 dwelling units per acre.

SPECIAL USE: Public and private parks and outdoor recreation facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* These uses require only Site Plan Review and compliance with the appropriate Zoning District Regulation.

SPECIAL USE: Riding stables, including boarding of horses.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Minimum parcel size of 10 acres.
* Buildings and enclosures housing horses shall be at least 100’ from adjacent property lines. This shall be increased to 200’ if any part of the site is adjacent to an R district.
* Shall provide proper control of animal wastes, odor, and noise.

SPECIAL USE: Veterinary Clinics and Kennels.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Site shall be at least one acre if animals are kept entirely within enclosed building; 5 acres required if outdoor exercise areas are included.
* No building, fence, or wall shall be closer than 50’ to any adjacent property line or street R.O.W. line.
* Outdoor exercise area shall be enclosed by a solid wall or by a chain link fence at least 4” high.
* Shall provide proper control of animal wastes, odor, and noise.

SPECIAL USE: Mobile home park.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Site shall be a minimum of 10 acres in a area.
* Site shall have its principal access from a county primary road or state highway.
* No building or mobile home within the park shall be closer than 50' to any adjacent property line or street R.O.W. line.
* All development shall conform to the Michigan Mobile Home Commission Act.

SPECIAL USE: Arenas and stadiums.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Minimum area shall be 10 acres.
* Building setbacks shall be 100' from all adjacent property lines and street R.O.W. lines; setbacks shall be increased to 200' on any side adjacent to an R,FR, or RL District.
* All traffic ingress and egress shall be from a county primary road or state highway.
* All points of entrance and exit for motor vehicles shall be no closer than 200' from the intersection of any two streets or highways.
* All vehicles shall have a clear vertical and horizontal sight distance approaching a public street within 100' of the street for a sight distance of 500' in either direction along the street.
* Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.

SPECIAL USE: Industrial parks and research facilities.

STANDARDS AND ADDITIONAL REQUIREMENTS:

* These uses require only general Site Plan Review and compliance with the applicable District Regulations.

SPECIAL USE: Salvage operations
Transfer stations and solid waste processing facilities

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Site shall be a minimum of 10 acres in area.
* Active area shall be at least 250' from all street or property lines.
* Site shall be completely surrounded by a solid fence or wall at least 8' high. Shall be approved by Township Planning Commission.
* All activities shall be confined within the fenced area.
* Solid waste facilities must be licensed by the State of Michigan in accordance with Act 641.
* Must have obtained all required state licenses

SPECIAL USE: Bulk fuel dealer

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Site shall be a minimum of 10 acres in size.
* All buildings and storage areas shall be set back at least 100' from all adjacent property lines or street R.O.W. lines; these setbacks shall be increased to 200' on any side adjacent to an R, FR, or RL zone.

* Applicant shall consult with State Fire Marshall, MDNR, and the local fire department when preparing site plan.
* Must maintain compliance with all applicable state and local regulations.

SPECIAL USE: Single family residence

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Purpose is to allow repair, replacement, reconstruction, to allow expansion and additions of existing dwelling which would otherwise be non-conforming under this Ordinance.
* Dwelling must have existed prior to effective date of Ordinance.
* Must meet all dimensional requirements for the R District, unless variances are obtained through the ZBA.
* Site Plan Review required.
* Residential accessory buildings are also permitted, as specified in Section 202.

SPECIAL USE: Sexually Oriented Business

STANDARDS AND ADDITIONAL REQUIREMENTS:

* No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred feet (1,500) of any principal or accessory structure of another sexually oriented business.
* No adult-only businesses shall be established on a parcel which is within one thousand feet (1,000’) of any parcel zoned A, R, FR, or RL.
* No sexually oriented business shall be established on a parcel within one thousand feet (1,000’) of any public park, school, child care facility, church or place of worship. The distance between a proposed sexually oriented business and any public park, school, child care facility, church or place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to nearest property line of the public park, school, child care facility, church or place of worship.
* The proposed use shall conform to all standards of the zoning district in which it is located.
* The proposed use must meet all applicable written and duly promulgated standards of Haring Charter Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
* The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
* Any sign or signs proposed for the sexually oriented business must comply with the provisions of Chapter 6 of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified sexual activities or specified anatomical areas, or include animated or flashing illumination.
* Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to

those entering and exiting the business, and using lettering no less than (2) inches in height: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

* No product or service for sale or gift, or any picture or other representation of any product or services for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
* Hours of operation shall be limited to 8:00 AM to 12:00 AM.
* All off-street parking areas shall comply with Section 219 of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
* Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  1. Is handicap accessible to the extent required by the Americans With Disabilities Act;
  2. Is unobstructed by any door, lock or other entrance and exit control devices;
  3. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  4. Is illuminated such that a person of normal visual activity looking into the booth, room or cubicle from its entrance can clearly determine the number of people within;
  5. Has no holes or openings in any side or rear walls not relating to utility, ventilation, or temperature control services or otherwise required by any governmental building code or authority.

SPECIAL USE: Motor Freight (Truck) Terminals

STANDARDS AND ADDITIONAL REQUIREMENTS:

* Site Plan Review required.
* Planning Commission may determine truck routes.
* Planning Commission shall consult with the Wexford County Road Commission and determine any necessary road upgrading which will be required.
* All buildings shall be set back at least 50' from road right-of-way; 100' from any property that is not zoned Commercial or Industrial.

SPECIAL USE: Recycling Drop-off Center

STANDARDS AND ADDITIONAL REQUIREMENTS:

Facility must be consistent with the County Act 641 Solid Waste Management Plan, as documented by the designated County Solid Waste Management Agency.

Planning Commission shall request review by the Michigan Department of Natural Resources and the District Health Department.
Facility may accept only clean, source-separated recyclable materials.
Must provide means of controlling access to site to prevent entry and/or drop off of materials when facility is unattended.

SPECIAL USE: SITE CONDOMINIUM SUBDIVISIONS *(Ordinance #67, 7/05/2003)*

STANDARDS AND ADDITIONAL REQUIREMENTS:

Pursuant to authority conferred by Section 141 of the Condominium Act (MCL 559.241), Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Haring Township Planning Commission pursuant to the requirements applicable to uses allowable by Special Use Permit. Except as provided herein, all of the procedures for reviewing and approving or denying a site condominium project shall be the same as for a special use permit.

In determining whether to approve a site condominium subdivision, the Planning Commission shall consult with the Township Attorney, Township Engineer and Fire Department regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design and compliance with all requirements of the Condominium Act.

A. **Zoning Compliance Required.** All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage, and area (setback) regulations of the underlying zoning district in which the subdivision is located.

B. **Site Condominium Subdivision Review Procedures.**

1. At least thirty (30) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township Zoning Administrator all the materials required herein (hereafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.

2. Simultaneously with the submission of the site condominium plans, the applicant shall also submit to the Zoning Administrator an application for a special use permit. Consideration of the proposal shall then proceed in accordance with Chapter 5 (Special Use Permit Requirements) and the requirements of the Township Rural Zoning Act (1943 PA 184), as amended.

C. **Site Condominium Plans – Required Content.** In addition to the materials required by Sections 206 and 502, all site condominium plans shall require the following;

1. A project description, describing the nature and intent of the proposed development.

2. A survey of the site condominium subdivision.
3. A floodplain plan, if the site lies within or abuts a floodplain area.
4. A site plan showing the location, size, area, and dimensions of all condominium units.
5. A utility plan as required.
6. A street construction, paving and maintenance plan for all private streets within the proposed site condominium subdivision.
7. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.
8. A soil erosion and sedimentation control plan.
9. A description of the common elements of the project as will be established in the condominium Master Deed.
10. The use and occupancy restrictions as will be specified in the Master Deed.
11. A "Consent to Submission of Real Property to Condominium Project," stating all parties having ownership interest in the proposed site condominium subdivision, or evidence of the developers legal authority, right or option to purchase the subject property from the owner(s) of record.

D. **Utilities.**

1. **Easements.** The site condominium plan shall include all necessary easements (e.g., sewer, water, sidewalks, bike paths, etc.) granted to Haring Charter Township and Wexford County for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character (hereafter collectively called "public structures") for the purpose of providing any and all public utilities through and under the property subject to said easements.
2. **Special Assessments.** As a condition of granting a Special Use Permit for a Site Condominium Subdivision, the Planning Commission may require a developer to underwrite the costs of construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. Under such circumstances, the Planning Commission may recommend to the Township Board the establishment of a special assessment district pursuant to 1954 PA 188, as amended.

E. **Private Streets.** If a site condominium subdivision is proposed to have private streets, the Planning Commission shall require

that such streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of the Haring Township Zoning Ordinance or as otherwise specified by the Wexford County Road Commission.

F. **Subdivision of Condominium Units.** All subdivision of individual condominium units shall conform to the requirements of the Haring Township Zoning Ordinance and the particular underlying zoning district standards as previously approved, including but not limited to minimum lot dimensions, lot area and building setback requirements. Said requirements shall be made a part of the condominium by-laws and recorded as part of the Master Deed.

G. **Mobile Home Condominium Projects.** Mobile home condominium projects shall conform to all requirements of the Haring Township Zoning Ordinance.

H. **Master Deed – Contents.** The provisions of site condominium plans, as approved by the Planning Commission, shall be incorporated in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Planning Commission pursuant to the procedures set forth herein for approval of site condominium plans. A copy of the Master Deed as filed for recording with the Wexford County Register of Deeds shall be submitted to the Township Zoning Administrator within ten (10) days after such filing.

SPECIAL USE: Transitional/Sheltered Housing *(Amendatory Ordinance #12-1008; adopted 10/8/2012)*

STANDARDS AND ADDITIONAL REQUIREMENTS:

1) To be approved, the applicant shall present a facility management plan which shall outline (i) the specific social services to be provided at the facility, (ii) the particular needs of anticipated clientele, (iii) the expected length of stay for the persons offered temporary housing, and (iv) other information required by the Planning Commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.

2) The applicant shall demonstrate that outdoor site amenities (benches, tables, gardens, fencing, other visual impediments, etc.) be provided to maintain privacy and prevent loitering on public and private property in the surrounding neighborhood.

3) The use shall be compatible with other allowed uses in the vicinity. The impact of the facility shall be no greater than that of other uses allowed in the District. The facility generally shall not be sited on lots designed or platted specifically for single-family housing (i.e.: subdivisions, site condominiums), unless the facility is found by the Planning

Commission to be an appropriate use due to unique characteristics of the lot and/or the plat.

4) The applicant shall provide a description of the structured program that will be offered by the facility including the days and hours of program operation.

5) When occupied, the Transitional/Sheltered Housing facility shall have 24-hour supervision by a shift manager who is familiar with the facility's operational procedures, emergency management plan and have access to and knowledge of the persons staying at the shelter.

6) Residents may not be housed for more than 120 consecutive nights. Upon spending the 120th consecutive night, the resident is required to leave the shelter for a period of 30 days. Under no circumstances shall a resident spend more than a total of 240 nights in the center during a 365-day period.

7) The center must be a governmental agency or bona fide charitable association, such as a 501 (c) organization.

8) Site shall be at least one-half (1/2) acre in size.

9) Site shall not be exclusively served by a seasonal road.

10) The Planning Commission may require further conditions or safeguards, in accordance with Section 501(3), (b) and Section 503(3).

11) Must be located within the Urban Growth Area, as shown on the current Charter Township of Haring Future Land Use Map, found in the current Charter Township of Haring Comprehensive Master Plan.

12) The Planning Commission may require an exclusionary zone or isolation distance from schools or child care facilities in cases where the Commission finds that the type of facility may cause a land use conflict.

CHAPTER 6 - SIGNS AND BILLBOARDS *(Ordinance #62)*

SECTION 601. INTENT AND PURPOSE

The intent of this section is to regulate the type, number, physical dimensions, erection and placement of signs in Haring Charter Township. The purpose of these regulations is to:

1. Promote the health, safety and welfare of residents and visitors;

2. Reduce hazardous distractions to motorists, pedestrians, and air traffic;

3. Protect commercial districts from visual clutter and chaos;

4. Protect property values;

5. Provide consistency with the commercial corridor development efforts of neighboring communities; and,

6. Protect the rural character and natural beauty of Haring Charter Township.

SECTION 602. DEFINITIONS

1. Billboard - A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known as "off-premises signs" and "outdoor advertising."

2. Sign - A sign is any graphic display affixed or applied either directly or indirectly upon a building, structure, or lot, intended to direct attention to any activity, organization or business.

3. Sign Area - The area of a sign shall be computed as the entire area circumscribed by the display surface of the sign, whatever its shape, including frames surrounding the display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as a background and no added decoration or border, the sign area shall be computed as the area of the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a "back to back" sign shall be used.

4. Canopy Sign - A sign which is incorporated into the fabric or material of a canopy which is attached to the exterior wall or

surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining sign area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.

5. Directional Sign - A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" identifying the associated business.

6. Flashing Sign - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.

7. Freestanding Sign - A sign or billboard supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground.

8. Ground Sign - A freestanding sign of limited height firmly attached to the ground throughout its base or supported by one or more uprights or braces which are typically less then two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also called monument signs.

9. Illuminated Sign - Any sign designed to emit artificial light, or designed to reflect artificial light from any source.

10. Political Sign - Any sign displaying a message and/or image associated with an election, referendum, election campaign or similar event.

11. Portable Sign - Any sign designed to be readily movable and not permanently affixed to a building or the ground. Portable signs include "trailer signs."

12. Real Estate Sign - A sign advertising that the premises upon which the sign is located is for sale, lease or rent.

13. Pylon Sign - A freestanding sign attached to the ground by one or more posts.

14. Wall Sign - A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, but which may or may not project above the roof or parapet. (See also canopy sign).

SECTION 603. BILLBOARDS

Billboards are permitted only in those areas of the Township which are adjacent to state and/or interstate highways, and which are zoned commercial or industrial. Billboards erected in these areas shall conform to all requirements of the Highway Advertising Act (1972 PA 106; MCL 252.301, et seq.) and the requirements of this Ordinance. The following standards shall apply to all billboards except those located or proposed to be located along the four-lane limited access portions of U.S. Highway 131, within the Township:

1. Maximum Sign Area: A single sided billboard shall have a sign area of no greater than 330 square feet. Double sided billboards shall have a total combined sign area of no greater than 600 square feet.

2. Maximum Height: A billboard shall have a height of no greater than 25 feet, as measured from the ground surface to the lowest point of the sign, including any borders or trim.

3. Minimum Clearance: A billboard shall have a minimum clearance of to (10) feet between the ground surface and the lowest point of the sign.

4. Minimum Setback: A billboard shall have a minimum setback of 25 feet from a public street right of way.

5. Minimum Spacing Standard: A billboard shall not be established within 1,000 feet of another billboard in any direction.

SECTION 604. ZONING PERMIT REQUIRED

Unless a sign is exempt from permit requirements as specified in Section 605, a Zoning Permit must be obtained from the Township Zoning Administrator prior to the construction or placement of any sign.

SECTION 605. SIGNS AND ACTIVITIES EXEMPT FROM PERMIT

Subject to the standards as noted and other applicable ordinance requirements, the following signs and related activities are permitted by right and are exempt from the permit requirements of this Chapter.

1. Temporary Construction Signs - One (1) construction sign for each street frontage at a construction project, not to exceed thirty-two (32) square feet in sign area per sign. Such signs may be erected no more than thirty (30) days prior to commencement of construction and must be removed no longer than thirty (30) days after completion of construction.

2. Directional Signs - On-premise directional signs, not to exceed five (5) square feet per sign, shall be permitted as a means of directing traffic to parking, loading, customer service or related areas.

3. Political Signs - Political signs shall not exceed twenty (20) square feet in area per sign. Such signs shall be placed only on private property and only with permission of the property owner. Signs must be removed within fourteen (14) days following the election or referendum.

4. Public Signs or Notices - Public signs or notices of Haring Charter Township, Wexford County, the State of Michigan or the United States government may be erected as deemed necessary and appropriate by the unit of government.

5. Real Estate Signs -

   a) Parcels less than two (2) acres - One (1) non-illuminated real estate sign not to exceed eight (8) square feet in area.

   b) Non-residential parcels are allowed one (1) non-illuminated real estate sign not to exceed eight (8) square feet in area or one non-illuminated sign per two hundred feet of lot frontage.

   c) Commercial property over one acre may erect a sign no larger than 32 square feet.

6. Name Plates - One name plate sign per premises not to exceed four (4) square feet in sign area.

7. Home Occupation Signs - One sign per dwelling unit not to exceed five (5) square feet in sign area.

8. Garage or Yard Sale Signs - Two signs not to exceed six (6) square feet in sign area per sign. Signs shall be removed within twenty-four (24) hours after the close of the sale.

9. Retail Fuel Pricing Signs - Retail fuel pricing signs typically displayed by service stations and convenience stores with fuel sales, which indicate the price of fuel. The number of such signs shall be limited to one per street frontage.

10. Corporate Logo Signs - One (1) Corporation logo signs per street frontage, of less than five (5) square feet per sign and independent of other advertising of or messages.

11. Replacing Copy - The replacement or changing of copy on an approved sign does not require a zoning permit. However, if the replacement creates a sign which violates the provisions of this Chapter, it shall be deemed a violation of this Zoning Ordinance and any permit issued for the sign shall be invalidated.

12. Maintenance - Painting, cleaning, light bulb replacement and other normal maintenance or repair of a sign or its supporting structure does not require a zoning permit. However, any structural change or relocation of a sign or its supporting structure **does** require a zoning permit.

SECTION 606. PROHIBITED SIGNS

The following signs are prohibited within Haring Charter Township:

1. Abandoned signs or signs in gross disrepair.

2. Flashing and intermittently illuminated signs, provided however, time and temperature signs and similar signs displaying a bona-fide, non-commercial, public message may be permitted subject to Planning Commission approval.

3. Portable Signs, except on a temporary basis, not to exceed sixty (60) days per calendar year. (See Section 608).

4. Signs, that by their location, construction, configuration or illumination, cause a hazard to pedestrian or vehicular traffic by depriving the pedestrian or driver of a clear and unobstructed view of an approaching intersection or merging traffic.

5. Signs which do not comply with the Building and Safety Codes of Haring Charter Township.

6. Signs, other than public signs or notices, placed in a designated public right of way, unless such placement has been authorized in writing by the public agency having jurisdiction over said right of way. A copy of such written authorization shall be provided to the Township prior to placement of any such sign. Such signs are subject to all other provisions of this Ordinance.

7. Signs imitating or resembling official traffic or government signs or signals.

SECTION 607. GENERAL SIGN STANDARDS

The following standards shall apply to all signs within Haring Charter Township:

1. Illumination, if permitted, shall be by a non-flashing reflective light. Said source of illumination shall be shielded from direct view of adjacent properties.

2. All signs shall be subject to the Building and Safety Codes of Wexford County.

3. All signs shall be set back a minimum often (10) feet from all lot lines, except as otherwise required by this Ordinance.

4. No sign shall exceed the height limitation of the district in which it is located or as otherwise regulated by this ordinance, provided however, ground mounted signs shall not exceed ten (10) feet in height.

5. Freestanding signs shall have a minimum clearance of ten (10) feet between the ground surface and lowest point of the sign.

6. No signs shall be placed in required clear vision areas.

7. Excepted as may be allowed under Section 605, no person shall alter, or cause to be altered, any sign or billboard without obtaining a zoning permit.

SECTION 608. PERMITTED DISTRICT SIGNS

1. <u>Agricultural Districts</u>

   a) Sign Types

      1) One (1) on-premise, non-illuminated identification sign per road entrance for subdivision, condominium, or residential planned unit developments. Said signs shall not exceed forty (40) square feet in sign area per sign nor shall the total number of such signs exceed two (2).

      2) One (1) on-premise, non-illuminated sign displayed on a seasonal" basis advertising the sale of produce or Christmas trees to the general public. Said sign shall not exceed sixteen square feet in area and shall be displayed only during the seasonal period of time during which sales occur. The signs shall be removed within fourteen (14) days of the closure of said public sales.

3) Other permitted non-residential uses may have one of the following:

(a) One (1) freestanding sign not to exceed sixteen (16) square feet in sign area per premises; OR,

(b) One wall-mounted sign not to exceed thirty-two (32) square feet.

b) Sign Standards: In addition to the above limitations on sign size, the following standards shall apply to all signs in the Agricultural Districts:

1) Freestanding signs shall be placed a minimum of twenty (20) feet from all lot lines.

2. <u>Residential Districts</u>

a) Sign Types

1) One (1) on-premise, non-illuminated sign per road entrance for subdivision, condominium, or residential planned unit developments. Said signs shall not exceed twenty four (24) square feet in sign area per sign nor shall the total number of such signs exceed two (2).

2) Other permitted non-residential uses may have one of the following:

(a) One (1) freestanding sign not to exceed sixteen (16) square feet in sign area per premises; OR,

(b) One wall-mounted sign not to exceed thirty-two (32) square feet.

b) Sign Standards

1) Signs shall be placed a minimum of twenty (20) feet from all lot lines.

3. <u>Office, Commercial and Industrial Districts</u>

a) Sign Types

1) One (1) freestanding sign per lot or parcel not to exceed one hundred fifty two (152) square feet in area per sign. For lots or parcels that have frontage adjoining more than one public roadway, one sign not to exceed one hundred fifty two (152) square feet in area is permitted along each frontage/public roadway.

2) Individual business signs shall not exceed twenty-five (25) percent of the wall area per side of the business to which the sign will be attached.

3) A ground mounted sign may be substituted for a freestanding sign provided said sign shall not exceed ninety (90) square feet in sign area nor more than five (5) feet in height as measured from ground level. In no case shall a ground mounted sign be placed in such a location or fashion as to negatively impact the safety of pedestrians or motorists.

4) One portable sign, subject to Section 606, not to exceed forty (40) square feet provided:

   (a) The sign must meet required setbacks;

   (b) The sign shall be properly anchored and wired and shall meet all Wexford County building and safety codes.

5) Pennants and banners may be displayed on commercial property of a retail sales nature provided they are securely anchored to a structure and meet required setbacks.

6) Businesses that use shared parking must use multi-business pylon signs only.

   (a) Each business within a multi-business area may construct one additional wall sign.

   (b) Maximum allowable height of pylon sign is 35 feet.

   (c) Maximum allowable width of pylon sign is 16 feet.

   (d) Maximum height of individual business pylon sign is 30 feet.

b) Sign Standards applicable to all signs exempt from permit:

1) Freestanding signs shall be placed a minimum of ten feet from all lot lines.

SECTION 609. NON-CONFORMING SIGNS/BILLBOARDS

A non-conforming sign or sign structure existing and in place as of the date of the original enactment of this Chapter may continue to have the copy or message on the sign changed and may also have normal maintenance performed. However, a non-conforming sign

existing on the date of original enactment of this Chapter **SHALL NOT:**

1. Be changed to another non-conforming sign;

2. Be structurally altered so as to prolong the life of the sign or changes its shape, size, location, type or design.

CHAPTER 7 - ADMINISTRATION AND ENFORCEMENT

SECTION 701. RESPONSIBILITIES IN THE ZONING PROCESS

The provision of this Ordinance shall be carried out by the Haring Charter Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in accordance with the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

1. ZONING ADMINISTRATOR. The Haring Charter Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

   The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

   a) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of them and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits.

   b) ISSUE WRITTEN DENIAL. When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant a written denial, stating the reasons for the denial.

   c) NOTICE OF HEARINGS. Whenever a Zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare and disseminate hearing notices as required by this Ordinance.

   d) INSPECTIONS. For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of

any building or parcel as necessary to enforce this Ordinance.

e) RECORD NONCONFORMING USES. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 2, Section 201.

f) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 5.

g) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals under Section 703(3). This record shall be consulted whenever interpretation questions arise to determine whether any applicable precedents have been set.

h) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.

i) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.

j) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.

k) The Zoning Administrator is authorized to issue notices of violation and/or municipal civil infraction citations for violations of this Ordinance. *(Added by Ordinance #67, 7/5/2003)*

2. PLANNING COMMISSION. The Haring Charter Township Board has previously designated the Township's Planning Commission as the organization to function in the capacity of the Zoning Commission identified in Act 184 of 1943, the Township Rural Zoning Act. The Planning Commission shall be responsible for

the following administrative and enforcement activities under this Ordinance.

a) SITE PLAN. The Planning Commission shall review Site Plans and issue it's approval, conditional approval or denial of same as provided by Chapter 2, Section 206.

b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 502(6).

c) REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 703. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing, and Township Board approval.

d) REVIEW. The Planning Commission shall review Future Land Use Map periodically and update as necessary.

3. <u>ZONING BOARD OF APPEALS</u>

a) CONTINUATION OF CURRENT BOARD. The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals. Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof. However, the membership of the Board of Appeals may be increased from three (3) regular members to five (5) regular members upon appointment by the Township Board of new members to the Board of Appeals.

b) MEMBERSHIP.

1) REGULAR MEMBERS. The Haring Charter Township Zoning Board of Appeals shall consist of three (3) or five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member may be a member of the Township Board, the remaining member shall be

selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

2) ALTERNATE MEMBERS. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meeting of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

c) TERMS OF OFFICE. The terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

d) PER DIEM OR EXPENSES. The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

e) RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules function. The Board shall choose its

chairperson, and in the chairperson's absence, an acting chair. **SEE APPENDIX A**

f) MEETINGS. Meetings shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. Any three (3) members of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public.

g) RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and are public records.

h) MAJORITY VOTE REQUIRED. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.

i) DECISIONS. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the date the case was heard by the Board unless a further time is agreed upon by the parties concerned. The Board shall state its reasons for making any decisions, and such reasons shall be made part of the meeting's record. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

j) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. However, if a board member suspects they are in conflict with a issue, the conflict will be brought before the remaining board members at the public meeting. The board members will decide by vote, by using standards of conduct for Township Officials, to determine if a conflict is present.

k) DUTIES. The Haring Charter Township Board of Appeals shall have the power to act on appeals from administrative actions, requests for variances, and request for interpretation of this Ordinance as provided in Section 703.

4. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Board may also act to waive any fee required under the Ordinance.

SECTION 702. ADMINISTRATIVE PROCESSES

1. ZONING PERMIT REQUIRED. The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.

   a) Occupancy and use of vacant land (including parking lot construction).

   b) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building. (A Zoning Permit must be obtained before a Building Permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.

   c) Any use of land or a building which would be identified as a Use by Special Use Permit by the Table of District Regulations in Chapter 3, District Regulations, for the Zoning District in which the parcel is located.

   d) Any change of nonconforming use or building.

2. APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.

   a) APPLICATION FORM. Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.

   b) PROPERTY INFORMATION. The Zoning Application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel

in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

c) PLOT PLAN. The Zoning Application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed building or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

3. APPLICATION REVIEW PROCESS. On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.

4. PERFORMANCE GUARANTEE

a) AUTHORIZATION AND INTENT. The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money by deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Zoning Permits which come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned.

b) AMOUNT. The Planning Commission or Zoning Board of Appeals shall specify the amount of any cash deposit when a deposit is to be required. The conditions for which a deposit is required, and the amount of deposit required for each shall be specified in the resolution. The amount should be sufficient to enforce compliance with the specified condition.

c) FORM OF DEPOSIT. Said deposit may be made by check or money order, payable to the Haring Charter Township

Treasurer. The Treasurer shall hold said sum in escrow in the name of the Township and of the maker of the check.

d) USE OF ESCROWEE FUNDS. If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. ESCROWEE FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE HARING CHARTER TOWNSHIP BOARD. Said resolution shall direct the Zoning Administrator to take any action or procure any services which be or she deems necessary to bring about compliance with said condition.

e) RETURN OF CASH DEPOSIT. The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.

5. RECORD MAINTAINED. The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

6. VALIDITY OF ZONING PERMIT. A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced.

7. VOIDING OF ZONING PERMIT. If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, the Zoning Permit is automatically null and void. Any additional

rights associated with the Zoning Permit which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Re-issuance of a Zoning Permit which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and processed in accordance with Section 702(3).

SECTION 703. AUTHORITY OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

1. VARIANCE. Upon a showing of practical difficulty, the Board may grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.

1a. PRACTICAL DIFFICULTY STANDARDS. (Added by Ordinance #64)

To determine Practical Difficulty the following standards will be used and a finding for each standard shall be made and so stated in the motion for final variance approval or denial.

A. Will the strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? (Whether strict compliance with the restrictions governing setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome).

B. Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),

C. Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in the same zoning district? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances).

D. If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?

E. Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).

2. APPEALS OF ADMINISTRATIVE ACTIONS. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.

a) REQUESTS FOR APPEALS. An appeal may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than fifteen (15) days after the date of the Zoning Administrator's or Planning Commission's written decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator or Planning Commission shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken. Requests for appeals pursuant to site plan or Special Use Permit denials by the Planning Commission relating to sexually oriented businesses shall be handled in the manner set forth in Section 505.2 of this Ordinance.

b) STAY. An appeal shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning

Board of Appeals, after an appeal has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

3. INTERPRETATIONS. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

   a) The Board may determine the precise location of the boundary lines between zoning districts

   b) The Board may classify any activity which is not specifically mentioned in the **Table of District Regulations in Chapter 3** for any Zoning District as a Use by Right or Special Use within at least one Zoning District, providing that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.

   c) The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 3, District Regulations.

   d) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

4. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals for the appeal.

5. RULES FOR ZONING BOARD OF APPEALS ACTION.

   a) PUBLIC MEETING. All meetings of the Zoning Board of Appeals shall be in accordance with the Open Meetings Act

(Act 267 of 1976). At the meeting, a party may appear in person or may be represented by agent or attorney.

b) INTENT. Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.

c) USE VARIANCE PROHIBITED. No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only **classify** a use which is not specifically mentioned along with a **comparable** permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must **apply, and not vary,** the terms of the Zoning Ordinance.

d) CONSIDER PROPERTY VALUES. In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.

e) SINGLE PARCEL. Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.

f) RESUBMISSION. Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or change conditions are found, the Board may elect to rehear a case.

g) CONDITIONS. The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 702(4).

h) ISSUANCE OF PERMIT. A variance or site plan approval granted under the provisions of this Section becomes a condition of the Zoning Permit granted pursuant to such action. If the Zoning Permit expires as defined by Section 702(6), any rights granted by the Zoning Board of Appeals expire together with the Zoning Permit.

i) REQUIRED RECORDS. The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any condition that may be attached to issuance of a Zoning Permit.

j) RECURRENT ISSUES. If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the Board shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 704. ENFORCEMENT

1. RESPONSIBILITY. The Zoning Administrator shall enforce the provisions of this Ordinance.

2. VIOLATIONS AND PENALTIES. Violations of any provisions of the Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator.

   a) INSPECTION OF VIOLATION. The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

   b) CORRECTION PERIOD. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine necessary and appropriate.

   c) ACTION BY TOWNSHIP ATTORNEY. A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney

deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.

d) PENALTIES *(Ordinance #60)*. Every person, whether as principal or agent, servant, employee or otherwise, including the owner(s), lessee(s) or occupant(s) of any building, structure or premises or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be responsible for a municipal civil infraction, punishable by a civil fine. Each and every day the violation continues beyond the correction period identified by Section 704(2)(b) shall be deemed a separate offense. Additionally, the proper court shall have the power and authority to issue an injunctive order in connection with any violation of this Ordinance.

1) VIOLATION NOTICES. A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction notice, upon an admission of responsibility thereon, shall pay a civil fine at the Haring Charter Township Municipal Violations Bureau, in the amount provided in Section 5 of Ordinance No. 47, the Haring Charter Township Municipal Ordinance Violations Bureau Ordinance, plus any costs as specified in said Section 5 of Ordinance No. 47.

2) CITATION/COMPLAINT. A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction citation/complaint, upon an admission or adjudication of responsibility thereon, shall pay a civil fine for each infraction of not less than $50 nor more than $500, plus costs, damages, expenses and other sanctions as authorized under Public Acts No. 12, 13 and 14 of 1994, as amended, and other applicable laws.

e) CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

3. CONFLICTING REGULATIONS. In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by the Ordinance are more stringent than any other law or Ordinance, then the provisions of the Ordinance shall govern, **PROVIDED** also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required

by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 705. AMENDMENT.

1. TOWNSHIP BOARD MAY AMEND. The regulations and provisions stated in the text of this Ordinance and boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.

2. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or by option to purchase, in property to be affected by the proposed amendment.

3. AMENDMENT PROCEDURE.

   a) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

   b) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.

   c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Zoning Administrator as specified by Sections 706(1) and (2) and by the following paragraphs.

      (1) PUBLISHED NOTICE. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and

second not more than eight (8) days before the date of the hearing.

(2) MAILED OR DELIVERED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Section 706(3) and (4).

d) WEXFORD COUNTY PLANNING COMMISSION. Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Wexford County Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

e) TOWNSHIP BOARD ADOPTION. Upon receipt of the Wexford County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission may be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by Section 706(1), shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report thereon within thirty (30) days.

The Township Board may deny or adopt the amendment with or with out changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

f) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

SECTION 706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

1. CONTENT. Each notice for any public hearing required by this Ordinance shall include in following information.

   a) Identification of the applicant, if any.

   b) Identification of the property which is the subject of the request.

   c) Nature of the matter to be considered.

   d) Identification of the public body which will be conduction the public hearing and will decide upon the matter.

   e) Date, time and place of the public hearing.

   f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.

   g) Statement of where and when written comments will be received concerning the request.

2. AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice had been sent, shall be prepared and filed with other material relating to any public hearing prior to the meeting at which the hearing is to be conducted.

3. NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN 300 FEET. Whenever provisions of this Ordinance require mailing or delivery of public hearing notices to persons who reside, operate a business, or own property within three hundred (300) feet of a certain parcel, the notification list shall be compiled from the last assessment roll and sent and delivered to the following:

   a) The owner(s) of property for which approval is being considered.

   b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300) feet of the boundary of the property in question.

c) Occupants of all structures where any part of the structure lies within three hundred (300) feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300) foot distance. IF the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

4. NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES. Not less than twenty (20) days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by certified mail or delivered to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice.

SECTION 707. REVIEW OF SUBDIVISION PLATS.

1. ZONING. All plats shall be subject to the use provisions of the Zoning District in which they are located.

2. LOT STANDARDS. No proposed plat of a new or redesigned subdivision shall be approved unless the lots within the plat equal or exceed the minimum area, dimension requirements, and all other applicable provisions of this Zoning Ordinance.

3. PLAT APPROVAL PROCESS.

a) SUBMISSION OF PLAT AND TIMING OF MEETING. When a preliminary or final plat has been submitted to the Haring Charter Township Board for its approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the final plat within sixty (60) days of submission, the Zoning Administrator must decide if a special meeting of the Planning Commission is necessary to provide a recommendation to the Township Board. If a special meeting is necessary, the Zoning Administrator and Planning Commission Chairperson shall convene such a meeting.

b) PLANNING COMMISSION REVIEW AND RECOMMENDATION. The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance at an

open public meeting. A public hearing is not required. However, any member of the public wishing to address the Planning Commission regarding the proposed plat shall be permitted to do so. The Planning Commission shall recommend approval of the plat if all requirements of the Zoning Ordinance are met. If any requirements are not met, the Planning Commission shall recommend denial of the plat, and it shall note which requirements were not met.

CHAPTER 8 - DEFINITIONS

SECTION 801. RULES APPLYING TO THE TEXT.

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

1. The headings which title a chapter, section or subsection of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.

2. The illustrations contained within this ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.

3. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number and words in the plural number shall include the singular number.

4. The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.

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

6. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.

7. The words "used" and "occupied", as applied to any land, building or structure, shall be construed to include the phrases "intended to be", arranged to be", or "designed to be" uses or occupied.

8. The words "erected" or "erection" as applied to by building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

9. The particular shall control the general.

10. Terms not herein defined shall have the meanings customarily accepted.

SECTION 802. DEFINITIONS

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

Abutting (lot or parcel) is a lot or parcel which shares a common border with the subject lot or parcel.

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

Access to property, reasonable is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operation.

Accessory building, structure, or use is a building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related including, but not limited to a private garage.

Adjacent (lot or parcel) is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store means a commercial establishment that as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video

reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of audience or customers.

Adult Foster Care Home See "State Licensed Residential Facility".

Adult Motel means a hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture means a commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture is farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

Aisles is the traveled way by which cars and other motor vehicles enter and depart parking spaces.

Alteration is any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal, Wild is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, cat(wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

Arenas (and Stadiums) are facilities which are used for holding both indoor and outdoor events which are attended by both participants and spectators. Typical activities include exhibitors, sporting events, performances, and fairs and carnivals. Facilities include those intended to accommodate large numbers of spectators, such as bleachers and grandstands. Civic arenas and fairgrounds fit this definition.

Automobile Service Station See "Motor Vehicle Service Facility".

Basement is that portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade

to the floor is greater than the vertical distance from the mean grade to the ceiling (See Figure 2).

Bed and Breakfast Establishment is a use which is subordinate to the principal use of a dwelling as a single-family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment. Bed and breakfast establishments are not home occupations under this Ordinance, but are rather treated as special uses.

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

Billboard is an outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

Board of Appeals refers to the Haring Charter Township Zoning Board of Appeals.

Buffer zone is a strip of land often required between certain zoning districts reserved for plant material, berm, walls, or fencing to serve as a visual barrier.

Building is any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 3).

Building line is a horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main (also referred to as Building, Principal) is a building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line is a line indicating the minimum distance required to be maintained between a street right-of-way and nearest supporting member of any structure on the lot.

Building Supply is a business which may sell any type of materials for use in the construction, maintenance, or repair of buildings. It is characterized by the outdoor storage of products which will not deteriorate as a result of exposure to the elements.

Certificate of zoning compliance is a document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Ordinance.

Child Care Facilities include the following:

1. Family day care home: A private home in which one to six unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Family day care homes must be registered by the State of Michigan.

2. Group day care home: A private home where from seven to twelve unrelated children are received for care and supervision. There must be at least 400 square feet of outdoor space on the premises or within walking distance. Group day care homes must be licensed by the State of Michigan.

3. Child care center: A facility other than a private home where one or more unrelated children are received for care and supervision. There must be at least 1200 square feet of outdoor play area either on the premises or easily accessible by walking or transportation. Child care centers must be licensed by the State of Michigan. Preschools and nurseries also fit this definition.

Church or Place of Worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings, but shall not include an undertaker's chapel or funeral building. *Churches may include a Child Care Center as an incidental use, provided that the Child Care Center meets the requirements of Chapter 5, Section 505, Table of Special Use Permit Standards. **(Amended by Ordinance #12-79)*

Clinic is an establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical

procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

Club is a nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Common land is a parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and or occupants of individual building units in a subdivision or a planned unit development.

Common open space is an unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Comprehensive Master Plan is the Haring Charter Township Comprehensive Plan including graphic and written proposals indication the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, as adopted by the Haring Charter Township Planning Commission.

Condominium Act refers to Michigan Act 59 of 1978, as amended.

Condominium, consolidating master deed, is the final amended Master Deed for a contractible condominium project, and expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended Master Deed fully describes the condominium project as completed-see also condominium, master deed.

Condominium, contractible is a condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, conversion is a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, expandable is a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, general common element means the common elements other than the limited common elements, general common elements are for the use of the co-owners.

Condominium, limited common element means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, master deed is the condominium document recording the condominium project as approved by the Planning Commission to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project - see also condominium, consolidating master deed.

Condominium project is equivalent to "Subdivision" as used in this Ordinance and Subdivision Regulations.

Condominium project, mobile home is a condominium project which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks shall be measured as follows:

> Front Yard Setback: The distance between the street centerline and the unit site.
>
> Side Yard Setback: The distance between the limits of the development and the side of a unit or the distance between the sides of any adjacent units.
>
> Rear Yard Setback: The distance between the limit of the development and the rear of the unit or the distance between the rear of any two adjacent units.

Condominium subdivision plan is the site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium unit is that portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site is the area designating the perimeter within which the condominium unit be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site"

shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Conservation Easement - Conservation easement means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 324.2140 *(Added by Ordinance #67)*.

Construction is the building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Convenience store with gasoline sales is an establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

Convertible area is a unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Condominium Act.

Cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semi- circular section of street which allows for vehicle turnaround.

Day care home, family See "Child Care Facilities."

Day care home, group See "Child Care Facilities.

Deceleration lane is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density is the number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments overall maximum unit density calculations shall include MDNR regulated wetland areas and non-MDNR regulated wetland areas, but shall not include floodplain or surface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

Detention facility is a facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Drainage ways and streams are existing permanent or intermittent water courses.

Drive through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Dwelling, multiple family is a building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, single family is a building designed for exclusive use and occupancy as a dwelling unit by one(l) family.

Dwelling, two family is a building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

Dwelling unit, attached is a dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling unit, detached is a dwelling unit which is not attached to any other dwelling unit by any means.

Easement is a grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Endangered species habitat is an area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

Erected includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill drainage and the like shall be considered a part of erection.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees

or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential public services is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

Essential public service building is a building or structure principal to an essential public service, such as a drop-off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential public service building storage yard is an outdoor storage area principal or accessory to an essential public service.

Excavation is any breaking of ground, except common household gardening and ground care.

Family

a) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or

b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transit, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal

nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Farm A tract of land which is directly devoted to agricultural purposes for growing of cash crops, for greenhouses, for plant nurseries, orchards, aviaries, raising farm animals or farm fowl and having at least ten (10) acres in land area.

Fence is an accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

Filling is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial Business is any institution which manages funds on deposit for its customers and/or lends funds to borrowers. This definition includes, but is not limited to, banks, savings and loan institutions, credit unions, stock and bond brokerages, and insurance agencies.

Financial services are establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Flood or flooding is a general and temporary condition of partial or complete inundation of normally dry land areas from:

a) the overflow of inland waters

b) the unusual and rapid accumulation or runoff of surface waters from any source

Flood Hazard area is land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) is an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary-Floodway Map.

Floodplain is any land area susceptible to being inundated by water from any source **(see definition of flood).**

Floodway in the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor area, usable shall be considered for the purposes of computing parking requirements as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Floor area, gross shall be considered for the purpose of computing the required number of parking spaces, the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerline of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

Floor area, residential shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Foster care home, family is a single-family dwelling occupied as such in which one (1) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Foster care home, group is a single-family dwelling occupied as such in which more than four (4) but less than sever (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Frontage is the total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Frontage road is a public or private drive which generally parallels a public street between the right-of- way and the front building setback line. Frontage roads can be one-way or bi- directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Garage is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

Garden center is an establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

General Retail Business is an enterprise which offers products for sale directly to the users of those products for use or consumption elsewhere. Products are not generally made or processed on the premises, but are made and displayed there. Sales are generally transacted within an enclosed building, but the business may include a fenced outdoor display area which occupies up to ten percent (10%) of the floor area of the principal building.

Glare is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade, average (mean) is the arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure **(SEE Figure 4).**

Grade, finished is the lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of a structure.

Grade, natural is the elevation of the ground surface in its natural state, before construction begins.

Greenbelt is a strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

Health Care Institution is a state licensed medical establishment whose facilities provide inpatient accommodation, a wide range of medical and surgical care, and other inpatient health services for sick, ailing or injured person; and including such related

facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Home occupation is an occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Home Sale is a sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, the like.

Hospital See "Health Care Institution."

Hotel or Motel is a building or group of buildings used as individual sleeping or temporary dwelling units, designed primarily for transient use and providing one or more parking spaces for each unit. A "hotel" or "motel" shall include tourist cabins and homes, but shall not include bed and breakfast establishment. A hotel or motel shall not be considered to be a multiple family dwelling. A group of mobile homes, travel trailers, or recreational vehicles shall not be considered a hotel or motel.

Indoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Institutional uses are churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

Junkyard or recycling yard is any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Kennel is any land, building or structure where four (4) or more cats and/or dogs over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold.

Loading space is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or material.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot area, net buildable is the net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined at areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, MDNR regulated wetlands and non-MDNR regulated wetlands may be included - see definition for density.

Lot, corner is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees **(See Figure 5).**

Lot coverage is a part or percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 6).

Lot frontage is the length of the front lot line.

LOT, INTERIOR is a lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot, line is the line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of- way, approved private road easement, or ordinary high water mark.

Lot lines

a) Front lot line: In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way **(See Figure 7).**

b) Rear lot line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to the most distant from the front lot line **(See Figure 6).**

c) Side lot line: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separation a lot from another lot or lots is an interior side lot line **(See Figure 6).**

d) In the case of a lot fronting on right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and

location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.

location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

Lot, non-conforming is a lot of record which does not meet the dimensional requirements of this Ordinance.

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

Lot, through (also called a double frontage lot) is an interior lot having frontage on two (2) more or less parallel streets.

Lot width is the horizontal distance between side lot lines measured parallel to the front lot line at the front setback line **(See Figure 7).**

Manufactured home is a modular home, residential building, commercial unit, dwelling room or rooms, or a building component which is designed for a long term residential or commercial use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

Master deed. and consolidating master deed- see condominium, master deed.

Medical clinic is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Mini-or self-storage warehouse is a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home.

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

Mobile home site or space is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Mobile home subdivision is a platted residential development consisting of mobile homes or single and two family dwellings located on individual, separately-owned lots.

Motel See "Hotel or Motel".

Motor Freight (Truck) Terminal is a facility which is mainly used for shipping and receiving goods which are carried by commercially-licensed freight vehicles for use or sale at some other destination.

Motor home is a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Motor Vehicle Sales and/or Repair is any establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, pickup trucks, recreational vehicles, or travel trailers; or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission, or suspension systems, glass or upholstery replacement, or the painting or undercoating of other motor vehicles.

Motor Vehicle Service Facility is Any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, performing interior or exterior cleaning, sale of tires, parts, or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans, pickup trucks, or other motor vehicles.

Non-Conforming use is the use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

Non-Conforming lot of record(Substandard lot) is a lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming Structure is a structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Nude Model Studio means any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity means knowingly or intentionally displaying in a public place, or for payment or promise of payment

by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.

3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursery, plant material is a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscuring screen is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting, bookkeeping, tax preparation, insurance, securities brokerage, executive or management functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, and a base of operations for salespeople. Office activities do not include the storage or display of merchandise.

Offset is the distance between the centerline of driveways or streets across the street from one another.

Off-street parking lot is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Open air business is a retail sales establishment operated substantially in the open air.

Ordinary high water mark is the line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Outdoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

Parapet wall is an extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel is a lot described by metes and bounds or described in a recorded plat.

Parking space is a designated stall for parking of motor vehicles.

Person means an individual, sole proprietorship, partnership, corporation, limited liability company, or association.

Planned unit development is a form of land development comprehensively planned as entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non- residential uses.

Planning Commission is the Haring Charter Township Planning Commission as duly created under Act 168 of the Public Acts of 1959, as amended.

Plat is a map of a subdivision of land.

Ponds and lakes are natural or artificial impoundments that retain water year round.

Principal building or structure is a building or structure in which is conducted the principal use of the lot upon which it is situated.

Principal use is the main use of which the premises are devoted and principal purpose for which the premises exist.

Principal use, permitted is a use permitted in each zoning district by right.

Private club is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private road is any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public and semi-public institutional building's, structures and uses are building, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

Public park is any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public open space is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of governmental agency.

Public place means any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public street is a public thoroughfare which affords the principal means of access to abutting property.

Public utility is any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewer disposal, communication, telegraph, transportation or water.

Radioactive materials are materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Wexford County Health Department regulations, whichever is determined to be applicable.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats,

snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Recycling Drop-off Center is a facility which accept clean, source-separated recyclable materials, such as paper, plastic, glass, and metals. A drop-off center does not accept mixed solid waste, and no processing of solid waste occurs at the facility. Drop-off centers do not require an Act 641 license.

Retail store is any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Roadside stand is a structure for the display and sale of agricultural products (such as fruits and vegetables) with no space for customers within the stand itself. Road side stands are intended for the sale of commodities produced on or near the premises. Roadside stands operate on a seasonal basis, usually during the summer and early fall.

Salvage is material to be used for further use, recycling, or sale.

Salvage yard is any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclable.

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive televisions, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially-based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (Television Reception Only satellite antennas), and satellite microwave antennas.

School means a public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Screen is a structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the adjacent property.

Service Business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence, or within the building occupied by the service business. Service businesses include personal services, such as hair or skin care, dry cleaning, tailoring, and shoe repair.

Service drive is a drive which generally parallel the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback, required is the required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium, setbacks".

Setback, parking lot is the minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Sexual Encounter Center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually Oriented Business means a business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; (9) sexual encounter center.

Shopping center is a commercial enterprise which is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

Shoreline is the edge of a body of water measured at the ordinary high water mark.

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

Sign - definitions in Chapter 6, Signs and Billboards.

Site condominium - see "condominium unit site."

Site plan is a scaled drawing(s) illustrating existing condition and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provision.

Special land use is a use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

Specified Anatomical Areas are defined as:

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

2. Human male genitals in a discernible turgid state, even if completely and completely covered.

Specified Sexual Activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Stable, private is a stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

Stable, public is a stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.

State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled, or physically handicapped adults who require ongoing supervision, but not continuing nursing care. The licensee must be a member of the household and an occupant of the residence.

Story is a portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.

Street is a public thoroughfare which affords the principal means of access to abutting property.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cart, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.-

Structural Alterations are any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

Substantial improvement is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of the definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places of the State Inventory of Historic Places.

Temporary building, structure or use is a building, structure or use permitted to exist during period of construction of the principal building, structure, or use.

Use is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Undeveloped State – Undeveloped state means a natural state preserving natural resources, natural features, scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include golf courses but may include recreational trails, picnic areas, playgrounds, greenways or linear parks. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public *(Added by Ordinance #67).*

Variance is a relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 184 of the Public Acts of 1943, as amended.

Vehicle is any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Vehicle repair or storage establishment See "Motor Vehicles Sales and/or Repair."

Veterinary Clinic is a building, or any portion thereof, used for the treatment of animals.

Warehouse is an enclosed building which is mainly used for the storage of non-hazardous goods and materials for eventual use elsewhere. No manufacturing, assembly, packaging, or retail sales take place at a warehouse. Warehouses are typically used in conjunction with some other business activity, such as a wholesale business, motor freight terminal, or building supply business.

Mini-warehouse or self-storage warehouses are not included in this definition.

Waste or Waste material is any amount of material commonly referred to as and including the following: garbage, rubbish, ashes, sludges, solid industrial and commercial waste, animal feces and remains, and demolished construction material.

Wetland is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which otherwise conforms to the definition of a "wetland" as set forth in MCL 324.30301, as amended *(Amended by Ordinance #67)*.

Wetland, regulated is certain wetlands regulated by the Michigan Department of Natural Resources under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

a) Contiguous to an inland lake or pond, or a river or stream;

b) Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;

c) Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner...pa

Wholesale Business is an enterprise which buys and/or repackages products for sale to retail businesses. The inventory of a wholesale business is stored within an enclosed building.

Yard

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Front yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard **(See Figure 6).**

Rear yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building **(See Figure 6).**

Side Yard: A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard **(See Figure 6).**

Zoning Act is Michigan Act 184 of 1943, as amended.

Zoning Administrator is an individual appointed by the Haring Charter Township Board delegated to administer the Haring Charter Township Zoning Ordinance.

Zoning Board of Appeals is the Haring Charter Township Zoning Board of Appeals created under Act 184 of the Public Acts of 1943, as amended.

Zoning District is a portion of the incorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of the Ordinance.

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FIGURE 2 - BASEMENT AND STORY

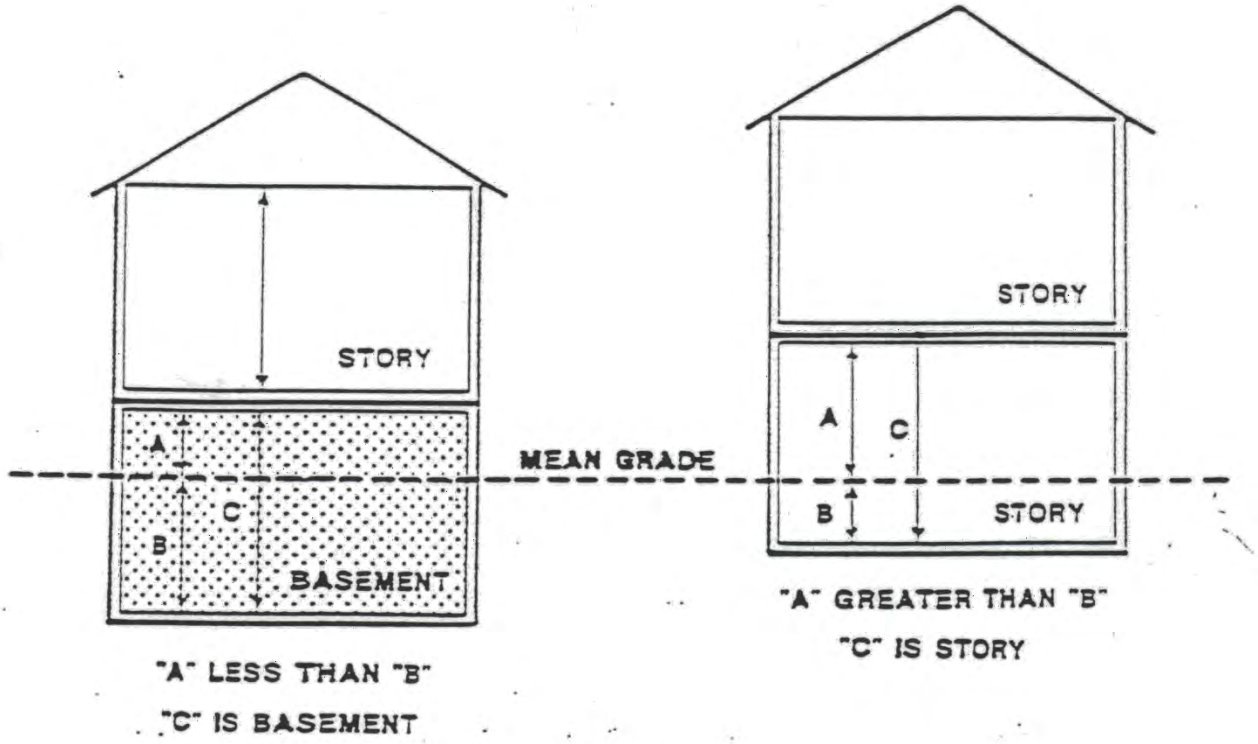

FIGURE 3 - BUILDING HEIGHTS

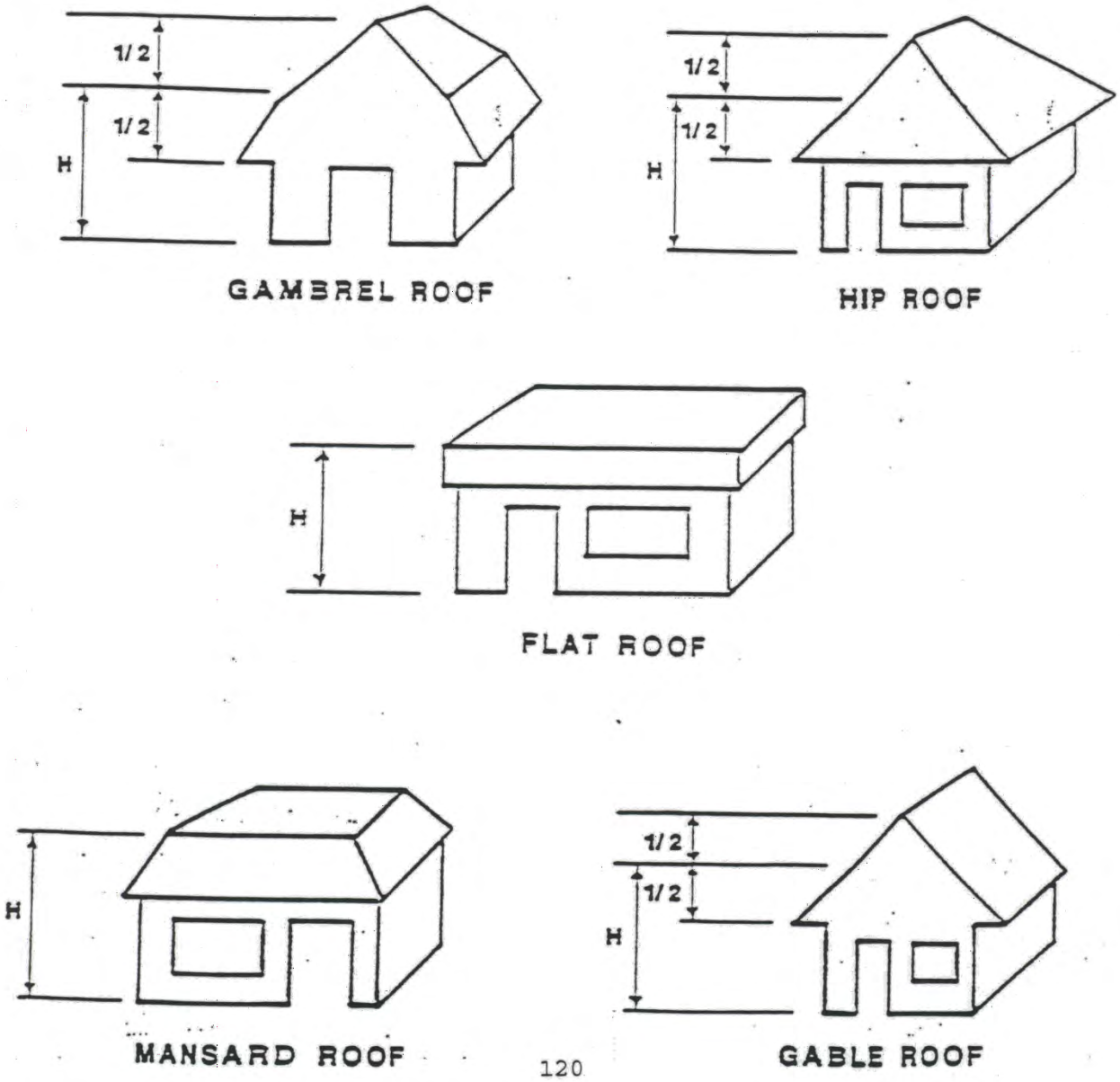

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FIGURE 4 - MEAN GRADE

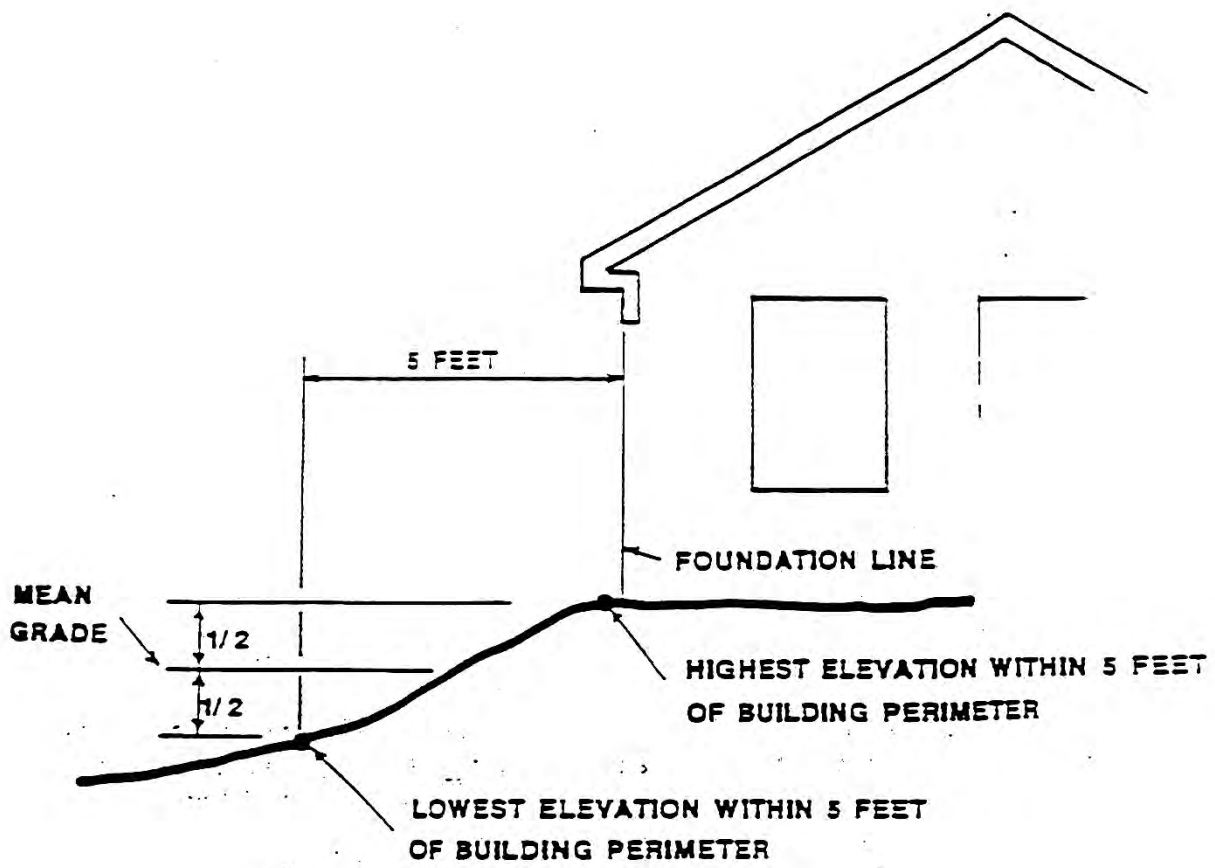


FIGURE 5 - CORNER LOT

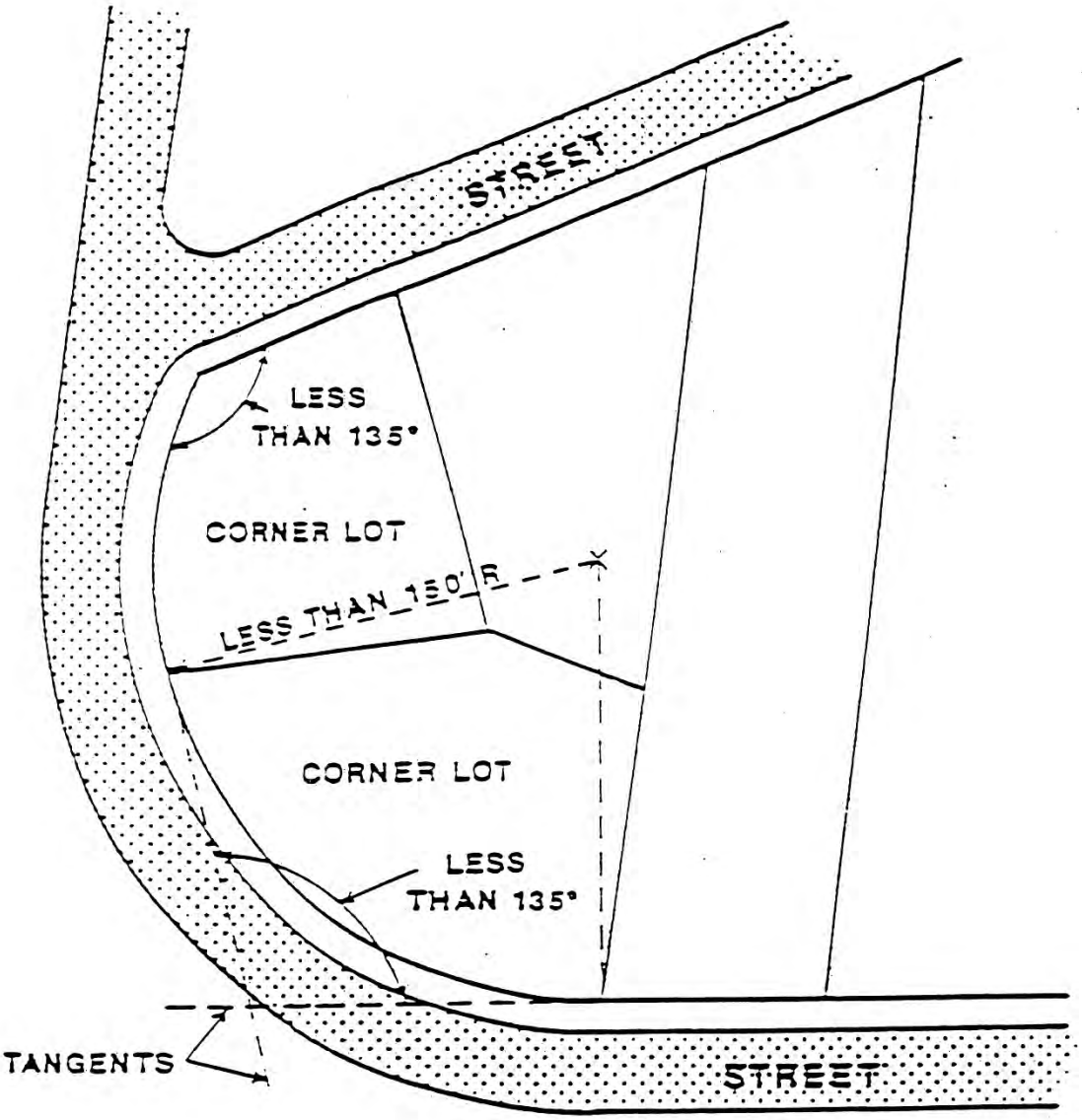
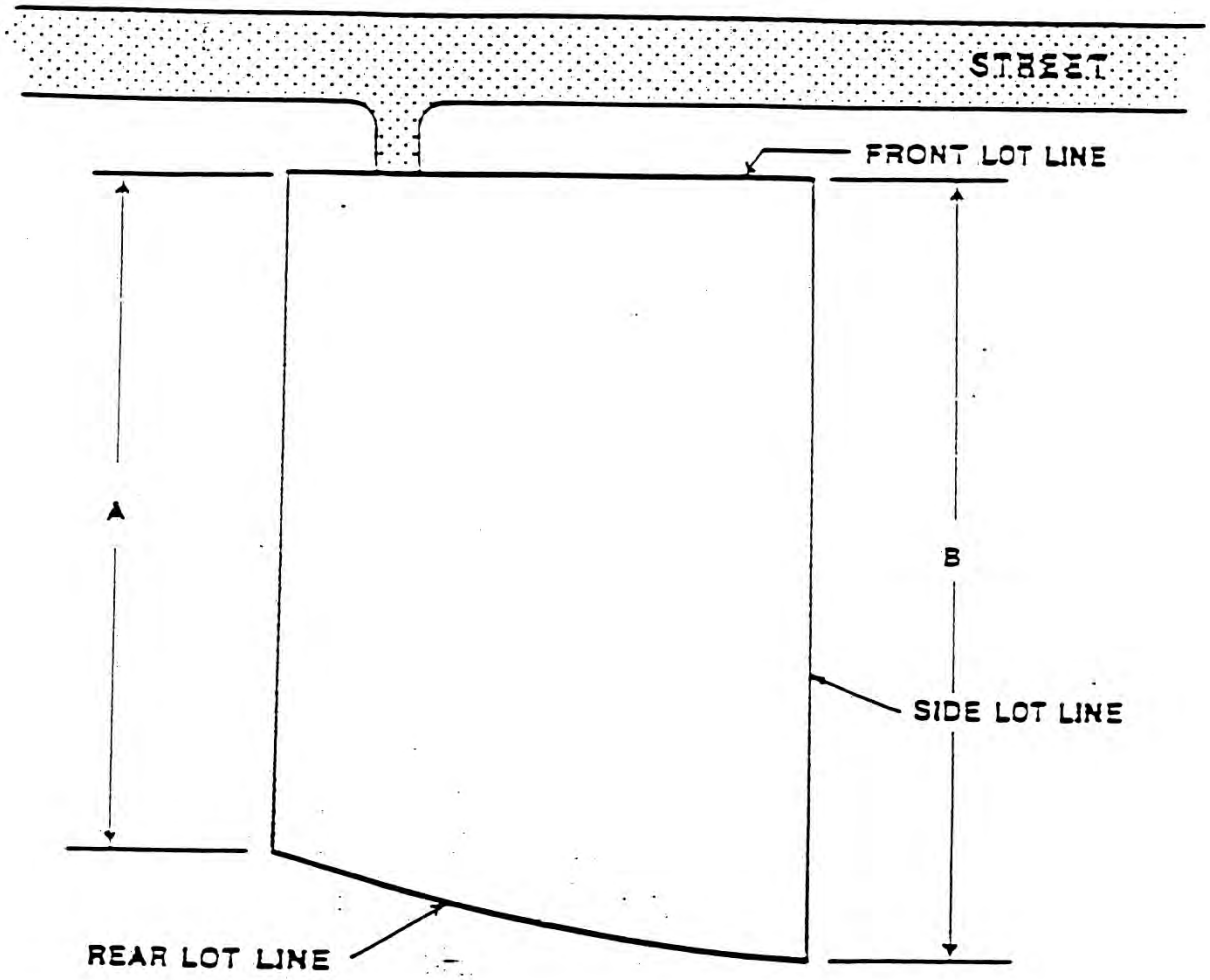
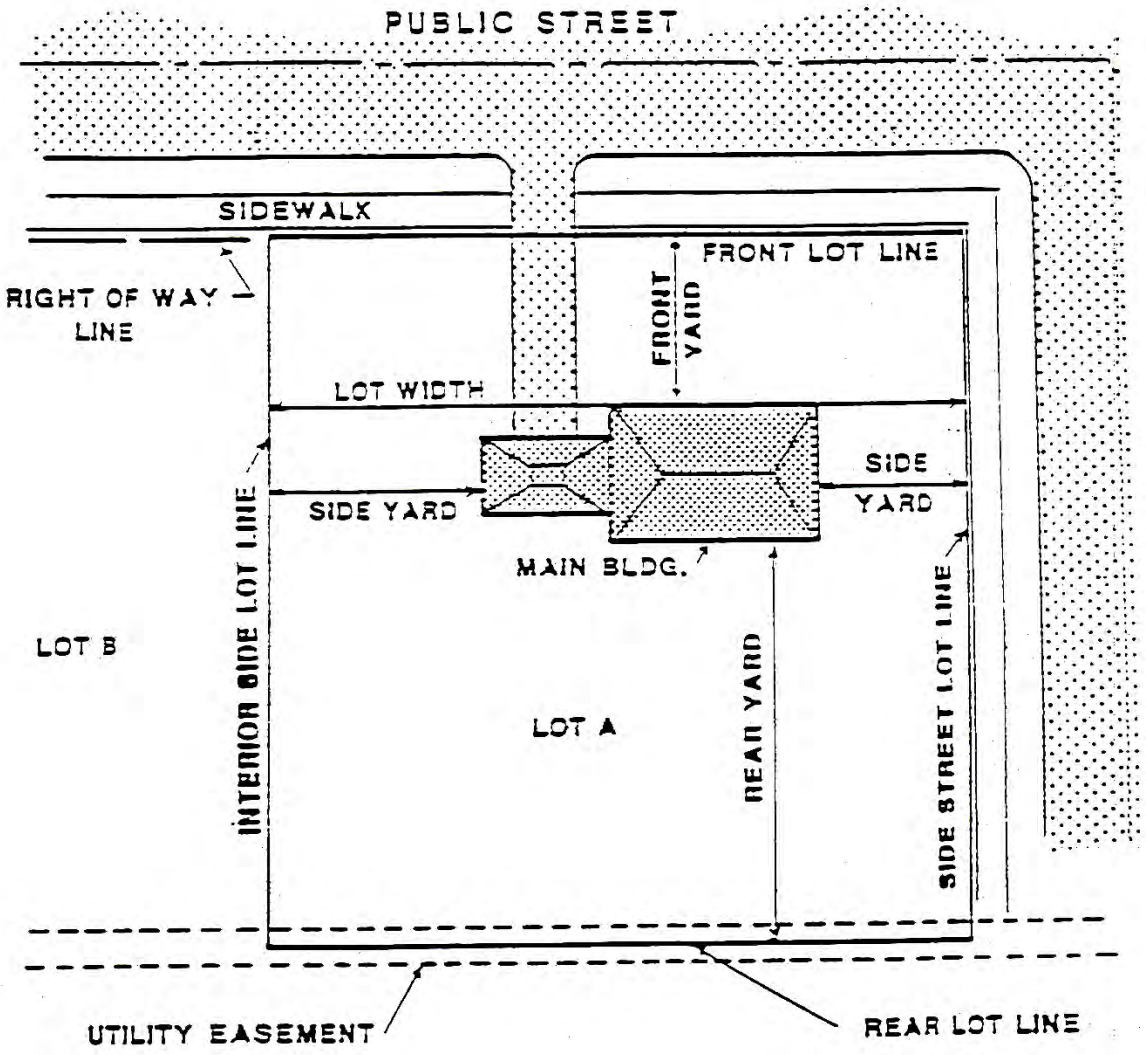


FIGURE 6 - LOT DEPTH



$$\text{LOT DEPTH} = \frac{\text{DISTANCE A} + \text{DISTANCE B}}{2}$$

FIGURE 7 - LOT LINES AND YARDS



APPENDIX A

CHARTER TOWNSHIP OF HARING
ZONING BOARD OF APPEALS

RULES OF PROCEDURE (ZBA APPEALS)

Authority – These rules of procedure are adopted to the authority conferred upon the Haring Charter Township Board of Appeals by Chapter 7, Section 701(3)(e) of the Haring Charter Township Zoning Ordinance (Ordinance No. 45), as amended.

Appeals from administrative decisions and/or decisions of the Haring Township Planning Commission brought before the Zoning Board of Appeals (ZBA) shall be heard pursuant to the following procedures:

R1. **Chairperson** – The Chairperson of the ZBA shall preside over appeals brought before the ZBA. If the Chairperson is absent or disqualified from consideration of any matter, the remaining members of the ZBA shall, by majority vote, appoint a Chairperson Pro Tem to serve on that occasion in lieu of the regular Chairperson.

R2. **Opening Statements –** The party appealing a decision (appellant) and the party supporting a decision (appellee) or their representatives shall each make an opening statement, concisely stating the issue to be considered and summarizing evidence to be adduced in support of their respective positions position. Appellant shall give the first opening statement to be followed by the appellee.

R3. **Presentation of Evidence** –

a. **Cases in Chief.** Appellant shall introduce testimonial or other evidence in support of its position, subject to evidentiary rules set forth below. Appellant shall present its case first, followed by Appellee who may then present evidence in support of its position.

b. **Rebuttal.** Appellant and Appellee may present evidence in rebuttal of the opposite party's case in chief. Rebuttal evidence should be presented and received only in response to matters raised by a party in it's case in chief.

c. **Sur-Rebuttal.** New evidence in response to a party's rebuttal may be allowed at the discretion of the Chair to the extent deemed necessary to insure development of a complete record. Again, new matters should not be raised.

R4. **Closing Statements –** After proofs are concluded, the appellant and appellee or represntatives may each make a closing statement, summarizing evidence presented and stating how the evidence supports their respective positions. Appellant has the option to give the first closing statement.

R5. **Evidentiary Rules** - All evidence received shall be subject to the following rules:

a. Witnesses shall swear or affirm that their testimony shall be true.

b. The Michigan Rules of Evidence shall not apply.

c. Relevant, material and competent evidence shall be received.

d. The chairperson shall rule on objections as to relevance, competence and materiality of evidence.

e. The chairperson may exclude evidence that is cumulative, immaterial or not relevant to the issue before the ZBA.

f. Each party or representative may cross-examine the other party's witnesses.

g. Individual members of the ZBA may cross-examine any witness.

h. Each party may redirect, subject to re-cross by the other party.

i. Witnesses may be permitted to testify in narrative fashion at discretion of the Chair.

R6. **Exhibits** – All exhibits shall be marked for identification purposes.

a. Appellant's exhibits shall be designated numerically. (e.g.; 1-10)

b. Appellee's exhibits shall be designated alphabetically (e.g.; A-Z)

R7. Proposed findings – At the conclusion of proofs, each party may submit proposed findings of fact and conclusions of law, in writing, for consideration by the ZBA.

R8. Amendment – Additions, deletions, amendments or modifications of these rules may be made by a majority vote of all the members of the ZBA.

Adopted: August 26, 2002

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CLERK CERTIFICATION

ORDINANCE ADOPTION

STATE OF MICHIGAN

COUNTY OF WEXFORD

I, Robert Raden, Township Clerk of the Charter Township of Haring, Wexford County, Michigan, DO HEREBY CERTIFY that the annexed is a true and correct copy of all proceedings of the Township Board of said Charter Township, with reference to the adoption of Zoning Ordinance No. 45 of May 12, 1997.

I, FURTHER CERTIFY that a summary of the foregoing Ordinance was published as appears by proof thereof on file in my office in the Cadillac Evening News, a newspaper circulated in the CHARTER TOWNSHIP OF HARING, WEXFORD COUNTY, on the 23rd day of May, 1997; and that all of said proceedings were regular and in accordance with all legal requirements.

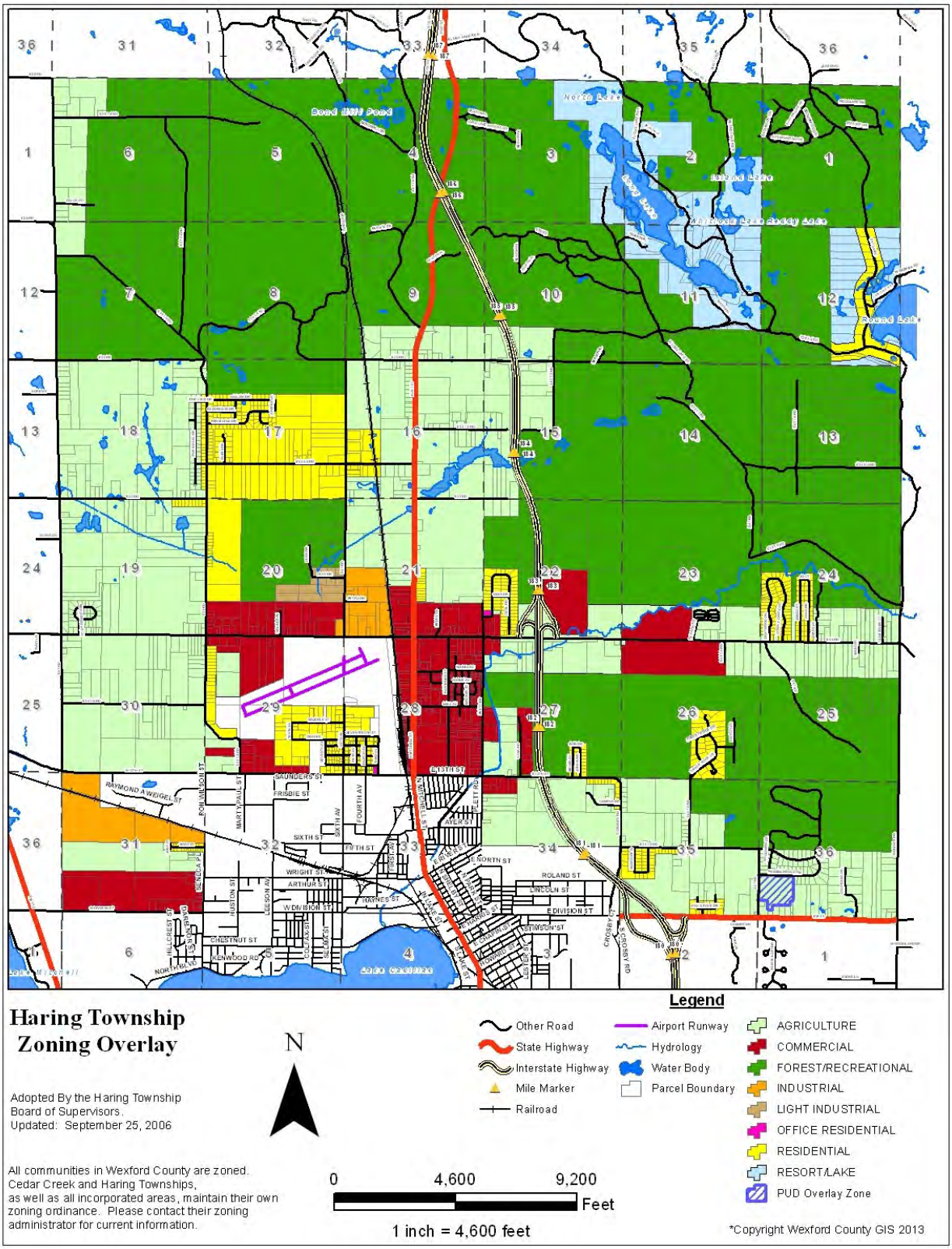
Robert Raden, Township Clerk

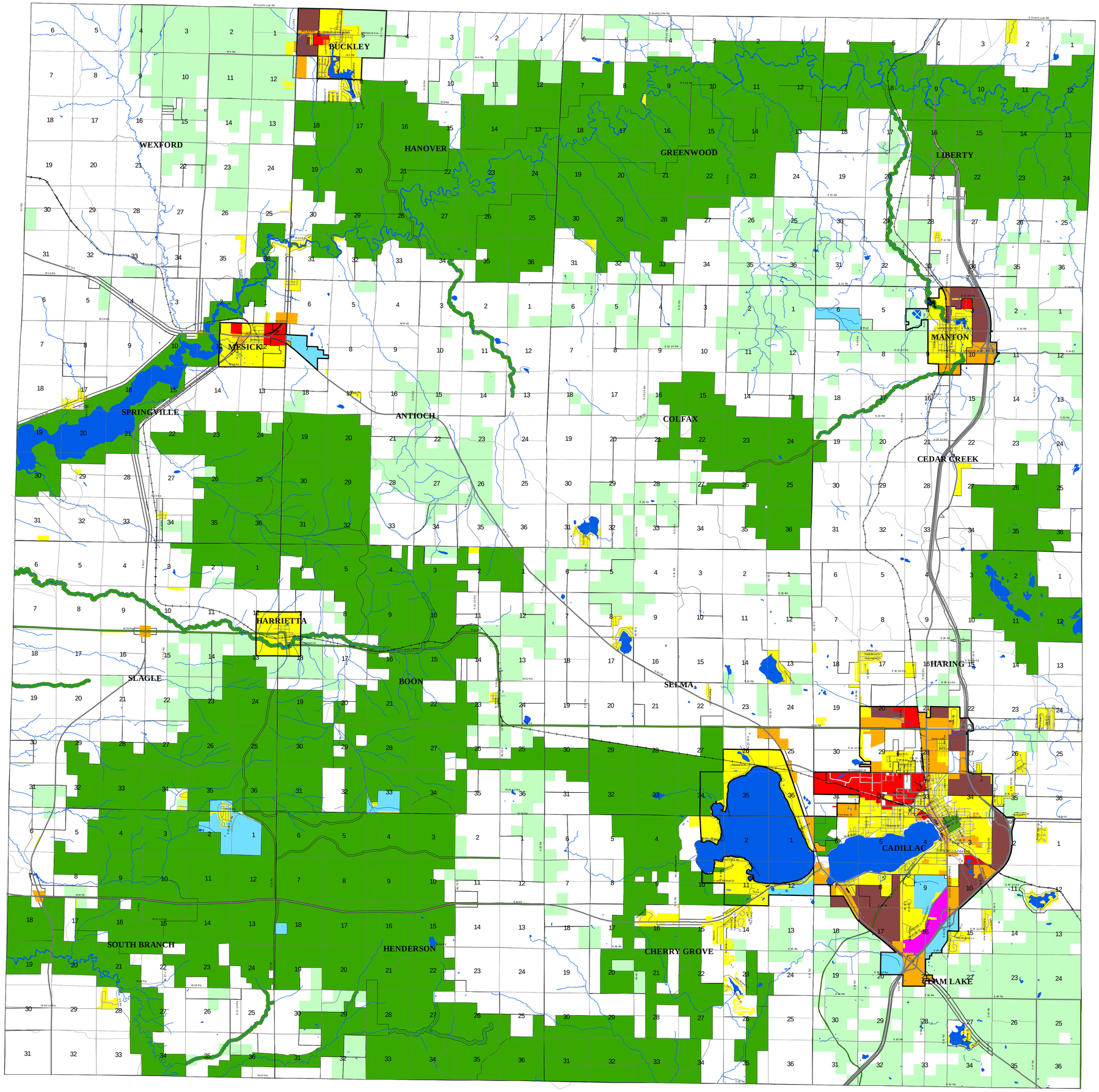
Dated: May 24, 1997

John Long, Township Supervisor

Public Hearing Date:	Planning Commission 9/10, 9/17, 10/08, 1996 4/08/1997. Township Board 5/12/1997.
First Reading:	4/14/1997
Adopting by Township Board:	5/12/1997
Effective Date:	Date of Publication
Publication of Notice of Adoption	5/23/1997

HARING TOWNSHIP ZONING MAP





FUTURE LAND USE PLAN

Legend

- Urban Growth Areas

Transportation

- All Season Route
- Paved-Seasonal Restrictions
- Gravel Roads
- Seasonal Roads
- Railroads

Land Use Categories

- RESIDENTIAL
- OFFICE SERVICE
- RESORT
- COMMERCIAL
- INDUSTRIAL
- TRANSITION
- AGRICULTURAL-FOREST PRODUCTION
- RURAL RESIDENTIAL
- SPECIAL AND UNIQUE AREAS

0 3 6 Miles

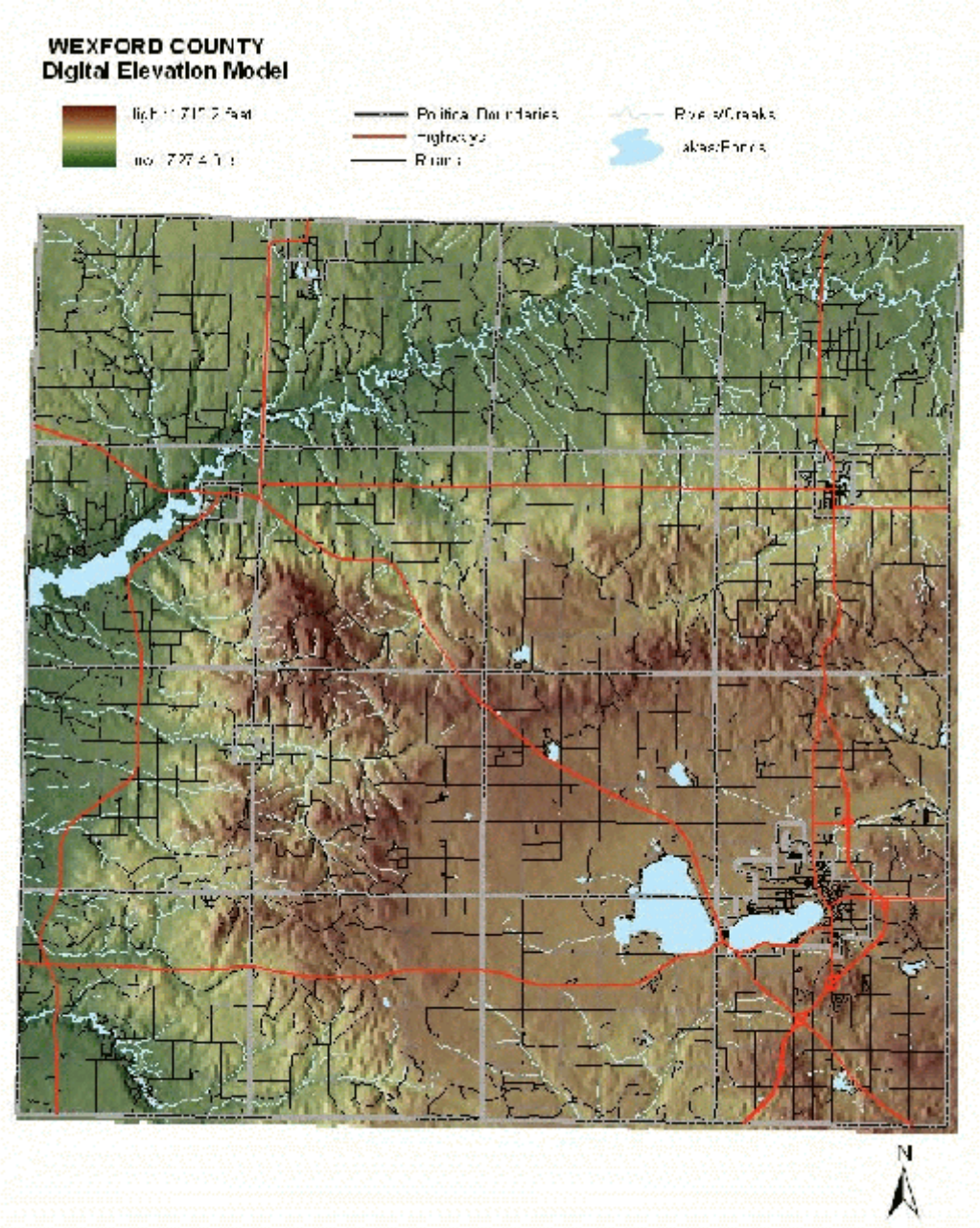
Copyright Wexford County GIS 2005

Wexford County Comprehensive Plan

May 19, 2004

This copy printed: December 17, 2004

Adopted May 19, 2004 pursuant to P.A. 282 of 1945, as amended,
(being the County Planning Act, M.C.L. 125.101 *et. seq.*)



Wexford County Comprehensive Plan

May 19, 2004

This copy printed: December 17, 2004

Adopted May 19, 2004 pursuant to P.A. 282 of 1945, as amended,
(being the County Planning Act, M.C.L. 125.101 *et. seq.*)

Copies of this *Plan* on paper are available
$25.00

Copies of this *Plan* on CD are available
$5.00

Please send payment in advance.
Order Copies from the Wexford County Planning, Zoning & Building Department
401 N. Lake Street
Cadillac, Michigan 49601
(231)779-9465
Fax: (231)779-9110

Copies are also available for download on the Internet. Links to the Internet version are found at:
www.wexfordcounty.org
www.msue.msu.edu/wexford

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Bibliographic cite is: Wexford County Planning Commission (Kurt H. Schindler, Tim Evans, Mike Green); *Wexford County Plan*; Wexford County Planning Department, Wexford County; Cadillac, Michigan; June 2003.

To cite a specific "goal," "objectives," "policies/strategies/method" in a short-hand form use the chapter number and then the "goal," "objectives," "policy/strategy/method" number. For example:

A goal: "goal G2,1." (for the first goal in chapter G2 on Ground and Surface Water Protection.)

An objective: "objective G2,2.1." (for the first objective under the first goal in chapter G2.)

A policy/strategy/method: "strategy G2,3.2.1." (For the first strategy under the second objective under the third goal in chapter G2.)

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Glossary

PLANNING Commission means the Wexford County Planning Commission created pursuant to the Wexford County Planning Commission Ordinance under authority of P.A. 282 of 1945, as amended, (being County Planning act, M.C.L. 125.101 *et. seq.*).

County Board means the County Board of Commissioners of the County of Wexford, pursuant to P.A. 156 of 1851, as amended, (being County Boards of Commissioners; M.C.L. 46.11 *et. seq.*)

DEQ means the Michigan Department of Environmental Quality.

Discourage means a disincentive approach, ordinance and/or other means, which make the action less attractive. In the context of zoning, all standard concepts such as continuation of nonconforming uses, etc. apply. In the context of a "goal" it is a statement of utopia, to provide a direction or end-state.

DNR means the Michigan Department of Natural Resources.

Encourage means an incentive approach, ordinance, and/or other means, which make the intent more attractive. In the context of a "goal" it is a statement of utopia, to provide a direction or end-state.

GIS means Geographic Information System, a digital set of files for use by a computer for drafting/mapping and database management which allows for computer spacial and quantitative analysis.

Heavy Industry means any manufacturing activity which is not defined in this *Plan* as "light industry."

Light Industry means where the sight, sound of all the activities are wholly contained within a building and that meet the following standards:

- if there is an accessory/work area, it is enclosed by a solid wall;
- air and water pollution discharge permits are not required, ventilation of work areas to the outside beyond normal heating and cooling of a building is not required.

Municipality means unincorporated municipalities: townships; and incorporated municipalities: villages, charter townships and cities.

County means the County of Wexford, a Michigan municipal corporation.

Fact Book (in *italic*) means the *Fact Book for the Development of the Wexford County Plan*: (Schindler, Kurt H., Mike Green, Tim Evans; *Plan Fact Book for the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002.

Plan (in *italic*) means this document and its respective appendixes and addenda as well as other documents specifically incorporated as part of this document by reference.

Require means regulation, such as an ordinance.

This *Plan* also uses the terms "**goal**," "**objectives**," "**policies**," "**strategies**," "**methods**," and "**expected results**." These terms have specific meanings as explained below. **Issue(s)** are significant matters of concern. The means to deal with them are known as Objectives, Policies and Strategies/Methods. *An example is provided using the issue of poor water quality*.)

Term:	GOAL	OBJECTIVE	POLICY, STRATEGIES, METHODS
Definition	The goal is the utopia, to provide direction or end-state the Objectives, Policies, Strategies/Methods are to work toward.	The objective(s) is an achievable point to describe what is aimed at to resolve the issue.	The policy(ies) outline government position which is designed to achieve the objectives. The strategy(ies)/method(s) are the actual ways the policy(ies) or goals are carried out.
Example	*1. Have pure water everywhere.*	*1.1. Maintain acceptable water quality.*	*1.1.1. Use standards for water quality factors.*
Example			*1.1.2. Define standards and implement controls to achieve them and educate the public.*

Term	EXPECTED RESULTS
Definition	The result(s) are the anticipated outcome of implementing the policies and methods.
Example	*Water quality that meets environmental and human needs.*

Part D: Introduction

Chapter D1: Acknowledgments

THIS *Plan* is the result of the efforts of many people. This is to thank everyone who has participated in the development of this *Plan*.

Wexford County Planning Commission

MEMBERS of the Wexford County Planning Commission:

Michael L. Haner, Secretary, Cadillac
Richard LaBarre, Manton (former member)
Paul Osborne, Vice Chair, Mesick
Marie D. Rabun, Cadillac
Michael Solomon, Chair, Cadillac
Sharon Zakrajsek, Cadillac
Beverly Monroe, Manton
[two vacancies[1]]

Subcommittees of the Plan Committee of the Wexford County Planning Commission

A listing of subcommittees and their members are:

Economic Subcommittee (chapter H1)

Bill **Tencza**, Cadillac Area Chamber, co-chair;
Brian **Valice**, co-chair;
Bill **Barnett**, Wexford County Board;
Todd M. **Bennington**, Plant Manager BORG WARNER COOLING SYSTEMS;
Clif **Burritt**, Boon Baptist Church;
Jim **Perrin**, Cadillac Winter Warriors Snowmobile Club;
Eleanor **Sosenko**, Manton Senior Center;
Pete **Stalker**, Cadillac City Manager;
Dan **Woodcock**, NW Michigan Homebuilders Association.

Environment Subcommittee (chapters G1, G2, G3, part of F10, F11, H2, J1.)

Steve **Cunningham**, Boon Township, chair;
Bill **Barnett**, Wexford County Board;
Sandra **Boyd**;
Arvid **Dussel**, Colfax Township;
David **Gregg**, District Health Department #10;
Russ **Hemstreet**, Village of Harrietta;
Wendy **Johnson**, Cedar Creek Twp. Zoning Board;
Beverly **Monroe**, Manton Area Chamber of Commerce;
Joyce **Petrakovitz**, Cadillac Area Citizens for Clean Air;
Larry **Roderick** Jr., Great Lake Whitetails;
Tom **Rozich**, Michigan Department of Natural Resources, Fisheries Division;
Laura Lee **Smit**; and
Michael **Solomon**, Chair of Wexford County Planning Commission, and County Drain Commissioner.

Future Land Use Map Subcommittee (chapters F1, F3, F4, F5, F6, F7, F8, F9, F10, and F11.)

John **Saari**, City of Cadillac Planning Board, co-chair;
Susan **Baldwin**, Haring Charter Township;
Larry W. **Copley**, Cherry Grove Township;
Steve **Cunningham**, Boon Township;
Sherry **Davy**, Clam Lake D.D.A.;
Joe **Dumont**;

[1]The Wexford County Planning Commission Ordinance (Ordinance No. 1, adopted by the County Board February 9, 1970) specifies the Planning Commission shall have nine members. Current practice is to have one member from each Board of County Commissioner District.

Milt **Erickson**, South Branch Township;
Jerry **Faloon**;
George **Giftos**;
Wendy **Johnson**, Cedar Creek Twp. Zoning Board;
Allen **Meyer**;;
Joyce **Petrakovitz**, Cadillac Area Citizens for Clean Air;
Ruth **Wilber**;
Don **Wilkening**; and
Sharon **Zakrajsek**, Wexford County Planning Commission.

Government Cooperation Subcommittee (chapters E2, and part of F2, F8, and J1.)

George **Youngert**, chair;
Gorden **Baas**, Cadillac City Council;
Susan **Brettschneider**, Greenwood Township;
Jim **Houston**, Clam Lake Township;
Beverly **Monroe**, Manton Area Chamber of Commerce;
John **Saari**, City of Cadillac Planning Board;
and additional help from Pete **Stalker**, Cadillac City Manager.

Human Services Subcommittee (chapters I1, and I2)

Diane **Dykstra**, United Way of Wexford County co-chair;
Barbara **Youngert**;
Susan **Baldwin**, Haring Charter Township;
James **Hora**, Wexford Co. Historic Society; and
Eleanor **Sosenko**, Manton Senior Center;

Infrastructure Subcommittee (chapters J1, J3, and part of H2.)

John **Divozzo**, Wexford Dept. Public Works, chair;
Susan **Brettschneider**, Greenwood Township;
David **Gregg**, District Health Department #10;
Bob **Lindbeck**, Wexford County Road Commission;
John **Robbins**, City of Manton; and
Margo **Stratton**, Cherry Grove Township;

Use of Natural Resources Subcommittee (chapters F9, H3, and part of F10.)

Leon **Bigelow**, Henderson Township, co-chair;
Bob **Garner**, Cadillac Area Land Conservancy;
Joe **Dumont**;
Dave **Fox**;
Ray **Fox**;
John R. **Hojnowski**, Huron-Manistee National Forest;
Jim **Perrin**, Cadillac Winter Warriors Snowmobile Club;
Carol **Potter**, Cadillac Area Visitor Convention Bureau;
Larry **Roderick** Jr., Great Lake Whitetails;
Tom **Rozich**, Michigan Department of Natural Resources, Fisheries Division;
Tom **Williams**, Antioch Township; and
Sharon **Zakrajsek**, Wexford County Planning Commission.

Additional members who participated but did not serve on subcommittees are:

Bill **Benson**, Wexford Conservation District;
Jill **Benson**, Wexford County Farm Bureau;
Lloyd **Butcher**, Liberty Township;
Dean **DeKryger,** Clam Lake D.D.A.;
Gary **Donohoe**;
JoAnn **Engels;**
Gary **Gilmore,** Wexford County Board;
Clyde **Kastl,** Springville Township;
Teresea **Loving,** City of Manton;
Darlene **Merritt,** Cadillac D.D.A.;
Leo **Porter**, Slagle Township;
Bill **Sparks**;
Debbie **Stanton,** Village of Mesick;
Greg **Swanson**, Cedar Creek Township;
Dick **LaBarre,** Greenwood Township;

As part of this process, Alice Deibel surveyed members of the Plan Committee and elected officials in Wexford County in spring 2002. Many of the questions asked were the same that were asked in the Public Opinion Survey reported in the *Fact*

Book.[2] A comparison of the two surveys found no significant difference between the opinion of the population at large and those working on this *Plan*.

Staff & Author

THIS document was written by **Kurt H. Schindler**, County Extension Director, MSU Extension; **Alice Diebel**, MSU Extension Victor Land Institute; **Tim Evans**, Wexford County Planner; **Mike Green**, the Wexford County Assistant Planner, and Geographic Information System (GIS) operator; **Michael Solomon**, Chairman, Wexford County Planning Commission. Maps for this *Plan* were developed by **Mike Green**. Plan Committee meeting facilitation was done by **Schindler**, **John Amrhein**, MSU Extension State and Local Government Agent and **Harvey Liss**, MSU Extension. Plan Committee meetings were chaired/moderated by **Mike Solomon**, Wexford County Planning Commission chair.

The MSU Extension Victor Institute for Land Use provided technical assistance through a grant from the United States Forest Service. **Phil Davis**, **Alice Diebel**, and **Mike Thomas**, of the MSU Extension Victor Institute, provided assistance to the county, and researched ways to improve public participation in public planning and public policy processes. The Victor Institute has maintained a web page of the *Fact Book*. They also reported on progress in the development of this *Plan* through the website.

Wexford County Board of Commissioners

FINALLY, members of the County Board whose support and funding to prepare this *Plan* was essential.

Gary Gilmore, **Chairman**
Larry Copley, Vice Chairman
William Barnett
Lester Barnes
Alan Devereaux (former member)
George Guffey (former member)
Terry Harvey (former member)
Richard Hill (former member)
Lesile Housler
Darrell Kelley
Sarah McKeever
Bob Lee (former member)
Fran Okoren (former member)
Laura Lee Smit
Jay Thiebaut

[2]Hill, James P., Dr. and Mary Senter. *Report of Findings Wexford County Residents' Views of Land Use Planning and Quality of Life; A study Prepared for the Wexford County Commission*; Central Michigan University Center for Applied Research and Rural Studies; Mt. Pleasant; December 2000.

Maps, Charts and Graphs
[INSERT: Wexford County Location Map]

Chapter D2: Executive Summary

About This *Plan*

THIS *Plan* is prepared as the *Wexford County Comprehensive Plan*.

Planning results in a document that is used and referred to for purposes of guiding government decisions. The process used to develop a plan is circular: inventory analysis, technical studies, identification of community desires, identification of various goals and objectives, exploration of alternatives, the *Plan* is written, formally adopted, implemented, reviewed and updated, return to step one.

Good planning is the process that involves people in decision making. It is important for a large number of citizens and viewpoints to play a part in creating the plan.

The end result of planning is to have a good community.

A large part of planning success is dependent on public involvement. The key is to use the planning process to build community consensus.

The Wexford County comprehensive planning process is one that relied heavily on public involvement. Approximately 70 citizens participated in the Citizen Plan Committee. This included representatives of townships, cities, villages, environmental groups, business leaders, industry and other interest groups. This Committee identified the planning issues and broke into subcommittees to develop the goals, objectives and policies/strategies/methods to address these issues.

The *Plan* is broken down into the following chapters:

Part D; Introductory materials
Part E; Overall Plan
Part F: The Land Use Plan and Program
Part G: Environment, Natural Resources Plan
Part H: Economic Plan
Part I: Human Services and Housing Plan
Part J: Infrastructure Plan
Part K: Appendixes and Addendums

The legal authority for planning is the County Planning Act (PA 282 of 1945, as amended). The Wexford County Comprehensive Plan meets the requirements of the Act.

There are nine fundamental principles that underlie the goals, objectives and policies of this *Plan*. These are:

1. Scenic character should be preserved or enhanced in the County.
2. Natural resources in the County should be protected from inappropriate use or conversion.
3. The natural environment of the County should be protected.
4. An economy built on renewable natural resources is sustainable and should continue to be an important economic base for the future.
5. Future development should primarily take place in a compact development pattern in the urban growth areas around Cadillac, Manton, Mesick, Buckley, and Harrietta.
6. Future land use, zoning, land division and public infrastructure decisions should be made consistent with this Plan.
7. A strong effort should be made to achieve improved intergovernmental cooperation within Wexford County.
8. The vision of this Plan must be achieved without violating protected property rights.
9. Preservation of the scenic character in Wexford County is both dependent on and supports most of the economic base in the county.

Government cooperation is an issue that was identified. Currently, cooperation exists on many levels, but more should be expected. The Goals

include: 1) Increased coordination and cooperation between governments; 2) Avoid unnecessary duplication of services; 3) Develop quality communication; 4) Coordinate community planning and development; 5) Be prepared for emergencies and 6) Explore the benefits of regional fire stations.

The Future Land Use (Map) (Chapter F1) goals include: 1) Economic growth and development is focused on existing urban centers; 2) The County will have multiple use recreation trails and 3) Incompatible land areas are minimized through coordinated planning.

Wexford County has certain areas designated for existing and future industrial development with the following goals: Creation of visually appealing light industrial parks in urban growth areas and limit the impact of heavy industry on the rural character of the County.

Commercial areas should: Encourage light commercial uses as a buffer between heavy commercial, cluster heavy commercial along major roads and to create areas that are visually appealing and safe for vehicle and pedestrian traffic.

Office Service areas should be emphasized with visually appealing and safe access.

Resort areas are important to the community and areas that are suitable should be recognized with policies that support this use. Many areas that were classified as resort are now residential in character.

Residential areas of the County should have the highest density housing in areas suitable for residential development with the recognition of a home occupation being suitable under the special use process.

Rural residential areas should maintain an unspoiled character free of urban development with the allowance of home occupations under the special use process.

Agriculture and Forest Production areas are established to protect areas with prime farmlands, to preserve existing farms when practicable, and protect and maintain forested tracts for forest products, recreation and wildlife habitat.

Wexford County has certain areas designated for existing and future "special and unique areas". These areas can be scenic, historic sites, watershed protection, wildlife habitat or open space preservation. The goals are to protect environmentally significant areas and sustain and enhance tourist based development while protecting natural historic, cultural, scenic and recreational features of the County.

Transition and urban growth areas are areas adjacent to concentrated use areas where we can anticipate future expansion of dense land use. In these areas we should avoid strip development and have phased development for orderly growth.

Zoning in the County needs to be updated. Updating the zoning ordinance should immediately follow adoption of this Plan. Implementation of the Plan and updated zoning ordinance will require expansion of the Planning Department to provide the needed services.

Part G is the Environment and Natural Resources Plan. These concerns apply to all areas of the County and are important to maintain the characteristics that attract many to this area. Primarily, the maintenance of clean air, water and the scenic quality of the County.

The Ground and Surface Water Protection (Chapter G2) calls for the protection of groundwater, protection and wise management of surface water features and local zoning provisions to protect water quality.

The issue of Recycling and Solid/Hazardous Waste is discussed in Chapter G3. The goals are to 1) Have solid waste management with a reduce/reuse/recycle theme, 2) A convenient system for recycling, 3) A long term solid waste management plan in place, and 4) Avoid pollution problems related to discarded tires.

Economic Development is important to our citizens. They expect 1) An orderly and concentrated pattern of economic growth using existing infrastructure, 2) To support the attraction of new industry, 3) To encourage businesses that exceed environmental standards and 4) To designate adequate residential areas to support community

growth.

Tourism (Chapter H2) is recognized as a core use. The goal is to sustain and enhance tourist based economic growth and development. This chapter recognizes the assets of the National and State Forests which make up about 42% of the County's land area.

Human Services (Chapter 17) has goals of 1) High quality, lifetime educational opportunities, 2) Affordable health care, 3) Maintaining healthy families, 4) Wexford County will be a safe community that provides a good quality of life.

Housing (Chapter 12) concentrates on having safe and affordable housing available for all income levels and family situations.

Transportation (Chapter J1) is one component of the Infrastructure Plan. It recommends that the County improve and maintain a safe and efficient road system and have public transportation services appropriate for the size and rural nature of the County.

The Recreation Chapter (J2) places emphasis on development of a non-motorized trail system as a integral part of the County's Recreation Plan.

The Water and Sewer Chapter (Chapter J3), recommends the provision of a water distribution and sewer collection system through cooperative efforts that benefit the region as a whole.

Chapter D3: About This *Plan*

PLEASE remember a "plan" is a government policy statement. It is not a statute, law or ordinance. Use of the words "must" or "shall" does not make it the mandatory directive it would be if in a statute or ordinance. Use of the words "must" or "shall" in the Plan is intended to convey a desire that it be followed.

The *Fact Book*[3] was prepared as a presentation of facts and data for use by Wexford County in preparation of this *Wexford County Comprehensive Plan* pursuant to the County Planning Act[4] (see "Type of Plan This *Plan* Is" in Appendix K5, page 167).

A plan for a community must be done publicly to include as many people as possible in the process. The process itself must have formal steps for adoption.

Many times the planning process is described as being a set of steps which ultimately go in a circle:

1. First are inventories and analysis of the current situation.
2. Then various technical studies are done. The *Fact Book* reflects work for these first two points.
3. Identification of community desires is gauged by public opinion survey (included in the *Fact Book*) and participation by a large number of people.
4. Citizens and appointed officials identify various goals and objectives.
5. Alternative courses are reviewed and one selected.
6. This *Plan* is prepared and made available.
7. Formal adoption takes place.
8. Various government and private agencies act to implement various parts of the *Plan*.
9. The document is reviewed and updated – about every five years. The process begins again with step one.

The steps used to prepare the Wexford County Plan follow. Section notations refer to sections of the County Planning Act.[5]

1. Initial strategy to do the work.
2. Prepare the *Fact Book* of background, inventories and studies (§4(1)).
3. Send out a notice required by section 4b(2) of the County Planning Act, which includes all municipalities in the county, contiguous to the county, state and federal government agencies with significant land holdings in the county, etc.
4. County Planning Commission appoints a citizen committee of the county planning commission (§4(3)(c), §4(3)(d), and §4(5)).
5. Provide presentations on the *Fact Book*, trend future, education programs to the citizen committee
6. Committee selects issues/concerns/priorities.
7. Committee breaks into subcommittees to works on those issues (§4(3)(a), §4(3)(b), and §4(2)).
8. Committee adopts subcommittee reports (§4(3)(a), §4(3)(b), and §4(2)).
9. Compile reports into a proposed (draft) *Plan* (§4(3)(a), §4(3)(b), and §4(2)).
10. County Planning Commission adopts draft *Plan*

[3]Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*' MSU Extension, Wexford County; Cadillac, Michigan April 2002.

[4]P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*)

[5]P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*)

(§4c(2)).

11. County Board of Commissioners adopts draft *Plan* (§4c(3)).
12. Draft *Plan* is sent to everyone required by section 4c(3) of the County Planning Act (same list as in number 3, above)
13. Those receiving the draft *Plan* have 65 days to make comment on the draft *Plan* (§4c(4)).
14. At the end of the 65 days County Planning Commission reviews the comments and may make modifications to the draft *Plan*.
15.. Hold the public hearing on the modified draft *Plan* (§5(1)).
16. County Planning Commission reviews comments and may make further changes to the modified draft *Plan* (§5(1) and §5(3)).
17. County Planning Commission adopts the final *Plan* (§5(3)).
18. If the County Board of Commissioners reserved the right to do so (in step 11, above) acts to adopt the *Plan* (§5(4)).
19. Copies of the *Plan* are sent to everyone required by section 5(5) of the County Planning Act (same list as in number 3, above) and a certified copy to the County Board of Commissioners as required by section 5(2) and 5(9) of the County Planning Act.
20. Implement the *Plan*.
21. Not more than five years later, the County Planning Commission shall review the *Plan* to determine if it needs revision, updating, or a new *Plan* prepared (§5(7)).

To prepare for making a county plan, the County Planning Commission shall do all of the following:

1. Conduct studies, investigations, and surveys relative to the economic, social, and physical development of the county (§4(3)(a)).
2. Formulate plans and make recommendations for the most effective economic, social, and physical development of the county (§4(3)(b)).
3. Cooperate with all departments of the state, federal governments, and other public agencies concerned with programs for the economic, social, and physical development of the county and seek the maximum coordination of the county programs of these agencies (§4(3)(c)).
4. Consult with representatives of adjacent counties in respect to their planning so that conflicts in overall county plans may be avoided (§4(3)(d)).
5. The county planning commission may serve as a coordinating agency for all planning committees and commissions within the county.
6. The county planning commission may meet with other governmental planning commissions to deliberate.

The *Fact Book* is intended to be the studies, investigations, surveys, and some of the recommendations referred to in number 1 and 2.

The County Planning Act requires a county plan including text, maps, plats, charts, and shall be for the development of the county and address land use issues and may project 20 years or more into the future (§4(2)). The Plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the County:

1. A land use plan and program (§4(2)(a))
   A. If the county has adopted a zoning ordinance, the plan shall include allocating land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.
   B. If the county does not have county zoning, the plan may be a general plan with generalized future land use maps.
2. The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, public works for preventing pollution, and works for maintaining water levels; and public utilities and structures

(§4(2)(b)).

3. Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities (§4(2)(c)).
4. Recommendations for implementing any of its proposals (§4(2)(d)).

A good plan, however, is not just a document that goes on the shelf. That "book" just records the decisions and direction chosen. Sometimes more important – is the process that involves people during the creation of the plan. It is this process that builds consensus, that helps a community have a common vision. This is one of the main reasons why a plan should be reviewed and updated every 5 years. In five years time, enough people have left their elected or appointed office, or other leadership roles that it is time to reconstruct that consensus and vision.

Chapter D4: Legal Authority

This *Plan* should be considered as a component of the county's comprehensive planning. Other published and adopted components of planning in Wexford and selected special reports are also included in Appendix K6., page 173. This *Plan* supercedes all other plans which are or may be adopted by Wexford County. If the intent is to adopt policy different than what is in this *Plan*, then this *Plan* should be amended. If other plans which are or may be adopted by Wexford County are inconsistent with this *Plan* or conflict with this plan, then the content of this *Plan* shall control.

This *Plan* is the same "plan" referred to, and authorized to be adopted by P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*). This *Plan* is the Wexford County Planning Commission's recommendations for the development of the County for land use; zoning; and infrastructure. This *Plan* is the Commission's recommendations for coordination with municipalities, County departments, Wexford County Road Commission, state, Native American and federal governments. **This *Plan* is the formal policy of the County, and its statement of goals, objectives, and intended strategies.** This *Plan* is intended to be the document, that once adopted, involves the following:

> Following adoption of the county plan or any part thereof and the certification by the commission to the county board of supervisors [commissioners] of a copy of the county plan, no work shall be initiated on any project involving the expenditure of funds by a county board, department or agency unless a full description of the project, its proposed location and extent thereof shall have been submitted to the county planning commission and the report and advice of the commission thereon shall have been received by the county board of supervisors and by the county board, department or agency submitting the proposal. The requirement for planning commission's review shall be deemed to be waived if within thirty days after the proposal has been filed with the commission, the commission fails to furnish in writing, its report and advice upon the proposal. Copies of said report and advice shall be furnished to the county board, department or agency sponsoring the proposal.[6]

This *Plan* is also intended to be the "plan" referred to in section 3 of P.A. 183 of 1943, as amended, (being the County Rural Zoning Enabling Act, M.C.L. 125.203). That section reads the county "zoning ordinance shall be based upon a plan...."

This *Plan* can also be, in part or in whole, the "plan" referred to in the respective municipal zoning enabling acts: Section 3 of P.A. 184 of 1943, as amended, (being the Township Rural Zoning Act, M.C.L. 125.273) reads the township "zoning ordinance shall be based upon a plan...." Subsection (2) of section 1 of P.A. 207 of 1921, as amended, (being the City or Village Zoning act, M.C.L. 125.581) reads the city or village "land development regulations and districts authorized by this act shall be made in accordance with a plan...."

This *Plan* is the document which is used for purposes of the Commission reviewing proposed amendments to the Wexford County Zoning Ordinance. An amendment to the county zoning ordinance shall not be adopted if it is found not to comply with this *Plan*. If an amendment to zoning is wanted, and is found not to comply with this *Plan*,

[6] Section 5 of P.A. 282 of 1945, as amended, (being County Planning Act, M.C.L. 125.105).

then this *Plan* shall be amended first.

This *Plan* is the document which is used for purposes of the Commission reviewing township zoning.[7] This *Plan* is the document which is used for purposes of the Commission reviewing township; village; city; adjacent county, township city, village; state; and federal agency plans[8]. In its review, the Commission's primary job is to insure the other plan is consistent, and not inconsistent, with this *Plan* and adjacent county, township, city, and village plans. The view of a plan is advisory, with coordination being the statutory and this *Plan's* goal. In the case of a township zoning ordinance, Commission review is required prior to adoption by the township. However, a township zoning ordinance shall be based upon a plan.[9] In the absence of a township plan, it is intended this *Plan* shall be the plan for those unincorporated area(s).

In finding compliance with this *Plan*, one should be guided by content and apparent intent. It is not important that a township name its zoning districts in the same manner as this *Plan* names areas on the future land use map. The test for compliance should be substantial agreement between uses permitted in an area with the uses listed as intended in the explanations of this *Plan*.

Further, it is possible for township zoning, or anyone's planning, to combine two future land use plan map areas, or districts, or to further subdivide this *Plan's* future land use plan map areas. Again, intent or net result of what are the land uses should be the test.

To conduct the zoning review, the county should also find that proper procedure for adoption has been followed, proper drafting of the ordinance has been done, and that the ordinance has been reviewed in light of all other applicable statutes and law. This finding of fact should be based on a legal opinion provided by the township's attorney. Some, but not all, applicable statutes, federal programs, and county ordinances are listed in Appendix C1 of the *Fact Book*.

To use this *Plan* as a part or all of the plan for incorporated municipalities (city or village) it must first, in whole or in part, be adopted as part or all of that city or village's official plan.[10] That adoption must be done by the city or village in accordance with the procedures contained in P.A. 285 of 1931 (being the Municipal Planning Act, M.C.L. 125.31 *et. seq.*)

In Michigan, municipal governments (city and village) assume the primary role in zoning, land use regulation, and basic government services. While there is county zoning, it is also recognized some townships may choose to have their own zoning. It is recognized, however, that coordination at a county level is needed. An overall policy from the county which provides direction and creates a point of cooperation between the county, townships, and municipalities in the county is important. Such cooperation is necessary for any progress to be made in the development of our area or in a wise and unified approach to land use controls.

Use of this *Plan* is important. It is especially important in Wexford County in administration of County zoning, and where local governments create and administer zoning and land use planning. However County agencies have the power to make decisions which can affect or enhance local government efforts. This document provides an outline for further development. It is intended to guide public decisions for new home development, for placement of zoning ordinance district

[7] Pursuant to section 10 of P.A. 184 of 1943, as amended, (being Township Rural Zoning Act, M.C.L. 125.280.)

[8] Pursuant to section 7b of P.A. 168 of 1959, as amended, (being Township Planning act, M.C.L. 125.327b); section 4c of P.A. 282 of 1945, as amended (being the County Planning Act, M.C.L. 125.104c); and section 7b of P.A. 285 of 1931, as amended, (being the Municipal Planning Act [villages, cities and townships that started planning prior to 1959], M.C.L. 125.37b).

[9] Section 3 of P.A. 184 of 1943, as amended, (being the Township Rural Zoning Act, M.C.L. 125.273).

[10] Second paragraph of section 5, P.A. 282 of 1945, as amended, (being County Planning Act, M.C.L. 125.105).

boundaries, new road construction, so each agency and government is coordinated with each other.

Also, this document is an important tool for influencing at the state and federal government level. In 2001, The United States Forest Service owned 26% of the total County land area, State of Michigan Department of Natural Resources (DNR), owned 14.7% of the total County land area. The management of these properties has an impact on land use, and local planning. Local government and the County, should provide input to decisions made by the DNR and the United States Forest Service.

There will be situations where exceptions to the policies and intent of this *Plan* may be expected. A finding that a greater public good will result from not following this *Plan* may be made by the Commission. Lacking such a finding by the Commission, indicates compliance to this *Plan* is the most appropriate action.

Part E: Overall Plan

Chapter E1: County Wide Goals

WEXFORD County has certain main goals, which are intended to transcend everything else in this *Plan*. These concerns are presented in this chapter.

Fundamental Principles

FOLLOWING are nine fundamental principles that underlay the goals, objectives, strategies, methods, and policies presented in this *Plan* and the balanced growth and environmental protection overall goals of this *Plan*. These principles are intended to help achieve the long-term goal of sustainable development in Wexford County. These principles aim to ensure the needs of the present generation are met without compromising the quality of life for future generations. The goals, objectives, strategies, methods, and policies that appear to most contribute to the achievement of this *Plan*, in a particular instances, is the one that should supercede -- in the event of a conflict.

Nine Principles

THE following nine principles are presented here. They are not presented in an order of priority.

1. **Scenic character should be preserved or enhanced in the County**. The natural character of the landscape within Wexford County combine to create a scenic quality that is highly valued by residents and visitors alike. It is the source of a number of economic sector's base in the County: farming, forestry, recreation, and tourism. It must be preserved as future land use change occurs. It is critical to achieving all the major goals, objectives, strategies, methods, and policies in this *Plan*. Enhancement should be accomplished primarily through encouragement to implement common design guidelines (such as those in the *Grand Traverse Bay Region Development Guidebook*[11]). Where appropriate, local ordinances can require visual buffers, scenic character landscaping, and appropriate signs. Institutional properties can be enhanced through carefully planned capital improvements.
2. **Natural resources in the County should be protected from inappropriate use or conversion**. Forested hillsides, farmlands, wetlands, rivers, and lakes provide the natural landscape background across most of the County. They attract thousands of seasonal residents, and tourists. Much of this land is in public ownership and offers outstanding hunting, fishing, hiking, and a wide range of other recreational activities. Managed harvests of forests contribute lumber, fiber, and fuel to support our society. Agricultural land is principally in row-crop, cattle, or dairy production. Forestry, agriculture, tree farms, tourism, and recreation have historical roots in Wexford County and contribute to its economic base. Each of these industries requires a substantial amount of land. Preservation of the natural resource base is essential to preservation of these industries.
3. **The natural environment of the County should be protected from degradation**. The

[11]Grand Traverse County Planning Department; *Grand Traverse Bay Regional Development Guidebook*; Grand Traverse County Planning Department, 400 Boardman Avenue, Traverse City, Michigan 49684.

clean air, water, and soil in the County is a natural asset of immeasurable importance. The lakes, rivers, streams, wetlands, and flood plains are important parts of this natural environment which contribute greatly to the scenic quality of the landscape. This environment supports abundant fish and wildlife populations. The quality of the natural environment is a significant feature in attracting people to the County. The natural environment and especially sensitive features must be protected to sustain the scenic quality and economic potential of the County.

4. **An economy built on renewable natural resources is sustainable and should continue to be an important economic base for the future**. Agriculture, forestry, recreation, and tourism are a part of the economic base in Wexford County. They are a significant part of the local quality of life. They are also tied to renewable resources. Maintaining a sustainable local economy and quality of life, requires maintaining the renewable natural resources of the County. Further diversification of the economy that draws from the talents of the existing labor force will also enhance the prospects for a sustainable economy.
5. **Future development should primarily take place in a compact development pattern**. New commercial, industrial, and medium density residential uses should be constructed in the urban growth areas around Cadillac, Manton, Mesick, Buckley, and Harrietta and within areas designated as service areas. These mixed-use areas may be served with public sewer and water where it is cost-effective to do so. These services would not be extended beyond the urban growth areas during the life of this *Plan*. Outside the service areas, development should only occur at low densities or primarily in small clusters of a few lots sited so as to minimize visibility from the roadway and to maximize the amount of open space around them. Shared water wells and waste treatment systems may be needed to facilitate open space development. Also inside the urban growth areas there should be encouragement of the full development, or as necessary the redevelopment, of existing and planned industrial park space, brownfield sites, existing commercial buildings and sites, and existing residential in-fill sites, existing commercial buildings and sites, and existing residential in-fill sites, as opposed to new greenfield locations.
6. **Future land use, zoning, land division, and public infrastructure decisions should be made consistent with this *Plan***. Achievement of the vision embodied in this *Plan* depends heavily on adoption and implementation of County and local (city, village, and township) zoning, and land division regulations consistent with this *Plan*. It depends on infrastructure decisions consistent with this *Plan*. Future road, sewer, water, school, County building, state and federal facility decisions should be consistent with this *Plan*, and an annually updated capital improvement program. Where the public funds are spent on infrastructure, has an enormous impact on private land development decisions.
7. **A strong effort should be made to achieve improved intergovernmental cooperation within Wexford County**. This *Plan* recognizes that land use and infrastructure decisions of each governmental unit have, over time, an impact on the character of the entire county. County government only has the ability to achieve part of the vision embodied in this *Plan*. A partnership for achievement of the vision of this *Plan* should guide the development and implementation of new relationships between the County and local governments and adjoining counties in the region. Improved intergovernmental coordination, communication, and cooperation

are essential to success of this partnership.

8. **The vision of this *Plan* must be achieved without violating protected property rights**. Many of the principles of this *Plan* will require changes in County and local regulations. As these changes are made, it is essential that constitutionally protected property rights not be violated. It is also important that special consideration be paid to the legitimate desire of large landowners who may have their "retirement" locked up in their land. They need to be given options for capturing the development value of their land, even if more dense development on the land is not a permitted activity.
9. **Preservation of scenic character in Wexford County is both dependent on and supports most of the economic base in the County.** The scenic character is comprised of the natural environment, farms, and the built environment. Protecting the scenic character, the natural environment and economic development must proceed together.

All principles are interrelated. They are all oriented to achieving the goal of sustainable development in Wexford County. They recognize that a healthy economy depends on a healthy environment and that these need not be mutually exclusive. They are structured to achieve a balanced growth and environmental protection strategy that also protects the scenic character of the County.

Where these new homes and businesses are located will dramatically affect the future character of the County. If the current trend of single family homes lining County roads is continued, the landscape will become suburbanized. Many of the large open spaces will be chopped up and sprinkled with homes. Most open space would then be in yards, rather than a part of the current scenic landscape. This will diminish the value of the landscape to tourists and create a public service burden over time. Cost-effective public services are nearly impossible with a scattered land development pattern.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Achieve a thriving, yet sustainable, economic base for Wexford County without depletion of its valuable natural resources and scenic values.	1.1. Have managed growth based on available services	1.1.1. Follow and implement this *Plan.*
	1.2. Wexford's economy, remains a sustainable diverse economy and the manufacturing community is enhanced.	1.2.1. Follow and implement this *Plan.*
	1.3. Conserve and protect property values by minimizing incompatible uses.	1.3.1. Follow and implement this *Plan.*
	1.4. Natural resources in the County should be protected from inappropriate use.	1.4.1. Follow and implement this *Plan.*

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Conserve special and unique areas, farmlands, open spaces, and forests. Centralize commercial, industrial, and residential development at recognized trade centers and incorporated municipalities where ever possible.	2.1. Balance environmental protection, resource management, and economic development	2.1.1. Follow and implement this *Plan.*
	2.2. Natural character should be preserved or enhanced.	2.2.1. Future road, sewer, water infrastructure should be consistent with this *Plan.*
3. Minimize conflicts between land uses and this *Plan's* future land use map areas.	3.1. Retain the character of the County.	3.1.1. Follow and implement this *Plan.*
4.Agreement on visions for the best future land use.	4.1. Create an environment for decision making where all government agencies share information and agree on visions for the best future land use.	4.1.1. Wexford County Planning Commission takes a lead role in implementation of this *Plan.* This will provide a coordinated and consistent zoning, land use planning, and management with all municipalities; county, federal, and state land management agencies.
5. Creation of more economic base jogs in Wexford County	5.1. Retain the active program of base job business retention and recruitment in the county.	5.1.1. Utilize state brownfield tax incentives, other tax incentives, and other business retention and recruitment programs.

EXPECTED RESULTS
The vision of this *Plan* for the future of Wexford County becomes a reality.

Chapter E2: Government Cooperation

An issue identified in Wexford County has been one of cooperation between governments. These concerns and possible solutions are presented in this chapter. It is intended to be applicable county-wide.

ISSUES for this topic include the classic concerns of extending services and infrastructure outside of a city, and annexation. The issue presented here, can also apply to any city or village in Wexford County.

For background refer to Appendix K1 (page 91 of this *Plan* and the sections of the *Fact Book* on urban growth areas (pp. 90-94, 115), and the sections on public water, and public sewer in the Infrastructure Chapter (B12, pp. 273-286, 301-302).

The coordination needs to involve all governments. The coordination needs to address how areas are zoned, so that planning, zoning and infrastructure decisions are consistent. This also means there needs to be a political will to say "no" to development in certain areas, so the development is channeled to areas deemed appropriate. An urban growth areas approach is one avenue to explore.

Consultants[12] are available that specialize in bringing communities together to establish the coordinated approach to growth and tailor-design an urban growth area to Wexford's needs.

Attempts to resolve these issues fail because there are (1) too many issues, (2) uncompromising personalities, and (3) lack of community support. The efforts to bring communities together succeed when (1) all stakeholders have been identified and are involved in the process, (2) legal authority exist to do so, (3) a regional vision exists, (4) a defined achievable scope exists, and (5) past differences are set aside.

Cooperation between governments does exist on many levels. There are a few points where disagreement exists. Regularly scheduled meetings may be necessary to build trust between government offices.

The Ground and Surface Water Chapter of this *Plan* (G2, page 71) addresses the need for a county-wide coordinated wellhead protection planning process. The same types of concepts exist for solid waste management in the county, and avoiding illegal dumping in public and private forests.

There should be a government cooperation ethic in Wexford County which recognizes that land use and infrastructure decisions of each governmental unit have, over time, an impact on the character of the entire County (and entire region). In addition, citizens increasingly recognize they primarily live in a geographic region, instead of merely a single jurisdiction. Each has a stake in the future of the local unit of government in which they live, in the County, and in the region. Businesses and industries also share this same stake. It will take the coordinated efforts of all units of government working together to achieve the goals of this *Plan*.

It is with this discussion, and background the following goals, objectives and strategies are made.

[12] One example is E. Tyson Smith or Michael Lauer of FREILICH LEITNER & CARLISLE of Kansas City, Missouri.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Increased coordination and cooperation between governments.	1.1 A successful municipal wellhead protection program.	1.1.1 Wexford County initiates a County-wide groundwater protection committee which contracts for the joint wellhead delineation, and joint creation of wellhead protection plans.
	1.2 Establish a multiple-government cooperative approach to development.	1.2.1. Wexford County Board of Commissioners should create an inter-government committee and consider hiring a consultant to establish coordinated approach to growth and tailor-design an urban growth area to Wexford's needs. a. The committee should be available, to respond to a need identified by the County or various city, village, and township governments.* (*e.g. regional or county-wide fire, sewer, water, storm water management, wellhead protection, economic development, tourism development, recreation planning, solid waste, illegal dumping, and so on.) b. The committee membership should reflect stakeholders for each issue. c. Representatives on the committee should include elected officials and leaders from the affected city, village, township, and County government.
		1.2.2. Development is channeled to areas deemed appropriate.
2. Avoid unnecessary duplication of government services.	2.1 Identify specific services which are, or could be unnecessary duplication of government services.	2.1.1. Strategies 1.2.1., 1.2.2., 1.2.3., and 1.2.4.
	2.2. A "clean community" free of illegal dumping of solid waste on public and private lands through a coordinated multi-government cooperation effort.	2.2.1. All governments adopt a junk ordinance.
		2.2.2. Explore stricter enforcement and penalties for illegal dumping.
		2.2.3. All governments should require some form of solid waste collection to make it convenient and easy for trash disposal, rather than illegal dumping
	2.3. A coordinated streamlined "one-stop-shopping" for permits to make it easier and faster for citizens to comply with land use laws.	2.3.1. All governments work together to create a system where citizens can get all their permits by contacting one location (or on the Internet) so it is easier and faster for developers to proceed with a project.
	2.4. Increased cooperative use of new technology and facilities.	2.4.1. Develop a computer network between the County , townships, cities and villages.
		2.4.2. Explore the possibility of multi-county facilities. (E.g. jail, ice arena, etc.)

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
3. Quality communication between government and citizens.	3.1. Notice requirements for special use permits and zoning amendments should be the same throughout the County so citizens can expect the same level and type of communication regardless which government is the zoning jurisdiction.	3.1.1. Provide the news media with information so they can prepare pre-meeting publicity prior to each planning commission and elected board meeting.
		3.1.2. All zoning jurisdictions in the County should include a pamphlet with notices for special use permits, appeals, variances, and zoning amendments to help citizens better understand and express concerns at hearings.
		3.1.3. Wexford County government should create a regular newsletter which is sent to each resident in the County, and to state, and federal representatives.
		3.1.4. All zoning and planning jurisdictions should post minutes, notices, plans, ordinances, and other pertinent material on an Internet Web site.
		3.1.5. The County should consider a partnership with cable televison public access channel 2 for purposes of televising County Board, planning commission, and appeals board meetings, and maintain a calendar of events.
		3.1.6. Expand the County /township association meetings to include village, city, and County elected officials.
		3.1.7. Have regular meetings of all members of all zoning/planning commissions and zoning board of appeals for coordination in planning issues.
		3.1.8. Expand the quarterly meetings of the "Metro Four" (Haring, Clam Lake, Cherry Grove, Selma Townships) to include Cadillac City and County officials and vice versa.
		3.1.9. Four Corners Group (Manton City, Cedar Creek, Greenwood, Liberty, Manton Chamber) should continue meeting and working on various projects.
		3.1.10. The County planning commission should send notices to everyone within and 300 feet around a proposed zoning map change. The County board should adjust amendment fees to cover the cost of doing so.
		3.1.11. Encourage area Chambers of Commerce to meet regularly to consider co-operative efforts.
	3.2. To have County-wide standardization of how ordinances are arranged and permit application forms used.	3.2.1 Zoning ordinances should adopt a standard codification system so one is able to look in the same article and section in each zoning ordinance in the County to find the same thing for each zoning jurisdiction. This should be done by use of a codification system established in "Organization and Codification of a Zoning Ordinance; What is Codification?" *Land Use Series*, by MSU Extension.
		3.2.2. Zoning ordinances can be made more user-friendly by adopting a standard set of permit application forms.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	3.3. Improved communication between state and federal government (legislators and agencies)	3.3.1.Wexford County should be pro-active concerning various activities of other government agencies within the boundaries of the County. The County should have a formal system to receive, review, and respond, or chose not to respond, to public notices of: C State, federal, and local governments.
4. Wexford County will have coordinated community planning and development	4.1. All plans and zoning ordinances should be coordinated and should not contravene each other.	4.1.1. Once an urban growth area(s) is(are) established, plans and zoning should be used to reinforce the agreed upon concepts to deal with issues of infrastructure, road, dense development, commercial/industrial development, preservation of open space, and recreation.
5. Be prepared for emergencies	5.1 Have a current up-to-date Emergency Preparedness Plan.	5.1.1. Include the *Wexford County Emergency Services Plan* as an addendum to this *Plan.*
6. Wexford County will explore the benefits of regional fire stations.	6.1a. Develop regional fire stations. 6.1b. Explore the benefit of Countywide GIS system that is compatible for all County emergency systems.	6.1.1. New and existing equipment is sited to provide maximum benefit.
		6.1.2. Consider operating with one chief with oversight and battalion commanders for each station.
		6.1.3. Explore regional or County millages to finance these services.
		6.1.4. The base infrastructure will be compatible to all departments.

EXPECTED RESULTS
A successful wellhead protection plan.
A core of people representing city, village, township governments who know and trust each other and are positioned to address other issues.
Up to 100% of the homes and businesses in the County will have improved access to county government information.
Those with Internet access will have improved ability to inform themselves about zoning and planning.
Nearly 60% of the households in the County will improved access to County government meetings.

Part F: Land Use Plan

Chapter F1: Future Land Use Map

WEXFORD County has certain land use issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

ISSUES for this topic include:

- Urban growth areas
- Cluster development vs. strip development
- The need to develop recreational trails
- Incompatibility of land uses under current zoning ordinances.
- Encourage cluster development in the County.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Economic growth and development is focused on existing urban centers and away from undeveloped areas of Wexford County.	1.1. Encourage economic growth and development in or near existing urban growth areas served by existing infrastructure.	1.1.1. Establish defined urban growth areas (see land use map) where higher density development should occur. Any development of urban infrastructure should be restricted to areas that have been defined on the land use map as urban growth areas.
	1.2. Encourage cluster developments in urban growth areas.	1.2.1. Discourage continuous strip zoning districts
2. Wexford County will have multiple use recreational trails through cooperative efforts between developers and local governments.	2.1. Municipalities should work together with land developers to create and maintain a network of recreational trails to serve the local population.	2.1.1. Request developers to dedicate easements for the purpose of constructing multiple use recreational trails.
		2.1.2. The Wexford County Planning Commission should take the lead in developing a non-motorized transportation plan.
3. Incompatible land uses are minimized through coordinated planning between Wexford County and its cities, villages, and townships.	3.1. Discourage potential and existing land use conflicts in the plan area.	3.1.1. Each zoned community should develop zoning districts that act as a buffer between incompatible land uses or zoning ordinances should include site design standards to mitigate conflicts between land uses and zoning districts.

EXPECTED RESULTS
Economic Development will be focused in urban growth areas
Future development will be aesthetically pleasing and harmonious with the surrounding environment
Rural areas will be protected from unwanted impacts of urban development.

The future land use map for this *Plan* is made using GIS analysis capacity. The analysis is based on the resource mapping information found in the *Fact Book*. Detailed information about that process can be found in Appendix K2, on page 94.

The process favors both protection of the environment, while permitting commercial/industrial development. The intent is to balance the need for commercial/industrial uses while recognizing the need to protect the environmental and quality of life for residents.

The table in appendix K2 ,on page 98, is intended to document the future land use map on page 25 (or the black and white township detail maps, pages 27-42) provide enough land area in each category to meet the projected needs for Wexford County future growth.

Maps, Charts and Graphs
[INSERT: Future Land Use Map]

[INSERT: Future Land Use Map Detail for T24N R12W, Wexford Township]

[INSERT: Future Land Use Map Detail for T24N R11W, Hanover Township]

[INSERT: Future Land Use Map Detail for T23N R12W, Springville Township]

[INSERT: Future Land Use Map Detail for T23N R11W, Antioch Township]

[INSERT: Future Land Use Map Detail for T24N R10W, Greenwood Township]

[INSERT: Future Land Use Map Detail for T24N R9W, Liberty Township]

[INSERT: Future Land Use Map Detail for T23N R10W, Colfax Township]

[INSERT: Future Land Use Map Detail for T23N R9W, Cedar Creek Township]

[INSERT: Future Land Use Map Detail for T22N R12W, Slagle Township]

[INSERT: Future Land Use Map Detail for T22N R11W, Boon Township]

[INSERT: Future Land Use Map Detail for T21N R12W, South Branch Township]

[INSERT: Future Land Use Map Detail for T21N R11W, Henderson Township]

[INSERT: Future Land Use Map Detail for T22N R10W, Selma Township]

[INSERT: Future Land Use Map Detail for T22N R9W, Haring Charter Township]

[INSERT: Future Land Use Map Detail for T21N R10W, Cherry Grove Township]

[INSERT: Future Land Use Map Detail for T21N R9W, Clam Lake Township]

Chapter F2: Industrial

WEXFORD County has certain areas designated for existing and future "industrial" development.

The statements found in this chapter apply only to the areas shown as red on the map on page 25 (or solid black on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

- Utilities
- Construction
- Manufacturing
- Wholesale Trade

! Under special conditions might include:

- Waste Management and Remediation Services.
- Re-cycling

ISSUES for this topic include:

- The need to support industrial job base while balancing the need for environmental protection
- Importance of public utilities to support higher impact industrial uses
- The perceived unsightliness of some industrial areas.
- The location of heavy industry should only be where infrastructure exists and where demands on water use and solid waste disposal can adequately be handled

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. The creation of visually appealing light industrial parks in urban growth areas.	1.1. Encourage light industrial uses in areas served by public utilities.	1.1.1. Create a zoning district that exclusively encourages light industrial activities . Year-round truck routes should be available in light industrial areas. Special use permit approval and site plan review should be required; any negative impacts should be mitigated before special use is approved.
		1.1.2. Encourage cluster development in light industrial districts with an open space requirement (based on developable area).
2. Limit the impact of heavy industry on the rural areas of Wexford County.	2.1. Restrict heavy industrial uses to urban growth areas and/or areas served by water, sewer, and year-round truck routes.	2.1.1. Any new zoning for heavy industrial uses should only be created in areas where public water, sewer, and roads are available. Special use permit approval and site plan review should be required.

EXPECTED RESULTS
Wexford County will have a diversified industrial employment base, resulting in lower unemployment and a higher quality of life for local residents.
Future industrial areas will have a more “park-like” appearance.
Heavy industrial areas will be restricted to the urban growth areas of Wexford County.

Chapter F3: Commercial

WEXFORD County has certain areas designated for existing and future "commercial" development (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as dark orange on the map on page 25 (or grey on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

- Retail Trade
- Information services
- Finance and Insurance
- Real Estate, Rental and Leasing
- Personal and Laundry Services
- Religious /Professional Organizations
- Educational Services
- Public Administration

! Under special conditions might include:

- Traveler Accommodations
- Food Services and Drinking Establishments
- Repair and Maintenance.
- Nursing and Residential Care Facilities
- Social Assistance
- Hospitals

ISSUES for this topic include:

- Current zoning supports strip development.
- Poor parking and circulation patterns for traffic moving between parking areas and thoroughfares. There is a need to look at access management.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Encourage light commercial uses as a buffer zone between heavy commercial and residential areas.	1.1. Encourage light commercial activities that have low impacts to locate adjacent to residential areas.	1.1.1. Create zoning that encourages light commercial uses, such as small retail shops, neighborhood restaurants, small grocery stores, and similar uses that are limited in scope and size and does not allow other uses. Such activity should be located adjacent to residential areas and should be used as a buffer between heavy commercial and residential zoning districts. Special use permit approval and site plan review should be required; any negative impacts should be mitigated before special use is approved.
2. Have rural commercial neighborhood retail and service locations	2.1. To have rural areas of the county with relatively close geographic access to basic retail and service needs, at an economic service level which is less than what is found in a town or urban growth area.	2.1.1. Provide rural commercial centers as shown on the Future Land Use Map.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
3. Clustered development of heavy commercial areas along or near major thoroughfares..	3.1. Encourage heavy commercial activities to occur along routes that are intended to carry traffic and are located away from residential areas.	3.1.1. Create a zoning district that allows commercial activities as regional shopping centers, big box retail outlets, large restaurants, hotels, service stations with or without diesel fuel, hardware stores, and similar uses of larger size and scope. Special use permit approval and site plan review should be required; any negative impacts should be mitigated before special use is approved. Zoning in these areas should include access management principles (interior and frontage roads, shared driveways, etc.) that make travel safer for vehicles and pedestrians.
		3.1.2. Restrict heavy commercial use to areas served by water, sewer, and year-round truck routes.
4. Commercial areas in Wexford County will be visually appealing and will allow for safe access for vehicular and pedestrian traffic.	4.1. Adopt requirements for landscaping and signage that create a positive visual image..	4.1.1. Adopt standards for maximum height and square footage on all commercial signage. Discourage the use of pole signs; create incentives for the use of smaller monument signs, where adequate.
		4.1.2. Require developers to create a landscaped buffer between the road frontage and the parking areas and buildings. Native vegetation should be encouraged for landscaping.
		4.1.3. Townships, cities, and villages adopt uniform billboard regulations concerning size, lighting, design, following a county model developed by the Wexford County Planning Department.
	4.2. Develop access guidelines for commercial property.	4.2.1. Frontage roads, interior access drives, or shared driveways should be required, as needed, to eliminate traffic hazards associated with ingress or egress. Driveways or curb cuts along public highways should also be subject to minimum spacing requirements.
5. Have vital, vibrant downtown city and village commercial areas	5.1. Retain, enhance, or improve downtown city and village commercial areas.	5.1.1. Use tax incentives provided by downtown development authority to revitalize city and village downtowns, and make a part of this *Plan*, by this reference, downtown development plans which have been adopted in Wexford County.

EXPECTED RESULTS
Commercial development will be visually appealing and will safely accommodate vehicular access and pedestrian movements.
Commercial areas will be developed in a manner that will not contribute to urban sprawl.

Chapter F4: Office Service

WEXFORD County has certain areas designated for existing and future "office service" development (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as light orange on the map on page 25 (or 45 degree diagonal lines on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

- Professional, Scientific and Technical Services
- Management of Companies and Enterprises
- Administrative/ Support Services
- Ambulatory Health Care Services
- Social Assistance, except Temporary Shelters, and Community Food Services.
- Public Administration

! Under special conditions might include:

- Educational Services
- Hospitals
- Nursing and Residential Care Facilities
- Traveler Accommodations
- Full Service Restaurants (not drive through)

ISSUES for this topic include:

- The economy of Wexford County is anticipated to grow in the higher-tech types of businesses in the Cadillac area which require office space.
- The need for increased standards for urban development.
- Cadillac urban growth area is the center of the region's office service activity.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. An increased emphasis on office development in Wexford County.	1.1. Locate personal, professional, and technological offices in urban growth areas of Wexford County.	1.1.1. Create an Office-Service District that is applicable to urban growth areas, where such uses as professional offices, technology firms, and personal service establishments are allowed.
2. Office Service areas in Wexford County will be visually appealing and will allow for safe access for vehicular and pedestrian traffic.	2.1. Adopt requirements for landscaping and signage that create a positive visual image.	2.1.1. Adopt standards for maximum height and square footage on all commercial signage. The number of signs should also be limited. Discourage the use of pole signs; create incentives for the use of smaller monument signs, where adequate.
		2.1.2. Require developers to create a landscaped buffer between the road frontage and the parking areas and buildings. Native vegetation should be used as landscaping and should be maintained as to not limit sight distance for vehicular or pedestrian traffic.
	2.2. Establish access guidelines for office service property.	2.2.1. Frontage roads, interior access drives, or shared driveways should be required, as needed, to eliminate traffic hazards associated with ingress or egress. Driveways or curb cuts along public highways should be subject to minimum spacing requirements.

EXPECTED RESULTS
Office development will be concentrated in appropriately zoned areas within urban growth areas.

Chapter F5: Resort

WEXFORD County has certain areas designated for existing and future "resort" development (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as pink on the map on page 25 (or horizontal lines on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following:

! Land uses found and commonly allowed:

- Single Family Dwelling, duplex, multi-family
- Entertainment and Recreation
- Accommodations and Food Services

! Under special conditions might include:

- Planned Unit Developments and mixed use developments for development of resort communities.

ISSUES for this topic include:

- The importance of tourism on the local economy.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. The recognition of areas that are suitable for resort-type operations	1.1. Develop land use policies that support the continued use and expansion of the County's resort facilities.	1.1.1. Create a Resort District area which allows such uses as outdoor recreational facilities, hotels and motels, sit-down restaurants, and other uses incidental to the resort industry.

EXPECTED RESULTS
Wexford County will benefit economically from the tourism generated by the resort industry.

Chapter F6: Residential

WEXFORD County has certain areas designated for existing and future "residential" development (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as yellow on the map on page 25 (or brick pattern on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following:

Land Uses Found and commonly allowed:

- Single Family dwellings and duplexes

! Under special conditions might include:

- Multi-family
- Home occupations (no external evidence)
- Mobile Home Park

ISSUES for this topic include:

- Residential areas in relation to urban growth areas.
- Home occupations
- Availability of public water/sewer systems.
- Senior housing, low to moderate income affordable housing, housing to accommodate people with special needs, and homeless.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Higher density housing in areas that are more suitable for development	1.1. Encourage smaller lot sizes in areas served by water/sewer systems or areas included in urban growth areas (see land use map).	1.1.1. Limit urban residential districts to areas served by water/sewer systems or in defined urban growth areas (see land use map). Urban residential areas should have smaller lot sizes than that of rural residential districts.
		1.1.2. Mobile home parks should be served by community/municipal water and sewer systems.
2. Residents are able to engage in home occupations and are not required to commute to work.	2.1. Allow no-impact home occupations as an incidental use in the home in residential areas.	2.1.1. Permit home occupations as a special use in residential zoning districts. Such uses should have minimal traffic, no visual, noise, and air quality impacts on surrounding parcels. Special use permit approval and site plan review should be required; any negative impacts should be mitigated before special use is approved.
		2.1.2. The issue of short term rentals of dwellings in residential districts is a concern that should be the focus of Planning Commission research to identify jurisdiction and a solution. Evaluate the issue of short term rental of residences.

EXPECTED RESULTS
Wexford County will have urban residential areas that support higher densities and feature a higher level of urban services (public water, sewer, paved roadways, solid waste collection).

Chapter F7; Rural Residential

WEXFORD County has certain areas designated for existing and future "rural residential" land uses (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as white on the map on page 25 (or white on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

- Agriculture, Forestry, Fishing, and Hunting
- Single-family dwelling, and duplex

! Under special conditions might include:

- Mining (under special use permit and reclamation plan requirements)
- Multi-family dwelling
- Home occupations (no external evidence)
- Mineral and timber processing, including sawmills.

ISSUES for this topic include:

- Strip residential development vs. clustering
- Land use compatibility in rural areas
- The need to consider what extent of neighborhood services is desirable for rural residents
- Home occupations
- Many people do not understand the county's existing "forest recreational" zoning district which also includes many commercial-type land uses as permitted uses or special uses. There is a feeling that many people do not support that. The topic of what might be allowed in a large rural district needs to be looked at again, and corrected.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Residents are able to engage in home occupations.	1.1. Encourage no-impact home occupations as an incidental use in the home in residential areas.	1.1.1. Permit home occupations as a special use in residential zoning districts. Such uses should have minimal traffic, no visual, noise, and air quality impacts on surrounding parcels. Special use permit approval and site plan review should be required; any negative impacts should be mitigated before special use is approved.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. A “rural” character, unspoiled by unwanted urban development.	2.1. Restrict activities in the rural residential areas to housing, agriculture, and limited range of small-scale neighborhood commercial activities such as convenience stores. Encourage clustering of development as an alternative to strip residential uses along existing roadways.	2.1.1. “Rural Residential” zoning district that include single family residential and small scale agricultural operations as an allowed use. Allow a limited range of commercial activities.
		2.1.2. Encourage cluster development with a minimum 50% open space requirement (based on developable area).

EXPECTED RESULTS
The rural character of the outlying areas of Wexford County is maintained.
Rural residential areas are more homogenous; land use conflicts are minimized.
Rural residents enjoy the benefits of living “out in the country”, while being able to maintain some level of conveniences.

Chapter F8: Agricultural-Forest Production

WEXFORD County has certain areas designated for existing and future "agricultural-forest production" (farm and forest protection) land uses (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as light green on the map on page 25 (or vertical lines on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

- Agriculture, Forestry; Fishing, Hunting, and Trapping operation.
- Single-family dwelling, and duplexes

! Under special conditions might include:

- Mining (under special use permit and reclamation plan requirements)
- Single-family dwelling
- Migrant or seasonal housing for employees only.
- Mineral and timber processing, including sawmills.

ISSUES for this topic include:

- The loss of farmland in recent years.
- The encroachment of urban dwellers into prime agricultural areas.
- The impact of mining operations on native soils.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. The protection and continued farming of areas with prime agricultural soils.	1.1. Encourage continued agricultural production on prime soils and areas that are currently being farmed.	1.1.1. Agricultural/Forest Production and Rural Residential zoning districts should encourage large parcel sizes with options to compensate a land owner. A citizen's committee be established to look at least the following and make recommendations: C Cluster development with a minimum 50% open space requirement (based on developable area) where the same number of units can be sold and a large parcel is still retained. C Donation, and tax advantages to the landowner, of a conservation easement to a municipality, county, or conservancy. C Purchase of development rights, where the landowner is paid, by a municipality, county, or a conservancy. C Leasing of development rights by a municipality, county or a conservancy. C Transfer of development rights when/if this tool becomes possible in Michigan. C Utilization of the Farmland and Open Space Preservation Act.[13] C Utilization of the Conservation & Historic Preservation Easement Act.[14] C Utilization of the Private Forestry Act.[15] C Utilization of the Commercial Forest Act.[16] (See pages 338-341 of the *Fact Book*).
		1.1.2. Local governments or conservation groups in Wexford County should consider developing a PDR (purchase of development rights) fund for the purpose of buying development rights from local land owners, thus giving them some financial incentive to stay in business.

[13]Part 361 of P.A. 451 of 1994, as amended, being the Farmland and Open Space Preservation part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.36101 *et. seq*. (formerly P.A. 116 of 1974, as amended, Farmland and Open Space Preservation Act, M.C.L. 554.701).

[14]Part 21 of P.A. 451 of 1994, as amended, being the Conservation & Historic Preservation Easement part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.2140 *et. seq.*

[15]Part 513 of P.A. 451 of 1994, as amended, being the Private Forestry part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.51301 *et. seq.*

[16]Part 511 of P.A. 451 of 1994, as amended, being the Commercial Forestry part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.51101 *et. seq.*

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Preserve and protect prime agricultural land and existing farms in Wexford County.	2.1. Discourage smaller parcels in the County's prime agricultural lands.	2.1.1. Provide for tax incentive, state programs to keep prime agricultural lands and existing farms in larger parcel sizes (see pages 338-341 of the *Fact Book*).
	2.2. Encourage best management practices to protect farmlands under production.	2.2.1. Promotion and utilization of services provided by the Wexford County Soil Conservation District and the Michigan State University Extension Service.
	2.3. Road construction and development should be a mix of County primary and local roads designed to accommodate agriculture and forest/timber industries.	2.3.1. Give priority to paved or gravel roads capable of use on a year round basis not subject to seasonal load restrictions.
		2.3.2. Road improvement should not take place if the improvement results in seasonal limitations.
		2.3.3. New roads for spot residential development should be given a low priority.
		2.3.4. Any new road development should be carefully examined and studied to avoid the impact of causing or contributing to further land fractionalization.
	2.4. Support programs which have farmland, open space and forest preservation as a goal.	2.4.1. Promotion of conservation and open space easements with tax advantages.
3. Protect and maintain the forests of Wexford County as a source for forest products, wildlife habitat and recreation.	3.1. Strengthen the current technical assistance (federal, state & local)	3.1.1. Encourage through an education program timber management practices (using Michigan Department of Natural Resources best management practices) for timber harvesting.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		3.1.2 Agricultural/Forest Production and Rural Residential zoning districts should encourage large parcel sizes with options to compensate a land owner. A citizen's committee be established to look at least the following and make recommendations: C Cluster development with a minimum 50% open space requirement (based on developable area) where the same number of units can be sold and a large parcel is still retained. C Donation, and tax advantages to the landowner, of a conservation easement to a municipality, county, or conservancy. C Purchase of development rights, where the landowner is paid, by a municipality, county, or a conservancy. C Leasing of development rights by a municipality, county or a conservancy. C Transfer of development rights when/if this tool becomes possible in Michigan. C Utilization of the Farmland and Open Space Preservation Act.[17] C Utilization of the Conservation & Historic Preservation Easement Act.[18] C Utilization of the Private Forestry Act.[19] C Utilization of the Commercial Forest Act.
4. Restore sites of sand, gravel and other mining operations.	4.1. Require reclamation of gravel pits and other mining operations once they are no longer in operation.	4.1.1. New mining operations should be considered a special use. Applicants should be required to file a reclamation plan and post a performance bond with the local planning commission to guarantee that such action will be completed.

EXPECTED RESULTS
Agricultural lands in Wexford County will receive greater protection through a combination of zoning and financial incentives for farmers to continue operating.

[17]Part 361 of P.A. 451 of 1994, as amended, being the Farmland and Open Space Preservation part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.36101 *et. seq.* (formerly P.A. 116 of 1974, as amended, Farmland and Open Space Preservation Act, M.C.L. 554.701).

[18]Part 21 of P.A. 451 of 1994, as amended, being the Conservation & Historic Preservation Easement part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.2140 *et. seq.*

[19]Part 513 of P.A. 451 of 1994, as amended, being the Private Forestry part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.51301 *et. seq.*

Chapter F9: Special and Unique Areas

WEXFORD County has certain areas designated for existing and future "special and unique areas" (see explanation on page 94.)

The statements found in this chapter apply only to the areas shown as green on the map on page 25 (or corse dot pattern on the black and white township detail maps, pages 27-42).

This Future Land Use Map area is further defined and intended to be zoning district(s) which includes the following.

! Land uses found and commonly allowed:

C Single- family dwellings

! Under special conditions might include:

C Museums, Historic Sites and Like Institutions

C Parks, boat launch, campgrounds, and similar uses.

The types of permitted and special uses in special and unique areas will differ, depending on the reason for the designation as special and unique and the goals and objectives provided for the specific areas in this chapter of this *Plan*.

ISSUES for this topic include:

C Watershed protection

C Open space preservation

C Wildlife habitats

C Historic preservation.

This plan endorses the special and unique areas listed on pages 177-181, 185, and mapped on page 184 of the *Fact Book* with the addition of #44E "Bear Corridor".

The list of special and unique areas for purposes of this *Plan* are listed in Appendix K3, page 98, 99.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Protection of environmentally significant areas without severely restricting individual property rights.	1.1. Promote cluster zoning to encourage open space preservation.	1.1.1. Encourage cluster development with a minimum 50% open space requirement (based on developable area).
	1.2. Provide public access, to special and unique areas of the County while protecting the resource.	1.2.1. County, state, and federal government should promote tourism through development of facilities and infrastructure.
		1.2.2. Develop a program guide for distribution.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Sustain and enhance tourist based economic growth and development while protecting natural, historic, cultural, scenic, recreational features of the County, and enhances the area for attracting new businesses.	2.1. Recognize, protect and enhance the historic special and unique areas: 1HER Big Manistee River (including Pine River) 30H Cadillac City Hall (201 North Mitchell Street, Cadillac.) 31H Cobbs, Frank J. House (407 East Chapin Street, Cadillac) 32H Elks Temple Building (122 South Mitchell Street, Cadillac.) 33H Masonic Temple Building (122-126 North Mitchell Street, Cadillac) 34H Mitchell, Charles T., House. (118 North Shelby Street, Cadillac.) 35H Shay Locomotive. (Cass Street, in the city park, Cadillac.) 36H Cadillac Public Library (127 Beech Street, half block east of Mitchell Street, Cadillac.) 37H Clam Lake Canal (Northeast of 6093 M-115, Cadillac.) 38H Cobbs and Mitchell, Inc. Building (100 East Chapin, west of Mitchell Street, Cadillac.) 39H Greenwood Disciples of Christ Church (7303 North 35 Road, Greenwood Township.) 40H Manton Fire Barn and City Hall (Southeast corner of West Main and State Street, Manton.) 41H Cadillac Historic District 42H Harrietta Fish Hatchery 43H Coates Highway (W 30 Road, S 23 Road, W and E 34 Road (Boon Road)).	2.1.1. Increase visitor and community interest in historically significant structures and sites.
		2.1.2. Increase private and government investment in historic site preservation, interpretation, and restoration.
		2.1.3. Promote tourism through development of facilities and infrastructure for serving the patrons of the tourist industry.
		2.1.4. Planning Department shall maintain a list of historic sites.
	2.2. Discourage conflicting land uses in historic areas and preserve and restore historic buildings and sites.	2.2.1. Local governments should set up historic districts for tax advantages where applicable. Any new buildings or renovations should fit in with the historic character of the district.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.4. Recognize, protect and enhance the use of environmental/nature based special and unique areas: 1HER Big Manistee River (including Pine River) 2ESR Briar Hills 3ERT Caberfae Hills 4ERT Long Lake 5ET Pine River Experimental Forest 6ET Olga Lake (centered in Lake County) 7E Thousand Acre Swamp (a.k.a. Brandy Brook Waterfowl Area, Mitchell Creek Waterfowl Area) 8E Heritage-Cadillac Nature Study 9E Wheatland-Mystic Area 10E North Branch Pine River Swamp 25E Adams Creek 26E Slagle Creek 27E Arquilla Creek 28E Pine River tributaries (Dowling, Poplar, and Hoxey Creeks) 29E Manton (Cedar) Creek 44E Bear Corridor (between S 29 and 31 Roads from Thousand Acre Swamp to the south to Ogla Lake)	2.4.1. Retention of environmentally fragile areas in their natural state, by use of surrounding land uses as buffers, restrictions, and protections for these environmental areas through zoning.
		2.4.2. Promote tourism through development of facilities and infrastructure for serving the tourist industry.
		2.4.3. Ensure all proposals protect these areas, and maintain the long term sustainability of these area resources.
		2.4.4. In these areas, road development should be minimal.
		2.4.5. Encourage state and federal ownership of lands in these areas.
		2.4.6. Promote tourism through large public tracks of land for tourism activities.
		2.4.7. Encourage petitions for Natural Beauty Roads or other scenic road designations.
		2.4.8. Approve applications for open space preservation, and encourage open space preservation types of development with the intent to protect views.
		2.4.9. See chapter G2, goal 2 and 3 and related objectives, policy, strategy, and methods for waterfront protection along the Pine and Big Manistee River, and tributaries.
		2.4.10. For the Bear Corridor (44E): ! Actively pursue purchase or donation of development rights by public or conservancy, ! Approve applications for open space preservation, and encourage open space preservation types of development with the intent to protect the bear habitat corridor. ! Encourage large parcels and cluster types of development, or minimal development.
	2.5. Encourage linked areas of open space that create corridors for wildlife habitat.	2.5.1. Identified wildlife corridors should be protected through the use of conservation easements, purchase of development rights, fee simple purchase, covenants, or other similar means.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	2.6. Recognize, protect and enhance the use of recreation based special and unique areas: 1HER Big Manistee River (including Pine River) 2ESR Briar Hills 3ERT Caberfae Hills 4ERT Long Lake	2.6.1. Promote tourism through development of facilities for serving the tourist industry.
		2.6.2. Park development should be encouraged. Provide specialized accommodations for recreation (camping, snowmobile trails, skiing, hiking, day use).
		2.6.3. Encourage state and federal ownership of lands in these areas.
		2.6.4. Ensure all proposals protect and maintain the scenic values of the area.
	2.7. Recognize, protect and enhance the use of timber based special and unique areas: 3ERT Caberfae Hills 4ERT Long Lake 6ET Ogla Lake 11T Wheeler-Anderson Area 12T Greenwood Area 13T Chase Creek Area 14T Stoddard Lake Area 15T Briar Hills Area	2.7.1. Promote tourism through large public forested tracts of land for hunting and related sport activities.
		2.7.2. Encourage landowner qualifying applications for inclusion under the Commercial Forest Act.
		2.7.3. Road development should be minimal.
		2.7.4. Encourage state and federal ownership of lands.
	2.8. Recognize, protect and enhance the use of scenic/tour based special and unique areas: 2ESR Briar Hills 16S White Pine Trail (former railroad grade) 17S Caberfae Highway (M-55) (No. 25 Rd to M-37) 18S W 40 Road (S 13 (Caberfae) Road to S 23 Road) 19S S & N 17 Road (W 30 Road (Coates Highway) to W 24 Road) 20S W 38 Road (S 15½ Road to S 11¼ (Caberfae) Road) 21S S 49 Road (Seeney Road) (E 48 (McBain) Road to E 52 (County Line) Road) 22S E 22 & E 20½ Roads (N 33 to N 39 Roads) 23S S 13 Road & 11¼ Road (Caberfae Road, Old State Highway) (W 48 (Hoxeyville) Road to W 32 Road) 24S N 17 Road & W 10 Road & N 19 Road (W 6 to 3/4 mile north of W 14 Road)	2.8.1. Promote tourism through development of facilities and infrastructure for serving the tourist industry.
		2.8.2. Protect aesthetic views through zoning regulations.
		2.8.3. Enhance users enjoyment of public and private lands for local residents and area visitors by promoting visually enhancing management activities.
		2.8.4. Approve applications for open space preservation, and encourage open space preservation types of development with the intent to protect views.
		2.8.5. Petitions for Natural Beauty Roads or other scenic road designations should be encouraged.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		2.8.6. Ensure all proposals protect and maintain the scenic values of the area.

EXPECTED RESULTS
Historic areas are identified and protected through public and private investment and cooperation.
Watersheds are protected from the effects of urban development.
Wildlife corridors are established and maintained through open space preservation efforts.

Chapter F10: Transition Areas

WEXFORD County has certain areas designated as urban growth areas and transition areas.

The statements found in this chapter apply only to the areas shown with a thick black line around Cadillac, Manton, Buckley, Mesick and Harrietta on the map on page 25 (or thick black boundary on the black and white township detail maps, pages 27-42). Transition areas are shown in brown on the map on page 25 (or wavy lines on the black and white township detail maps, pages 27-42).

Generally the transition areas are locations where it is anticipated there will/should be a change in land use. The change would be to commercial, office service, or residential land uses/zoning.

The areas shown as residential, commercial, and industrial within the urban growth area boundaries, would be the "Phase I" area of expansion of residential/commercial/industrial land uses. The areas shown as transition within the urban growth area boundary would be considered "Phase II" for future expansion of residential/commercial/industrial development. Those areas would be rezoned as needed e.g. when land for development in Phase I is near full. The areas shown as transition outside the urban growth area boundaries would be considered "Phase III" expansion of residential/commercial/industrial development. Those areas would not be rezoned for such use until the lands in Phase I and II are considered near full. Infrastructure investment, and construction would also be planned for taking place concurrently with rezoning/development in the same phasing.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Avoid strip development	1.1. Wexford County and municipalities should discourage strip development.	1.1.1. Zoning should provide for and encourage cluster/open space protection..
		1.1.2. Infrastructure (e.g. sewer, water, etc.) should be concentrated within urban growth area boundaries.
2. Have phased progression of growth around the County's urban areas	2.1. Have a "Phase I" within the urban growth area which is shown as residential, commercial, and industrial and located within the "urban growth area" on the future land use map.	2.1.1. These areas may be zoned for urban development, upon adoption of this *Plan.*
		2.1.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts.
		2.1.3. Zoning approval for specific developments (PUD, special uses) should not be granted unless public infrastructure is developed concurrently.
	2.2. Have a "Phase II" which is shown as "transition" and located within the "urban growth area" on the future land use map.	2.2.1. These areas will be zoned for urban development when lands for development within Phase I has nearly been developed.
		2.2.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts after Phase I has nearly been developed.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		2.2.3. Zoning should not be changed nor approval for specific developments unless Phase I has nearly been developed and public infrastructure is also developed concurrently.
	2.3. Have a "Phase III" which is shown as "transition" and located outside but contiguous to the "urban growth area" on the future land use map.	2.3.1. These areas will be zoned for urban development, when lands for development within Phase I and Phase II have nearly been developed.
		2.3.2. Infrastructure (roads, sewer, water, etc.) should be developed concurrent with private development efforts after Phase II has nearly been developed.
		2.3.3. Zoning should not be changed for approval of specific developments unless Phase II has nearly been developed and public infrastructure is also developed concurrently.

Chapter F11: Zoning Plan Update

THESE goals may apply to all zoning authorities. It is recognized all zoning in the County has deficiencies which need to be addressed. For more background on each of the strategies (to address deficiencies in current zoning) outlined in this chapter see pages 329-358 of the *Fact Book*. Also all zoning in the County will need to be changed to comply with this *Plan*, so that zoning continues to meet its statutory requirement that it is based on a plan.

The Wexford County Planning Department has made significant strides to improve its zoning ordinance. Amendments already made include:

- Regulation of sexually oriented businesses (zoning amendment #99-1).
- Provisions for open space protection through clustering of development. (zoning amendment #02-3).
- Regulation of wireless communication towers (zoning amendment #01-1).
- Improvement of zoning enforcement by utilizing civil infraction enforcement system (decriminalizing zoning violations) (zoning amendment #00-1).
- Establishing regulations and minimal dimensional requirements for assisted living facilities and multi-family dwellings (zoning amendment #02-1).
- Regulation of mining, excavation, processing, stockpiling and removal of gravel, sand, and other mineral resources as a special use in the County's Agricultural/Residential and Forest-Recreational zoning districts (zoning amendment #02-2).
- Cedar Creek Township Master Plan (2000) and Zoning Ordinance (2002).

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1.1 Have better and more consistent zoning in the County.	1.1 Improve effectiveness and comprehensiveness of planning in the County	1.1.1. All zoning should be based on a plan. Springville Township, Buckley, and Mesick Village need to adopt a plan, or adopt this *Plan* then bring their zoning into compliance with their plan..
		1.1.2. Haring Charter Township, Cedar Creek Township, Manton, Cadillac, (and other municipalities which may adopt plans and zoning in the future) should have their plan or five year plan update coordinated and consistent with this *Plan* or, if a township, adopt this *Plan* at that time; then work to bring their zoning into compliance with this *Plan.*
		1.1.3. Harrietta Village needs to adopt a plan, or to adopt this *Plan* prior to adopting the village's first zoning ordinance.
		1.1.4. For those planning issues that cover large areas, the planning effort should be a partnership of all affected municipalities.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.1.5. Use a uniform format for plans and zoning ordinances (codification)
		1.1.6. Where feasible share zoning administrator, building inspectors and community planner.
		1.1.7. County planning should prepare sample ordinance and zoning for use throughout the County.
		1.1.8. County planning takes an active, helpful, and critical role in review and recommendation for local planning and zoning.
		1.1.9. County takes an active role with the Northwest Michigan Council of Governments.
	1.2 Create County-wide land development review.	1.2.1. Adopt a County-wide subdivision ordinance that includes coordinated plat review (for fast, complete reviews)
		1.2.2. Include in the subdivision ordinance provisions for the same review of site-condominiums.
		1.2.3. Include in the subdivision ordinance a process for division of lots in a subdivision
		1.2.4. Include in the subdivision ordinance public/private road and drive requirements.
		1.2.5. Include site condominiums regulations in local zoning ordinances.
	1.3 Wexford County Zoning Ordinance is updated.	1.3.1. Definitions section of the Wexford County Zoning Ordinance needs to be updated to include definitions for (boat house, plat, density, development rights, conservation easement, site plan, site condominium, condominium, adjacent, easement, frontage, parcel, greenway, open space, and sign.)
		1.3.2. The Definitions of the land use section in Wexford County Zoning Ordinance needs to be updated.
		1.3.3. Wexford County Zoning needs to revise provisions on fences.
		1.3.4. Wexford County Zoning needs provisions for public and private road and private drive standards.
		1.3.5. Wexford County Zoning needs to include provisions for Bed and Breakfast.
		1.3.6. In Wexford County Zoning, the “Clam Lake Corridor Overlay Zone” should be repealed and replaced with a zoning district which is written for this area by the Clam Lake Township Downtown Development Authority.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.3.7. Wexford County Zoning should send notice of special uses, amendments, and appeals being sent to the local government, and water and sewer authority if located within one mile.
		1.3.8. In Wexford County Zoning, the number of members of the appeals board should be in the zoning ordinance, and should reference case law for a finding of "practical difficulty standards" for variances.
		1.3.9. Notice should be sent to everyone within 300 feet of a proposed zoning map change.
	1.4. All zoning to be updated.	1.4.1. In all zoning; district's lists of permitted uses and special uses need to be modified to comply with this *Plan.*
		1.4.2. In all zoning; the preamble needs to provide the proper citation of legal authority for zoning, and recite the purpose of the zoning.
		1.4.3. In all zoning, general regulations should clearly indicate the Article applies throughout the jurisdiction.
		1.4.4. In all zoning, reference to maximum lot coverage allowance (and/or one principal use per parcel) should be clearly indicated.
		1.4.5. In all zoning, include surface and groundwater protection.
		1.4.6. In all zoning, include provisions for storage and handling of solid waste (as is found in Wexford County zoning)
		1.4.7. Uniformity of setback and parcel sizes between similar zoning districts throughout the County should be explored.
		1.4.8. In all zoning, parking requirements should be reviewed, with an intent to reduce impervious surfaces, and provide parking lot design that incorporates pervious islands, vegetation and snow storage areas .
		1.4.9. All zoning, should include access management provisions for service roads, limited drives along highways, design, parking areas, traffic flow, and landscaping.
		1.4.10. All zoning needs to include comprehensive sign requirements that are standardized throughout the County.
		1.4.11. All zoning needs to have provisions for sexual oriented businesses.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.4.12. In all zoning there should be uniform dwelling regulations that apply equally to all dwellings, regardless of construction type (log, 2X4, frame, pole, modular, mobile home, pre-fabricated, etc.) and uniform structure regulations for non-dwellings.
		1.4.13. Include site condominium regulations in local zoning ordinances.
		1.4.14. In all zoning, consideration should be given for specific standards for specific types of possible special uses – not just the generic special use standards – as well as clearly indicate the general provisions and respective zoning district standards that apply.
		1.4.15. In all zoning , the zoning map should be referenced and made a part of the zoning ordinance, along with rules for interpretation, certification, revision, and replacement.
		1.4.16. In all zoning, the zoning map needs to be modified to comply with this *Plan*. In particular consideration for: C special and unique areas, C avoiding strip zoning, C agricultural preservation, C forest production, C removing incentives for sprawl, C having the option for cluster development, C reenforcement of "town centers" for residential and commercial development, and C heavy industrial in areas where needed infrastructure already exists.
		1.4.17. All zoning should have coordinated overlay districts for historic preservation, airport, wellhead protection, lakes, rivers, where applicable.
		1.4.18. All zoning should include provisions for replacing non-conformities under some circumstances.
		1.4.19. All zoning should include provisions for expansion of existing nonconforming buildings in some circumstances.
		1.4.20. In all zoning, site plans should be required for all permits (in varying degrees of complexity, based on the type of use being applied for).
		1.4.21. County and municipal development proposals and site plan review should be coordinated with all affected agencies. The submitted review comments and/or agency requirements, will be reflected in the staff report and may be made conditions of approval for the project. At the developer's option pre-application meetings, preliminary site plan, and possibly the decision to issue a special use permit conditioned on final site plan approval, should occur prior to requiring other permits.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.4.22. In all zoning, civil infraction system of enforcement should be incorporated, in Wexford County Zoning.
2. Effective system of land use controls in the County.	2.1. Adequate staff to enforce zoning, and other ordinances dealing with land use issues.	2.1.1. Wexford County needs to develop a user-pay system with a fee schedule for site plan reviews, and other labor intensive efforts within this *Plan.*
		2.1.2. Provide staffing within the County to adequately implement this Plan, which may include hiring a part-time zoning enforcement officer.

EXPECTED RESULTS
A modern zoning ordinance in effect resulting in better land use management.
The vision of this *Plan* for the future of Wexford County becomes a reality.
County development regulations that provide timely review of zoning, plats, and site-condos.

Part G: Environment, Natural Resources Plan

Chapter G1: Environmental Protection

WEXFORD County has certain environmental issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on environmental protection. The statements found in this chapter apply only to matters of environmental protection.

Those communities that do not protect their natural resources and a community's quality of life, may fail in their long term efforts to sustain economic development.

There are state and federal statutes and administrative rules which govern water discharge. Pollution discharge permit laws preempt local government from enforcing the same or stricter regulations.

There are state and federal statutes and administrative rules concerning air quality emissions. Local governments can enforce the same or stricter regulations. However, it is not practical for the County to attempt to have its own enforcement of air quality issues.

For further information please see Chapter B6 in the *Fact Book*.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Have clean air and water.	1.1. Wexford County should have a cooperative working relationship with state agencies responsible for pollution control/regulation.	1.1.1.Wexford County needs to be pro-active, not reactive, concerning various activities of other government agencies within the boundaries of Wexford County. The County should have a formal review system to respond to public notices of: C Other municipal, county, state, federal and Native American government proposed actions, as appropriate. In doing these reviews the county should recognize that municipal, state, and federal agencies must make their decision based on the standards and policies which are written in the respective statute, ordinance, administrative rule, or plan. In conducting these reviews the county should: C base its comments on the standards which are discretionary, C base its comments on matters of compliance with this *Plan*, C make comment within the County's area of expertise through its staff or consultants,

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		1.1.2. Industry which have significant air pollution discharges should be located in designated industrial districts. New industrial districts should be located so there is consideration of prevailing wind direction relative to existing commercial or residential development.
		1.1.3. County inspector-staff (building, soil and sedimentation, drain commissioner, and zoning inspection staff) should establish a working relationship with Public Health Environmental inspection, state pollution enforcement staff.
		1.1.4. Cooperation for enforcement is needed between agencies. When a County or municipality staff/inspector sees a suspected violation they should report to the agency which is responsible for enforcement or administration.
2. Maintain the scenic quality of the County	2.1. Avoid the proliferation of unregulated billboards and signs while allowing the business community the ability to advertise.	2.1.1. Encourage every township with commercial zoning to adopt billboard ordinance to maintain scenic corridors (see scenic roads listed as special and unique areas).
		2.1.2. Wexford County should adopt a comprehensive sign standard.

EXPECTED RESULTS
A close working relationship and information sharing exists between inspection/staff at county, municipality, district health department, state, and federal agencies.
County officials are informed and provide comments on environmental permit requests.
Future heavy industrial land uses are located at the best possible locations in the county.
The county continues to enjoy a high air, water, and scenic quality.

Chapter G2: Ground and Surface Water Protection

WEXFORD County has certain ground and surface water issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on ground and surface water protection.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. To have clean, protected groundwater for use by today's and future generations.	1.1 Develop programs for ground - water protection as part of county and municipal planning..	1.1.1. Develop wellhead protection plans jointly by each municipality with public water systems, the County, and adjacent municipalities.
	1.2 Groundwater protection efforts should use a County-wide approach.	1.2.1. Groundwater protection regulations for site plan review and wellhead protection should be developed and be made a part of each zoning ordinance in the County (see pages 120-124 in the *Fact Book*.)
		1.2.2. Every municipality should have a groundwater protection plan.
		1.2.3. Amend the Wexford County Health Code to provide for performance-based standards for on site (and cluster) septic systems in areas of the county where large scale high density development is planned and for any development on waterfront.
		1.2.4. The County Planning Commission should create a groundwater protection team to assist municipalities.
	1.3 Those communities in the County which have groundwater based municipal public water supplies should have a wellhead protection program.	1.3.1. County Planning Department should facilitate to jointly contract with consultants to define the wellhead protection areas in the County, and prepare wellhead protection plans, with costs shared by participating municipalities.
		1.3.2. Amend the Wexford County Zoning Ordinance to include wellhead protection overlay zone(s).
		1.3.3. Encourage municipalities which do not have wellhead protection overlay zones(s) in local ordinances to amend their ordinance.
		1.3.4. Utilize the Groundwater Stewardship Program to prioritize and close abandoned water wells and monitoring wells in wellhead protection overlay zones.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
	1.4 Continuous education programs to emphasize the importance of groundwater protection.	1.4.1. A citizen groundwater protection committee should be formed for promotion, education, and raising awareness of the importance to protect groundwater.
2. Protection and wise management of surface water features in the County.	2.1. Restrict the motorized recreational use of waterways that are largely undeveloped.	2.1.1. Local governments and the DNR should work together to identify environmentally sensitive waterways where motorized water craft should be banned or restricted.
	2.2. Protect watersheds from the negative effects of urban development (surface runoff, point-source pollution, stormwater.)	2.2.1.High-density urban development should be directed away from wetlands and surface water features. Development should be in compliance with state regulation of wetlands.
		2.2.2. Local zoning should require greater setbacks from any surface water features and utilize vegetative buffer strips
		2.2.3. Develop an anti-funnel/key hole development provision for zoning to help protect intense use of a small area of shoreline based on lake management plan findings (G2., 3.2.8.).
3. To have clean, protected surface water for use by today's and future generations through preventative local zoning provisions to supplement pollution control efforts of state, county, and public health agencies.	3.1 Develop programs for surface water protection as part of County and municipal planning,.	3.1.1. To encourage environmental education about water pollution beginning at elementary school levels.
		3.1.2. See strategy, 1.4.1. in chapter G2, page 72. The committee should also address surface water protection.
	3.2. The County should recognize the valuable asset that inland lakes and streams provide, and the fragile nature of water bodies. The County Planning Commission should encourage, municipalities to develop lake and stream management plans.	3.2.1. Minimum parcel sizes throughout Wexford County should be based on the safe and environmental responsible quality of discharge of on site sewage effluent, water runoff, water infiltration and other similar considerations. (See recommendation details in Appendix K4, page 106.)
		3.2.2. Waterfront parcels should have minimum parcel sizes which include minimum width. (See recommendation details in Appendix K4, page 106.)
		3.2.3. There should be uniform water protection standards, with adjacent counties and jurisdictions, for the Big Manistee and Pine Rivers. These standards should provide water quality, habitat protection , shade, and aesthetic quality to the river environments. (Special and Unique Area 1HER)
		3.2.4. There should be uniform water protection standards, with adjacent counties and jurisdictions, for the protection of Muskegon River tributaries (except the Clam River in the City of Cadillac). These standards should provide water quality, habitat protection , shade, and aesthetic quality to the river environments. (See recommendation details in Appendix K4, page 107.)
		3.2.5. Encourage an education program for developed lake parcels which provide setbacks for nutrient sources, and maintaining a vegetation belt. (See recommendation details in Appendix K4, page 108.)

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		3.2.6. Implement a program for undeveloped lake parcels which provides setbacks for buildings, nutrient sources, and maintaining a vegetation belt. (See recommendation details in Appendix K4, page 108.)
		3.2.7. There should be an established maximum number of mooring places and docks per distance of shoreline based on a lake's carrying capacity. Maintain some shoreline in a natural vegetated state. (See recommendation details in Appendix K4, page 108.)
		3.2.8. The County Planning Department should encourage lake management plans to be prepared for Lakes Mitchell, Cadillac, Meauwataka (Dayhoff), Long, Woodward, Stone Ledge, Hodenpyle, Gitchegumee, and Berry following the procedure similar to *Protecting Inland Lakes: A Watershed Management Guidebook*; (Wyckoff, Warbach, Williams) Michigan Department of Natural Resources; February 1990. Issues to focus on include housing density, number of boats on the lakes, and road ends.
	3.3. Have a system for protection from stormwater run-off.	3.3.1. Develop stormwater ordinance and guidelines for, at a minimum, non-residential/non-agricultural development in Wexford County.
		3.3.2. All zoning in the County should include approval, of a stormwater management plan prepared for non-residential/non-agricultural sites.
		3.3.3. The County Drain Commissioner shall review and approve the stormwater management plans developed in accordance with stormwater ordinance and guidelines.
		3.3.4. Review number of parking spaces required in all zoning, to attempt to reduce the required size of parking lots (impervious surface) and require parking lot design to include islands of pervious surface.

EXPECTED RESULTS
Better coordination between county zoning, and various state and district permit administration agencies.
County and each municipal zoning ordinance includes site plan review for groundwater protection provisions.
County and municipal zoning with jurisdiction around a municipal water well has site plan review for groundwater protection and a Wellhead Protection Program will exist.
The County will not see an increase in the incidence of ground and surface water contamination
County and each municipal zoning ordinance includes the recommended minimum parcel size, width, and vegetation belts, as appropriate along lakes and streams.

All zoning includes reference to stormwater ordinance and guidelines.
Ground and surface water are protected from increased peak flows, sediment, temperature, hydrocarbons, and streambank erosion.
Less economic loss due to flooding.
Better protection of fish population, and habitat.
Continued high level of tourism because of good water quality in lakes and streams, and abundant fisheries resource.

Chapter G3: Recycling, Solid and Hazardous Waste

WEXFORD County has certain land use issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on recycling, solid and hazardous waste. The statements found in this chapter apply only to matters of recycling, solid and hazardous waste.

FOR more information on this issue, see pages 154-156 of the *Fact Book*.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Responsible solid waste management and strong reduce/reuse/recycle behavior by citizens.	1.1 Pay As You Throw (PAYT) programs will be widespread throughout the County and heavily promoted.	1.1.1 The DPW and municipalities should investigate a PAYT system, where the disposal is based on the volume discarded.[20]
		1.1.2. Education promotes responsible solid waste management, reduce/reuse/recycling.
		1.1.3 DPW should investigate charging for solid waste disposal based on weight.
2. Easy, convenient system for recycling.	2.1. Establish a more successful recycling program.	2.1.1. An outreach and education program would promote all aspects of the expanded re-cycling system and improvements.
		2.1.2. Locate seven (7), or more, recycling drop-off facilities near the following communities: a. Buckley Village, b. Mesick Village, c. Manton City, d. Harrietta Village or Boon, e. Cadillac City near downtown, f. Cadillac City near "Cadillac West", g. Haring Township commercial area.
		2.1.3 . Drop-off sites should be prioritized as follows: 1. At a grocery store 2. At another food & beverage store 3. At a shopping center or mall 4. At general Merchandise Stores 5. At other retail trade stores 6. At a recycling processing facility 7. At a landfill, solid waste transfer station, department of public works. 8. At another location.

[20]Pay As You Throw (PAYT) is a volume based charge for disposal of solid waste. It includes pre-paid garbage bags, or bag limits for municipal collection, or graduated fees for level of service. It may include other techniques of limiting volume of solid waste disposed, or charging more for more solid waste being disposed. There are a number of flexible ways do this.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		2.1.4. Recommend the drop-off container design developed by Emmet County Department of Public Works to reduce contamination of recycled material and ease of use.
		2.1.5. Encourage businesses and industries that use recycled products to establish their companies in Wexford County.
		2.1.6. Periodically explore curbside recycling for economic feasibility.
		2.1.7. Consider establishing a centralized composting site.
	2.2 Continue to have a household hazardous waste collection system.	2.2.1. The DPW and City of Cadillac should continue to seek grants and other funding to retain the hazardous waste collection system.
3. Have long term solid waste management planning	3.1. The County should examine regionalization of solid waste management to reduce dependancy on the landfill through more re-use, reduction, recycling, and incineration.	3.1.1. The DPW should examine the benefits of regionalization of solid waste management and recycling in a multiple-county area.
		3.1.2. The County solid waste management plan, when next updated, should be done in cooperation with counties in northwest Michigan.
4. Avoid pollution problems related to abandoned tires.	4.1. Establish a successful re-use system for used tires in the county	4.1.1. The DPW should explore the purchase of a tire shredder.
		4.1.2. The DPW should explore other uses/markets for tire shreds consistent with the Michigan Scrap Tire Act
		4. 1.3. The county and/or municipalities should adopt ordinances, and include in zoning which encourages: ! Discarded tires to be shipped out of the county as a product or to be brought to the Wexford County Landfill for proper disposal or reuse. ! Prohibit accumulation, storage, or disposal of tires in the County, by a retailer which acquires used tires for shipment elsewhere. Tire retailer may temporarily store up to 200 tires for not more than 30 days.

EXPECTED RESULTS
An increase in participation for recycling, and volume of material recycled in Wexford County.
Improved public relations and image for the Wexford County Landfill/DPW.

Part H: Economic Plan

Chapter H1: Economic Development

WEXFORD County has certain land use issues and goals which apply throughout the County in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on economic development.

ISSUES for this topic include:

- Future industrial, commercial, and office service areas.
- Creating a positive economic growth climate
- Retaining, expanding, and recruiting business and industry that will be in compliance with environmental standards
- Ensuring sufficient housing for the community, industry, and its workforce

This *Plan* advocates a proactive economic growth approach that supports and creates economic opportunities throughout Wexford County. The long-term economic strength of Wexford County will be fundamentally stronger with the implementation of collective strategies and collaborative partnerships specific to business retention, economic development, and strategic planning.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Encourage an orderly pattern of economic growth with efficient extension of infrastructure, while limiting scattered development.	1.1. Adopt the concept of urban growth area based upon existing compatible land uses, topography, natural features, housing, and the availability of public infrastructure.	1.1.1. Provide training to educate both decision makers, and citizens about the benefits of future industrial, commercial, office service areas, and multi-family development; minimize urban sprawl for efficient use of government services, while protecting natural resources.
	1.2. Designate selected areas as urban growth areas and incorporate these locations in the Wexford County Comprehensive Plan and Wexford County Zoning Ordinance (as amended).	1.2.1. Identify areas that would be appropriate for inclusion in an urban growth area.
		1.2.2. Encourage incorporation of urban growth areas as an approach to planning in the Wexford County Comprehensive Plan and amended Wexford County Zoning Ordinance.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Support the attraction of new business, industry, and workforce and enhance existing business.	2.1. Encourage collaboration between employers, employees, and existing educational facilities to establish an educated, quality, and sustaining workforce.	2.1.1. Encourage the development of job training and education to increase employee job skills.
		2.1.2. Facilitate a relationship between federal, state, and municipalities with business and industry to promote economic growth through grants for existing and new business and industry.
	2.2. Retain the current business, and industry base, expand it as applicable, and attract new industry to Wexford County.	2.2.1. Provide incentives that encourage economic development, and strategic planning, including the following: a. tax strategies/abatements, b. affordable and attractive housing that meets the demands of employers and employees. c. recreational and tourism opportunities, d. quality and affordable health care, e. mass and individual transportation.
		2.2.2. Provide and promote industrial parks which have adequate services and infrastructure.
		2.2.3. Provide speculative buildings to promote and attract new business.
	2.3 Identify Wexford County's future niche for economic growth.	2.3.1. Update job retention and development planning to accommodate changing local economic markets due to a global economy.
	2.4. Attract diverse business, and workforce.	2.4.1. Promote cultural diversity to attract multi-national business and industry.
3. The County should encourage businesses that comply or exceed existing environmental standards.	3.1. Encourage economic development by supporting businesses that will meet existing environmental standards.	3.1.1. Advocate continued economic growth with compliance of environmental standards resulting in cleaner air, soil and water.
		3.1.2. Facilitate communication between businesses and government to enure permit compliance.
4. Business should be located in areas with the least impact to the environment.	4.1. Encourage economic growth of existing populated and developed areas within the County.	4.1.1. Emphasize protection of the environment, to maintain quality residential, recreational, and tourist opportunities.
		4.1.2. Concentrate on commercial development using current infrastructure and buildings to the greatest extent possible to limit the environmental impact and employ Brownfield and other tax incentives to provide incentives.
5. Designate adequate residential areas to support community growth.	5.1. Preserve and promote open space in new developments.	5.1.1. Promote Planned Unit Developments (PUDs).
		5.1.2. Promote cluster developments.
		5.1.3. Promote residential development near business, industry, and infrastructure.

EXPECTED RESULTS
A healthy economy with low unemployment.

Chapter H2: Tourism

WEXFORD County has certain land use issues and goals which apply throughout the County in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on tourism.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Sustain and enhance tourist based economic growth and development.	1.1 Develop, enhance, and connect existing multi-use trail systems with the National Forests, State of Michigan, City of Cadillac, surrounding counties and communities.	1.1.1. Include trails as part of the County's five year recreation plan for grant funding TEA-21 grants for trail development.
		1.1.2. Encourage easements for connecting multi-use trails.
		1.1.3. Educate developers and businesses where the trails and trail connections are so that they will promote them as part of their developments and to business customers.
	1.2 Promote year-round recreational opportunities to provide for additional tourism.	1.2.1. Coordinate recreation events with local governments, Chambers of Commerce and the Cadillac Visitor and Convention Bureau.
		1.2.2. Recognize that volunteer organizations such as the Cadillac Anglers Association, Quality Deer Management, Winter Warriors and others play an important role in promoting tourism.
		1.2.3. Encourage compatibility of tourism with residents through education and law enforcement
	1.3 Promote tourism through development of facilities and infrastructure.	1.3.1. Identify this need as part of the county's 5 year recreation plan for grant funding for eligibility of state and local grant funding.
		1.3.2. Provide public access to scenic, special and unique areas of the County while protecting the resource.
		1.3.3. Maintain the county's important downtown areas in Cadillac, Manton, Buckley, and Mesick as tourist attractions and tourist service/retail centers. Strategies in F3., 4. also apply here.
	1.4 Protect scenic corridors along the scenic roads in special and unique areas.	1.4.1 Encourage and promote Natural Beauty Roads (Act 150 of 1970).

EXPECTED RESULTS
Identification and protection of the county's special and unique areas.

Promotion of city, villages, County, and townships recreation events.

Part I: Human Services and Housing Plan

Chapter I1: Human Services

WEXFORD County has certain land use issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on human services.

ISSUES for this topic include:

- Education
- Health Care
- Healthy Families
- Safety

Wexford County will improve its awareness, and support for the existing human service organizations by providing the conduit for information throughout the county.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Wexford County will have high quality life time education available to all citizens.	1.1. Provide multiple levels of education including: special education, preschool, vocational, technical education and colleges.	1.1.1. Encourage a community/school interaction task force to focus on the quality of education.
		1.1.2. Form a city/county schools committee to oversee facilities and assess needs for growth and maintenance.
		1.1.3. Improve communication and public awareness to promote school quality.
		1.1.4. Strengthen support for school counselors.
		1.1.5. Maintain/expand School Success Worker program.
		1.1.6. Encourage and expand the mentoring program.
		1.1.7. Encourage expansion of the Career Tech Center.
		1.1.8. Collaborate with *Community Asset/Needs Assessment* Educational Task Force, and provide resources regarding financial assistance advice for advanced education.
2. Wexford County will have quality, affordable health care for all citizens.	2.1. Provide a means of access to quality, affordable health care.	2.1.1. Provide funds and support programs for mental health, dental, public health where private services are lacking.
		2.1.2. Collaborate with the *Community Asset/Needs Assessment* Health Assessment Task Force to support community health initiatives such as the "Healthy Weight Initiative."
		2.1.3. Continue to support the free clinics.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
		2.1.4. Continue to support transportation programs for the aged and disabled.
		2.1.5. Improve the health education of citizens, and support programs for fitness, smoking cessation, substance abuse, nutrition, and to decrease the rate of teen pregnancy.
3. Maintain strong, healthy families.	3.1. Support collaboration with the Multi-Purpose Collaborative Body, *Community Asset/Needs Assessment*, United Way, and other community organizations committed to strengthening families.	3.1.1. Support Multi-Purpose Collaborative Body, and *Community Asset/Needs Assessment* efforts to strengthen communities.
		3.1.2. Support and improve programs such as: domestic violence prevention and treatment, child abuse and neglect prevention and treatment, parenting education.
		3.1.3. Encourage a countywide asset survey on youth development.
		3.1.4. Adopt state standards for child care or elder care day care facilities by encouraging neighborhood support systems, developing strong inspection programs, training and supporting facility workers, and providing babysitter training.
		3.1.5. Improve support for divorced, and single parents by improvement in the Friend of the Court system, and strengthening parenting education programs.
		3.1.6. Evaluate budget needs for Michigan Family Independence Agency, and how to fill the gaps by collaboration with local community organizations.
4. Wexford County will be a safe community that provides a good quality of life.	4.1. Provide the means for a safe community environment.	4.1.1. Continue emergency services such as Emergency Medical Service (EMS), fire and police.
		4.1.2. Maintain and support emergency coverage in all areas of the County by establishing emergency house numbering systems.
		4.1.3. Maintain a County disaster plan through interjurisdictional collaboration.
		4.1.4. Continue crime prevention programs through school/police collaboration, the Children and Youth task force, and through support to other educational programs.

EXPECTED RESULTS
A healthy and diverse community in terms of education, health care, families, and safety.

Chapter I2: Housing

WEXFORD County has certain land use issues and goals which apply throughout the county in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on housing.

ISSUES for this topic include:

- Housing.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Wexford County will have safe and affordable housing available for all income levels and family situations.	1.1. Provide a variety of housing types to meet all income levels.	1.1.1. Should require property maintenance.
		1.1.2. Encourage the use of grant funds to support low-income, disabled, and elderly housing.
		1.1.3. Encourage community plans for the construction of affordable homes, and maintenance of affordable homes for low income persons.
		1.1.4. Provide zoning for multiple-family homes.
		1.1.5. Encourage cooperation between cities, townships, and County on housing needs.
		1.1.6. Establish an Affordable Housing Task Force to review, recommend, and monitor housing needs.
		1.1.7. Encourage creative financing for low income housing.
		1.1.8. Support existing agencies for needs of the elderly and the homeless.
		1.1.9. Encourage an adequate number of well maintained rental properties.

EXPECTED RESULTS
More affordable housing
More services for the elderly and disadvantage.

Part J: Infrastructure Plan

Chapter J1: Transportation

WEXFORD County has certain land use issues and goals which apply throughout the County in all future land use plan areas. These concerns are presented in this chapter and focus on roads.

ISSUES for this topic include:

- Roads
- Public Transportation

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Wexford County will improve and maintain a safe and efficient road system (Wexford County Road Commission Mission Statement, 2002.).	1.1. Coordinate the future land use map with existing road structures.	1.1.1. For primary roads: a. Maintain the Road Commission's revolving five-year plan for Primary Road Construction and Heavy maintenance (the Road Commission Five Year Plan is incorporated as part of this *Plan*, and future revisions of that Airport Plan may be submitted to the Planning Commission for consideration as an addendum to this *Plan*), b. Implement the Road Commission's prioritized list of surface maintenance locations, while working within annual budget constraints, and c. Continue required bi-annual bridge inspections and subsequent funding applications.
		1.1.2. Subdivision and plat development, and road upgrades are in accordance with the road commission policies.
		1.1.3. For local road systems: a. Develop and maintain a Township revolving five-year plan for local road improvement, b. Develop and maintain a Road Commission revolving five-year plan for local road improvement, (the Road Commission Five Year Plan is incorporated as part of this *Plan.* c. Explore millages for road improvement, d. Continue road commission local road maintenance, procedures for road surfaces, bridges and culverts while working within annual budget constraints, e. Continue required bi-annual bridge inspections and subsequent funding applications. f. If a paved road is returned to a gravel state, it should be re-paved as soon as possible.
		1.1.4. Use township and private funds, county and township road millages, and maximize funds through participation to maintain local roads.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
2. Wexford County will have public transportation services appropriate for its size and rural nature.	2.1. Maintain support for existing public transportation services.	2.1.1. Continue support for Cadillac-Wexford Transportation Authority and private taxi services.
	2.2. Support moderate expansion of the Wexford County Airport.	2.2.1 Continue to enhance services at the airport to attract commuter business.
		2.2.2. Encourage zoning that is compatible with the possibility of increasing the length of the runway.
		2.2.3. Recommend restrictions on heights to conform with state and federal regulations. Recommend construction to provide noise abatement features.
		2.2.4. Encourage commuter air traffic; e.g. through the Instrument Landing System (ILS) development.
		2.2.5. Update the existing terminal building.
		2.2.6. Pursue federal grants for building and expansion.
		2.2.7. The County Airport Master Plan is incorporated as part of this *Plan*, and future revisions of that Airport Plan may be submitted to the Commission for consideration as an addendum to this *Plan*.

EXPECTED RESULTS
Development occurs as planned.
Infrastructure costs decrease.
The environment remains clean and healthy.
Municipalities begin to participate in regional facilities, and individual costs decrease.

Chapter J2: Recreation

WEXFORD County has certain land use issues and goals which apply throughout the County in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on recreation. This *Plan* adopts by reference the *Wexford County Recreation Plan 2002-2007* (February-March, 2002) as amended from time to time.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Have more emphasis on development of a non-motorized trail system as part of the *Recreation Plan.*	1.1. Plan and develop a trail system on parcels of land before they become developed.	1.1.1. Consider a non-motorized trail plan for Wexford County, as part of the county *Recreation Plan.*
		1.1.2. Seek agreement with developers of parcels of land, where the trail plan anticipates a future trail, to have easements for future trail development.

EXPECTED RESULTS
Safe regional outdoor sports facility for soccer, football, baseball, etc.
Safe outdoor sports facility for skate boarding.
A gathering place for seniors, meals, and information on nutrition, health care, cultural activities, and recreational activities.
Swimming pool, utilized by all age groups, 6 months to senior citizen, therapeutic use for the handicapped, learn to swim programs, competitive swimming, aquatic exercise, and competitive diving.
Trails that link natural areas, historic sites, parks, gathering places, athletic fields, and open space in the County.

Chapter J3: Water and Sewer

WEXFORD County has certain land use issues and goals which apply throughout the County in all future land use plan areas. These concerns are presented in this chapter.

The issues presented here focus on water and sewer.

ISSUES for this topic include:

- Water and Sewer Systems

The County has an overall goal which is to provide assistance to local governments to support regionalization for the purpose of improving the economic health of the entire region.

To accomplish these goals, regionalization may reduce costs to users for providing these services. The first strategy is that each municipality should create future plans for maximum use of existing infrastructure. The second strategy is to examine the existing infrastructure in neighboring municipalities, and determine if regionalization will better serve the community.

GOAL	OBJECTIVE	POLICY, STRATEGY, METHOD
1. Provide water and sewer through cooperative efforts that benefit the region as a whole.	1.1. Regionalize municipal water and sewer facilities so they operate in the most efficient manner.	1.1.1. Identify existing infrastructure and capacity.
		1.1.2. Draw an infrastructure service area that is coordinated with the future land use map urban growth area boundary to define where water and sewer infrastructure should be supported.
		1.1.3. Direct new development to existing infrastructure.
		1.1.4. Encourage a central authority to operate the facilities.
		1.1.5. Develop a planning group for infrastructure.
		1.1.6. Research models for regional cooperation and boundary establishment (e.g. Grand Rapids, Jackson, Kalamazoo).
		1.1.7. Establish districts with performance standards for effluent appropriate for the receiving environment (e.g. density, sensitive environments, cluster developments).
	1.2. Utilize alterative methods for sewage treatment.	1.2.1. Encourage or require performance-based septic systems in waterfront areas.

EXPECTED RESULTS
Development occurs as planned.
Infrastructure costs decrease.
The environment is better protected.

Municipalities begin to participate in regional facilities and individual costs decrease.

Part K: Appendixes and Addendums

Appendix K1: Background For Government Cooperation

THIS appendix is to present, in more detail, the background discussion which was agreed to by the "Government Cooperation" subcommittee during its deliberations which resulted in the goals, objectives, and strategies contained in chapter "E2: Government Cooperation," page 18.

For further background one should review the sections of the *Fact Book* on urban growth areas (pp. 90-94, 115), and the sections on public water, and public sewer in the Infrastructure Chapter (B12, pp. 273-286, 301-302).

The "Great Plan" which was a part of former Michigan Constitutions, and carried forward to the 1963 Michigan Constitution, is that townships are intended to be a rural form of government. As an area urbanizes the creation or expansion of a village and then a city should take place. Since 1963, the state has moved away from this model, and state government has provided townships with more urban-like governmental powers and even provided for the creation of charter townships.

However, cities and villages tend to own and operate major types of infrastructure. In Wexford's case that includes water systems, and sewage treatment facilities.

Adjoining townships, in response to their resident-business needs, desire to provide sewer or water service in the township. The city or village does not wish to provide the service unless there is a way to preserve equity between taxes paid in a village/city and township. One of the methods to achieve taxation equity is for territory to be annexed to the city or village. There are other methods to achieve the same thing. Annexation is not always acceptable to a township.[21] Thus townships, if it can be afforded, propose building their own water or sewage treatment system. There can be other ways for taxation equity to be accomplished.

It is easy to criticize local governments for proposing to construct two new sewage treatment plants within a few miles of an existing sewage treatment plant that has unused capacity[22] for future growth. In terms of wise expenditure of public dollars, multiple sewer systems can be viewed as a failure on the part of local government.

The crux of the issues between a city/village and adjoining townships can be summarized by the following:

- Townships in Wexford County levy about one mill of property tax. Some have up to two mills additional voted tax. A city or village levy considerably more. Cadillac, for example levies about 14 mills.
- Comparing cost of taxes, it is less expensive for a business to locate in a township.
- But a business wants or needs water or sewer, and wishes to have that public service, and is willing to pay for that service.
- A city/village is willing to provide the service, if the territory is annexed to the city, either immediately, or after a set period of time as expressed in a P.A. 425 agreement.
- A city/village's reason for the position is it does not want to make it possible for residents to pick and choose which city services one receives. A resident in the city can not select to use and pay for only some city services. It is felt that people outside of the city should not have that choice either.
- The city/village's reason for the position is also it does not want to provide a less expensive tax environment next door that may pull businesses to the township, or entice existing business in the city to move to the township. For example, providing just sewer, even at two times the regular sewer rate plus township tax, is less expensive than city taxes.
- A city/village cooperating to create a situation

[21]P.A. 425 Agreements may be one alterative. For more information see pages 281-284 of the *Fact Book*.

[22]The City of Cadillac sewage treatment plant has a 3.2 million gallon per year capacity. It currently is operating at 2.5 million gallon per year average flow. A certain amount of capacity above the 2.5 million would be for handling peak flows, additional development within the city, etc. When a sewage plant is operating at less than peak capacity, the plant can be operated at a lower cost, and has better ability to meet peak demand.

that makes it attractive for industry or commercial to move out of a city/village is not acceptable.

- Annexation of part of the township is usually not acceptable to the township. People agreeing to give up territory is an "unnatural act." The idea that an area that becomes urban should shift to a city/village no longer enjoys the township support it had, if it ever had township support, when the 1963 Constitution was written.
- If a township builds its own water system, or sewer system, it may not have the economies of scale to be cost competitive. For example the cost for water in one subdivision in Haring Charter Township, plus township taxes, has been more costly to homeowners than it would be if they were in the City of Cadillac and paid city taxes.
- If a township uses newer technology for on-site sewage or cluster sewage treatment, the level of treatment is often better than a large municipal system. The cost may put the township's costs at a point considerably less than the cost of being in a city (pages 126-128 of the *Fact Book*).
- At some point in the future there may be an economies of scale situation where a township could build their own municipal water/sewer system.

If it is felt that duplication of services is a bad thing, and should be avoided; then some form of give or compromise from positions listed above needs to happen. If it is felt that a better level of cooperation between governments should take place; then some form of give or compromise from positions listed above needs to happen. If it is felt there needs to be a better means to control strip development/lineal development along rural roads; then some form of give or compromise from positions listed above needs to happen. If it is felt there is a problem with development "leapfrogging" out from existing urban areas; then some form of give or compromise from positions listed above needs to happen.

There needs to be a multiple-government coordinated approach to development. The coordination needs to involve all governments. The coordination needs to address how areas are zoned, if all infrastructure will be built in an area, so that planning, zoning and infrastructure decisions are consistent. This also means there needs to be a political will to say "no" to development in certain areas, so the development is channeled to areas deemed appropriate. An urban growth areas approach is one avenue to explore. "Urban growth area" is intended to be a generic term. It is not necessarily the same thing as "urban growth boundary" such as Midland, Michigan, uses and was discussed previously for the Cadillac area. An urban growth area can include a long list of different approaches and techniques.

There are consultants[23] that specialize in bringing communities together to establish the coordinated approach to growth and tailor-design an urban growth area to Wexford's needs.

Attempts to resolve these issues fail because there are (1) too many issues, (2) intransigent personalities, and (3) lack of community support. The efforts to bring communities together succeed when (1) all stakeholders have been identified and are involved in the process, (2) legal authority exist to do so, (3) a regional vision exists, (4) a defined achievable scope exists, and (5) past differences are set aside.

The assumption made here is we, in Wexford County, really want to do the right thing for the county-community, as long as it does not hurt our own local government. The issue is do we have the maturity, or insight to know we have enough old baggage and past issues (on water and sewer for example) that the outside consultant is needed to help make this happen? This coordination of services is not going to happen without an extra-ordinary effort on the part of local decision makers. The outside consultant is one of several alternatives – the alterative recommended here.

There are other, less volatile issues, that the process needed is a more deliberate attempt to have reoccurring meetings between various local government officials. This is necessary to get rid of misinformation, build trust, build day-to-day working relationships and so on.

Cooperation between governments does exist on many levels. It is just a few points where disagreement exists. For example the following list indicates where cooperation between the City of Cadillac and other governments has been very successful:

Cooperative Ventures between the City of Cadillac and Other Local Units of Government

P.A. 425 Agreements
- Days Inn
- Current negotiations include 2 in Clam Lake Township; 1 in Haring Township

Sewer agreements
- Original 1977 agreements with Cherry Grove, Selma and Clam Lake Townships
- 1981 agreement with Haring Township

Act 307 water service agreement for North Park/Pineview subdivisions

Clam River watershed plan, 1994

Lake level control agreement with county

Swimmers itch lake spraying program

St. Ann's annexation

Cadillac-Wexford Airport

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[23]One example is E. Tyson Smith or Micheal Lauer of FREILICH LEITNER & CARLISLE of Kansas City, Missouri.

- Airport overlay zoning for building heights
- Animal control
- CASA/WISE
- Community schools program
- GIS/mapping with county
- Emergency preparedness
- Waste
  - Solid waste management planning
  - Household Hazardous Waste Program at City Waste Water Treatment Plant
  - Leachate agreements
- Wexford County Sheriff Department
  - Emergency response team
  - Countywide dive team
  - Ice/water rescue
  - Accident investigation team
  - Detective (with major crimes)
  - Evidence technicians
  - K-9 (search & rescue, drugs)
  - Transportation of mental patients
  - Dispatch/911
  - TNT/county narcotics
- Local Fire Departments
  - Countywide mutual aid – only ladder truck in county
  - Mutual aid with Lake City, McBain and Tustin
  - Technical rescue team
  - Confined space rescue
  - Ambulance service
  - Extrication (Jaws of Life)
  - Public safety training facility – City funded – open to all departments
- Cadillac-Wexford Transit Authority
- Cadillac-Wexford Public Library
- Tax assessing – contract with county
- Downtown Development Authority
  - BR 131 corridor improvements coordinated with Clam Lake DDA (initial discussion stage)
  - Wayfinding signage – permission obtained from Clam Lake and Selma Township for sign placement
  - Fence at civic arena
  - Cemetery fence and other township improvements possible through joint TEA-21 applications. (exploration stage)
- Link Michigan (telecommunications infrastructure)
- Wexford County Road Commission
  - Use of equipment
- Annual purchase of plow blades
- Purchase of gravel and asphalt products
- Exchange of information on products/procedures
- Road maintenance agreement on boundary roads
- Selection and joint funding of road projects
- Civic arena – support ice and snow events at fairgrounds
- Senior Citizens Center – open to all

Appendix K2: Future Land Use Map Detail

The future land use map for this *Plan* is made using GIS analysis capacity. The analysis is based on the resource mapping information found in the *Fact Book*. The following table presents a brief outline of the process used to develop the future land use map on page 25 (or solid black on the black and white township detail maps, pages 27-42). The rules, or steps to produce the maps were selected after a process of study and discussion by the Land Use Map Subcommittee of the Plan Committee of the Wexford County Planning Commission.

The process presented here, favors both protection of environment and favors commercial and industrial development, but in different areas. It is this county's means to balance the need for commercial/industrial parts of the economy while at the same time recognizing the environmental aspect of quality of life are important for residents, to attract commercial/industrial enterprise owners to the area and for tourism..

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
1	Show on a map the designated **Special and Unique Areas**. This is a starting point, in an attempt to recognize those areas of the county which may require particular land use management attention. All Special and Unique Environments might not be treated equally. A priority is given to those special and unique areas that are so designated because of natural, environment or timber harvesting reasons. (For example, on the map, historic districts would not appear as special and unique. Rather, it is shown as a commercial Plan Map Area. This is because the commercial district treatment of that area (such as with zoning, or a downtown development effort) is not unique, while zoning treatment for a fragile wetland has a more likely chance of requiring particular zoning regulation or treatment.) Also, some special and unique areas are "written off" as having been already developed to the point of having lost the character that caused the area to be so designated.	High precedence	Dark green	corse dot pattern
2	Overlay on the map information on urban residential use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed residential (high density housing, subdivisions), and areas currently zoned residential). From this one develops an area labeled as "**residential**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1) have precedence and remain as shown.	Yellow	brick pattern
3	Overlay on the map information on office service use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed office service (professional offices, personal service establishments), and areas defined on the Clam Lake DDA Plan, Draft #5. From this one develops an area labeled as "**office service**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1, 2) have precedence and remain as shown.	Light Orange or Magenta	45 degree diagonal thin lines
4	Overlay on the map information on resort use (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed resorts (golf courses, ski areas, conference centers, etc.), and areas defined as resort on the Clam Lake DDA Plan, Draft #5. From this one develops an area labeled as "**resort**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-3) have precedence and remain as shown; other areas (#6-9) do not have precedence and	Pink	horizontal thin lines
5	Overlay on the map information on commercial activities (mainly	If areas mapped	Orange	Gray

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
6	Overlay on the map information on industrial activities (mainly areas so designated in the 1998/99 Land Use/Cover which reflects existing land uses, areas which are developed industrial parks, and areas currently zoned industrial). From this one develops an area labeled as "**industrial**." (Note: The industrial zone in the southwest quadrant of the village of Mesick was changed to residential, due to it's proximity to the Hodenpyl Pond Remove from the map industrial sites that are small (single or very few property owners) and isolated (i.e. saw mills, oil wells).	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-5) have precedence and remain as shown; other areas (#7-9) do not have precedence and the area is shown as industrial.	Red	Black
7	**Urban Areas** have been defined and shown on the map. The Land Use Map Subcommittee defined urban growth areas (UGA). All incorporated areas were included in the initial UGA boundaries. Commercial, industrial, office, and urban residential developments near or adjacent to incorporated areas were then added to the UGA. In addition, any "holes" in the UGA map were filled in as **transition** or as an expansion of an adjacent current land use. Remaining areas were added at the request of the Land Use Map Subcommittee. In the Cadillac UGA, remaining areas bounded by E. 34 Rd, US 131 Freeway, M-115, W. Division St., and S. 39 Rd extended, were added as transition areas. The Manton UGA was extended east from the easterly city limits to the US 131 freeway. The Buckley UGA also includes a transition area in the west half of Section 6, Hanover Township. The Mesick UGA includes a industrial expansion area in the NE ¼ of Section 12, Springville Township and a residential expansion area in the SE ¼ of Section 12, Springville Township.		Black solid thick boundary around the Urban Growth Areas.	Black solid thick boundary around the Urban Growth Areas.
8	There may be areas that are likely to be in transition (usually toward urban residential, office service, commercial, or industrial uses). These areas should be defined and shown on the map. From this one develops an area labeled as "**transition**."	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-6) have precedence and remain as shown; areas (#8-9) do not have precedence and the area is shown as transition.	Brown	wavy lines

Future Land Use Map Procedure				
Step	**Task**	**Rules of precedence**	**Map Color**	**b&w map pattern**
9	Overlay on the map information from the agricultural and prime forest mapped information. These areas are then added to the Plan Map as "**resource development**" Plan Map Areas. This is intended to show areas of the county where the land resources presents more suited conditions for agriculture and forestry practices, as well as areas that have a history of being used as agricultural. Contiguous areas of less than 40 acres are not included in the "resource development" map areas.	If areas mapped here overlap areas already shown on the map, the areas already on the map (#1-7) have precedence and remain as shown; other areas do not have precedence and the area is shown as resource development.	Light Green	vertical thin lines
10	All the area now left over is an area labeled "**rural residential**."	Lowest precedence	White	White
11	Compare the boundaries on the map with the following to modify/straighten them to follow, in order of priority: (1) Survey lines created from the public land survey system (e.g. tier and range lines, section lines, ¼ lines, $^{1}/_{16}$ lines, etc.), (2) Natural features (rivers, lakes, contours), (3) Transportation right-of-ways (roads, railroads, alleys, utility easements), and (4) Parcel boundaries (property lines). Adjust the boundaries shown on the map to follow the above.	n/a	Thin black line (with roads in a gray and water as dark blue).	Thin black line (with roads, water shoreline s as gray lines)
12	Final editing done by public review and action by the planning commission and committee(s)	n/a	n/a	n/a

Future Land Use Map areas relative to Projected Growth Demands in Wexford County

Future Land Use Map classification	Generic Zoning Name	Existing Zoning Districts in Wexford County (Based on Wexford County GIS Composite Zoning Map)			Actual Land Use (Based on Miris Land Use/cover)	Future Land Use and Anticipated Growth
		No. Of Dist. (source: p. 326 *Fact Book*)	Estimated Square Miles (source: p. 326 *Fact Book*)	Percent of County Land Area (source: p. 326 *Fact Book*)	Square Miles in Wexford County (source: p. 326 *Fact Book*)	Square Miles shown on Future Land Use Map
Industrial	Industrial	64	3.06	0.5%	1.5	2.01
Commercial	Commercial (& Mixed Residential/ non-rural Residential	188	3.82	0.7%	2.1	4.56
Office Service						0.52
Resort	Residential	562	20.50	3.6%	16.5	4.52
Residential						50.17
Rural Residential	Rural	115	537.12	94.8%	525.4	516.55
Agicultural-Forest Production	Agricultural-Forest Production (agriculture/ forest preservation)	2	1.15			97.90
Special and Unique	Conservation	30	0.58	0.1%	23.4	179.79
(Transition)						4.31
	Overlay	2	n/a	n/a	n/a	n/a
	Other	10	0.59	0.1%	7.07	n/a
	Not zoned	1	0.994	0.2%	n/a	n/a

Appendix K3: List and Map of Special and Unique Areas

The list of special and unique areas for purposes of this *Plan* are listed in this Appendix.

Map Symbol	Name	Reasons
1HER	Big Manistee River (including Pine River)	Historical structures and sites. Archaeological sites. Federal National Scenic River (Pine River). Canoe management (Pine River). Nominated State Natural River (Big Manistee River). Bayous and wetlands associated with the rivers. Dominant public land ownership. Designated areas for Old Growth forest management. North Country National Scenic Trail. Scenic area. "U" valley glacial geological formation. Occupied habitat for rare, endangered, and threatened species of plant and animal life. Unique water features (springs, bayous, old meanders, oxbows. Highbank Rollaway overlook Baxter Bridge. Indian Crossing. U.S.-131 State Forest Campground. U.S.-131 Snowmobile Bridge. Numerous creeks feeding into the system. Great fisheries in the total river system.
2ESR	Briar Hills	High relief, unique morainal hills. Scenic overlooks. Mushroom and hunting. Wildflower area Semi-primitive non-motorized management area by USFS. Designated areas for Old Growth forest management.
3ERT	Caberfae Hills	Mackenzie Cross-Country Ski Trail. Caberfae Viewing Platform. Caberfae Ski Resort and area inholding. Large block of public ownership. Few roads or utilities. Scenic area. Irregular relief. Better than normal soils (timber production) than within other USFS lands. Wildflower area Occupied habitat for rare, endangered, and threatened species of plant and animal life. Designated areas for Old Growth forest management.

Map Symbol	Name	Reasons
4ERT	Long Lake	Long Lake State Forest Campground. Network of lakes around Long Lake. Public ownership block Timber management. Occupied habitat for rare, endangered, and threatened species of plant and animal life.
5ET	Pine River Experimental Forest	Research on timber management techniques. Prairie-like conditions. Occupied habitat for rare, endangered, and threatened species of plant and animal life.
6ET	Olga Lake (centered in Lake County)	Public ownership block. Designated areas for Old Growth forest management. Wetland flooding Management area. Occupied habitat for rare, endangered, and threatened species of plant and animal life. Timber management.
7E	Thousand Acre Swamp (a.k.a. Brandy Brook Waterfowl Area, Mitchell Creek Waterfowl Area)	Cedar stands. Prime black bear habitat. Prime wetland areas (bog, muskeg, various swamps). Semi primitive motorized wetlands management area by USFS. Designated areas for Old Growth forest management. Wildlife management area. Occupied habitat for rare, endangered, and threatened species of plant and animal life. Need for corridor linkages to the west and south through private lands (not mapped). Selma Center swamp and bog. Benson Bog.
8E	Heritage-Cadillac Nature Study	Former Pike rearing wetland Interpretative trails Part of the Mitchell State Park
10E	North Branch Pine River Swamp	High quality swamp within a poorer grade swamp.
11T	Wheeler-Anderson Area	Large block of public ownership Timber harvest.
12T	Greenwood Area	Large block of public ownership. Timber harvest.
13T	Chase Creek Area	Large block of public ownership. Timber harvest.
14T	Stoddard Lake Area	Large block of public ownership. Timber harvest.
15T	Briar Hills Area	Large block of public ownership. Timber harvest. Wildflower area
16S	White Pine Trail (former railroad grade)	Scenic bike/hiking trail

Map Symbol	Name	Reasons
17S	Caberfae Highway (M-55) (No. 25 Rd to M-37)	Scenic road Managed as a National Scenic Highway by USFS
18S	W 40 Road (S 13 (Caberfae) Road to S 23 Road)	Scenic road
19S	S & N 17 Road (W 30 Road (Coates Highway) to W 24 Road)	Scenic road
20S	W 38 Road (S 15½ Road to S 11¼ (Caberfae) Road)	Scenic road
21S	S 49 Road (Seeley Road) (E 48 (McBain) Road to E 52 (County Line) Road)	Scenic road
22S	E 22 & E 20½ Roads (N 33 to N 39 Roads)	Scenic road
23S	S 13 Road & 11¼ Road (Caberfae Road, Old State Highway) (W 48 (Hoxeyville) Road to W 32 Road)	Scenic road
24S	N 17 Road & W 10 Road & N 19 Road (W 6 to ¾ mile north of W 14 Road)	Scenic road
25E	Adams Creek	none given
26E	Slagle Creek	subdivision risk
27E	Arquilla Creek	Bear core area and corridor
28E	Pine River tributaries (Dowling, Poplar, and Hoxey Creeks)	Corridor. Occupied habitat for rare, endangered and threatened species of plant and animal life.
29E	Manton (Cedar) Creek	Corridor wetlands
30H	Cadillac City Hall (201 North Mitchell Street, Cadillac.)	Historic building Architecture
31H	Cobbs, Frank J. House (407 East Chapin Street, Cadillac)	Historic building Architecture
32H	Elks Temple Building (122 South Mitchell Street, Cadillac.)	Historic building Architecture
33H	Masonic Temple Building (122-126 North Mitchell Street, Cadillac)	Historic building Architecture

Map Symbol	Name	Reasons
34H	Mitchell, Charles T., House. (118 North Shelby Street, Cadillac.)	Historic building Architecture
35H	Shay Locomotive. (Cass Street, in the city park, Cadillac.)	Historic building Architecture
36H	Cadillac Public Library (127 Beech Street, half block east of Mitchell Street, Cadillac.)	Historic building Architecture
37H	Clam Lake Canal (Northeast of 6093 M-115, Cadillac.)	Historic engineering
38H	Cobbs and Mitchell, Inc. Building (100 East Chapin, west of Mitchell Street, Cadillac.)	Historic building Architecture
39H	Greenwood Disciples of Christ Church (7303 North 35 Road, Greenwood Township.)	Historic building Architecture
40H	Manton Fire Barn and City Hall (Southeast corner of West Main and State Street, Manton.)	Historic building Architecture
41H	Cadillac Historic District	Historic homes, neighborhood
42H	Harrietta Fish Hatchery	Continuously operating fish hatchery
43H	Coates Highway (W 30 Road, S 23 Road, W and E 34 Road (Boon Road)).	Proposed in the 1930s by Dr. Coates, Kaleva, Michigan, as the route for M-55, marked with monuments in Manistee and Wexford Counties. Goes from Manistee to Lake City.
44E	Bear Corridor (between S 29 and 31 Roads from Thousand Acre Swamp to the south to Ogla Lake, and west to Forest Service lands)	Essential route used by native black bear to traverse from prime wintering habitat to large blocks of public ownership and habitat to the south and west.

[INSERT: Special and Unique Areas Map]

Special and Unique Areas

1HER	Big Manistee River (including Pine River)
2ESR	Briar Hills
3ERT	Caberfae Hills
4ERT	Long Lake
5ET	Pine River Experimental Forest
6ET	Olga Lake (centered in Lake County)
7E	Thousand Acre Swamp (a.k.a. Brandy Brook Waterfowl Area, Mitchell Creek Waterfowl Area)
8E	Heritage-Cadillac Nature Study
10E	North Branch Pine River Swamp
11T	Wheeler-Anderson Area
12T	Greenwood Area
13T	Chase Creek Area
14T	Stoddard Lake Area
15T	Briar Hills Area
16S	White Pine Trail (former railroad grade)
17S	Caberfae Highway (M-55) (No. 25 Rd to M-37)
18S	W 40 Road (S 13 (Caberfae) Road to S 23 Road)
19S	S & N 17 Road (W 30 Road (Coates Highway) to W 24 Road)
20S	W 38 Road (S 15½ Road to S 11¼ (Caberfae) Road)
21S	S 49 Road (Seeney Road) (E 48 (McBain) Road to E 52 (County Line) Road)
22S	E 22 & E 20½ Roads (N 33 to N 39 Roads)
23S	S 13 Road & 11¼ Road (Caberfae Road, Old State Highway) (W 48 (Hoxeyville) Road to W 32 Road)
24S	N 17 Road & W 10 Road & N 19 Road (W 6 to 3/4 mile north of W 14 Road)
25E	Adams Creek
26E	Slagle Creek
27E	Arquilla Creek
28E	Pine River tributaries (Dowling, Poplar, and Hoxey Creeks)
29E	Manton (Cedar) Creek
30H	Cadillac City Hall (201 North Mitchell Street, Cadillac.)
31H	Cobbs, Frank J. House (407 East Chapin Street, Cadillac)
32H	Elks Temple Building (122 South Mitchell Street, Cadillac.)
33H	Masonic Temple Building (122-126 North Mitchell Street, Cadillac)
34H	Mitchell, Charles T., House. (118 North Shelby Street, Cadillac.)
35H	Shay Locomotive. (Cass Street, in the city park, Cadillac.)
36H	Cadillac Public Library (127 Beech Street, half block east of Mitchell Street, Cadillac.)
37H	Clam Lake Canal (Northeast of 6093 M-115, Cadillac.)
38H	Cobbs and Mitchell, Inc. Building (100 East Chapin, west of Mitchell Street, Cadillac.)
39H	Greenwood Disciples of Christ Church (7303 North 35 Road, Greenwood Township.)
40H	Manton Fire Barn and City Hall (Southeast corner of West Main and State Street, Manton.)
41H	Cadillac Historic District
42H	Harrietta Fish Hatchery
43H	Coates Highway (W 30 Road, S 23 Road, W and E 34 Road (Boon Road))
44E	Bear Corridor

Appendix K4: Specific Detail/Recommendation; Selected Strategies

THIS appendix is for reporting details and recommendations which grew out of the subcommittee, Plan Committee, and Planning Commission process of preparing this *Plan.* This is detail which is felt by the Planning Commission to be more than what is appropriate as part of a statement of strategy, policy, or method but should be preserved as part of this *Plan* document.

Chapter F7: Rural Residential

Recommendation details for strategy F7, 3.1.1 Page 62

"(grocery stores, gas stations, ice cream parlors, etc.) as a special use in rural residential areas. Restrict the scope of operation (square footage of the building, number of parking spaces, signage, hours of operation, etc…) to eliminate the potential for negative impacts on the surrounding area. Such commercial uses should be located along county primary roads or state highways; not on local roads or neighborhood streets".

Chapter G2: Ground and Surface Water Protection

Recommendation details for strategy G2., 3.2.1., page 72:

> "Minimum parcel sizes throughout Wexford County should be based on the safe and environmental responsible quality of discharge of on site sewage effluent, water runoff, water infiltration and other similar considerations."

These following are recommendation/details presented by the Environmental Subcommittee: The minimum parcel size should be 15,000 square feet for three bedroom single family homes where no public water and sewer available. The parcel size should be larger if the size of the home (thus septic system size) is larger. A minimum parcel size should be 12,000 square feet when both public water and sewer are available (to reflect the minimum lot size contained in the Michigan Land Division Control Act. These minimum sizes should be considerably larger in recreation and environment oriented special and unique areas on the Future Land Use Map areas.

Recommendation details for strategy G2., 3.2.2., page 72:

> "Waterfront parcels should have minimum parcel sizes which include minimum width based on the safe and environmental responsible quality of discharge of on site sewage effluent, water runoff, lake or river carrying capacity, and other similar considerations."

The following are recommendation/details presented by the Environmental Subcommittee: On any waterfront land the parcel width should be a minimum of 100 feet wide throughout. These minimum sizes should be considerably larger in recreation and environment oriented special and unique areas on the Future Land Use Map areas.

Recommendation details for strategy G2., 3.2.3., page 72, 106:

> "There should be watershed-wide uniform, with adjacent counties and jurisdictions, standards and protection for the Big Manistee and Pine Rivers (Special and Unique Area 1HER) to provide water quality, habitat, shade, and aesthetic quality to the river environments. The Big Manistee and Pine corridor should be a high priority for these measures."

These following are recommendation/details presented by the Environmental Subcommittee: There should be a Big Manistee and Pine River Corridor Zoning District (using the boundaries of Special and Unique Area "1HER" in this *Plan*). Regulations should be in place to require:

Native Vegetation Buffer: A restricted vegetative cutting area encompassing the river and all lands within 100 feet of the mainstream and all lands within 50 feet of all designated tributaries is required. Pruning and trimming for a filtered view of the river is permitted. Clear cutting and establishment of lawns is not permitted. Other standards will apply (see Pine River Natural River Plan)

Building Setbacks: Minimum structural setbacks for new construction and the above- mentioned temporary facilities are required as follows:

Mainstream - 150 feet from the ordinary high water mark (river's edge) and 50 feet from the crest of a bluff. Above 25 feet, the setback may be decreased 1 foot for every 1 foot rise in bank height to a minimum distance of 100 feet from the ordinary high water mark.

Tributaries - 100 feet from the ordinary high water mark and 25 feet from the crest of a bluff. Above 15 feet, the setback may be decreased 1 foot for every 1-foot rise in bank height to a minimum distance of 75 feet from the ordinary high water mark.

All areas - Structures may not be place or erected on lands that are within the 100-year floodplain or in any wetland area.

Minimum Lot or Parcel Sizes: All newly established platted or unplatted lots or parcel created in the Natural River District are subject to the following standards:

Each new lot or parcel in the natural river district must
a. Have at least 200 feet of river frontage and be at least 200 feet wide, and
b. Contain at least ½ acre of existing contiguous upland buildable area landward of the minimum building setback line, and;
c. Contain at least 80,000 square feet of area within the Natural River District, and;
d. Have sufficient depth to accommodate the required setbacks.

Impervious Surfaces. The maximum percentage of impervious surface on a lot or parcel will be as follows:
a. For lots or parcels with less than 10,000 square feet of area, no more than 35% of the land surface may be covered by impervious surfaces.
b. For lots or parcels with between 10,000 square feet and 40,000 square feet of area, no more that 25% of the land surface may be covered by impervious surfaces.
c. For lots or parcels with more than 40,000 square feet of area, no more than 20% of the land surface may be covered by impervious surfaces.

Number of Residential Structures Per Lot or Parcel.
In general, one single family, permanent or seasonal residence, along with appurtenances, such as garages, storage sheds, decks, etc. per lot or parcel are permitted. However, to discourage fragmentation of large properties into smaller ones, more than one single family residence (including "site condominiums") and appurtenances per lot or parcel may be permitted if the parent lot or parcel contains sufficient square footage, width and buildable area to meet the requirements of two or more individual lots or parcels and meets certain other development standards.

On-site Waste Treatment Systems.
All new and replacement septic systems must be constructed so that :
a. The drain field is at least 100 feet from the river's edge or any surface or subsurface drain, and;
b. The drain field and septic tank are not located within the 100-year floodplain, a wetland area or the native vegetation buffer, and;
c. The bottom of the drain field is at least 4 feet above the seasonal high groundwater table.

Other Waste Disposal.
No unsightly or offensive material, including trash, junk cars, junk appliances, garbage, tires or other refuse shall be dumped, disposed of or stored in the Natural River District. Landfills and disposal of any solid waste, other than subsurface disposal effluent from individual waste treatment systems related to normal operation of the systems, are prohibited in the Natural River District. Disposal of sludge from wastewater treatment facilities or individual on-site disposal systems is prohibited in the Natural River District.

Docks.
Docks may be constructed not to exceed 4 feet in width nor more than 12 feet in length with no more than 4 feet of the dock extending over the water.

Height of Structures.
New structures must be no more than 2 ½ stores and/or 35 feet, whichever is less. Walkout or other basements are not included in the minimum story/height requirements.

Land Alteration.
Dredging, filling or other land alteration activities within the 100-year floodplain or in wetlands within the natural River District is prohibited. Draining wetlands in the Natural River District is also prohibited. Alteration of the natural contours of the face of a bluff or the land from the crest of the bluff to the minimum bluff setback line is prohibited, except for minor landscaping activities between the crest of the bluff and the minimum bluff setback line.

Stairways.
Stairways for river access are permitted upon approval of the zoning administrator if they meet certain development standards.

Signs.
Signs for identification, direction, resource information, regulation of use and those related to permitted uses are allowed. Signs may be no more than 2 square feet in area.

Recommendation details for strategy G2., 3.2.4., page 72:

> "There should be watershed-wide uniform, with adjacent counties and jurisdictions, standards and protection for Muskegon, Big Manistee and Pine Rivers' tributaries (except the Clam River in the City of Cadillac) to provide water quality, habitat, shade, and aesthetic quality to the river environments."

The following are recommendation/details presented by the Environmental Subcommittee: On tributary streams and rivers (except the part of the Clam River in the City of Cadillac) regulations should be in place to require:

- A minimum vegetation belt of 75 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel).
- Building, and nutrient source setback of 100 feet from the ordinary high water mark (but may be decreased 1 foot for every foot rise in bank height to a minimum setback of 75 feet) and nutrient sources at least 4 feet above the seasonal high groundwater table.
- Bluff setback of 25 feet.
- Minimum parcel size of 80,000 square feet (pre-existing parcels are grandfathered).
- Minimum parcel width of 200 feet, and have at least 200 feet of water frontage (pre-existing parcels are grandfathered).
- A parcel must have at least ½ acre of existing contiguous upland buildable area landward of the

minimum building setback line.

- A parcel must have a maximum impervious surface which is 35% if the parcel is less than 10,000 square feet; 25% if the parcel is 10,000 to 40,000 square feet; 20% if the parcel is over 40,000 square feet.
- One principal use per parcel (single family dwellings with accessory uses (garage, sheds, decks, dock, stairs, 2 sq.ft. sign, home occupations); rental cabins; campgrounds; agriculture; mining if 300 feet from the river) with a 2½ story (35 feet) maximum height.
- Structures, dredging, filling, and draining may not be placed on land within the 100-year floodplain or in any wetland area.
- Docks should not exceed 4 feet in width, 12 feet in length, and no more than 4 feet of dock over the water.

Recommendation details for strategy G2., 3.2.5., page 72:

> "Encourage, through an education program, for lakes which are already developed, setbacks for buildings, nutrient sources, and maintaining a vegetation belt."

The following are recommendation/details presented by the Environmental Subcommittee: On lake front land which is already developed an education program should be in place to encourage:

- a set-back from lakes, ponds of 50 feet for buildings;
- 100 feet for nutrient sources such as drain fields, highly fertilized area, manure storage;
- A minimum vegetation belt of 20 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel) for rivers and streams.

(This would be considerably wider and apply to lakes, ponds, rivers, and streams in recreation and environment oriented special and unique environment Future Land Use Map areas.)

Recommendation details for strategy G2., 3.2.6., page 108:

> "There should be, through regulation a program for lakes which are not developed, setbacks for buildings, nutrient sources, and maintaining a vegetation belt."

The following are recommendation/details presented by the Environmental Subcommittee: On lakefront land which is currently not developed regulations should be in place to require:

- a set-back from lakes, ponds of 50 feet for buildings;
- 100 feet for nutrient sources such as drain fields, highly fertilized area, manure storage;
- A minimum vegetation belt of 20 feet in width with natural woody vegetation or woody vegetation planted which is similar to that specified by "Greenbelts: A Circle of Protection for Inland Lakes" (Lakeland Report Number 12, University of Michigan Biological Station; by Marian Secrest and Jan Nagel) for rivers and streams.

(This would be considerably wider and apply to lakes, ponds, rivers, and streams in recreation and environment oriented special and unique environment Future Land Use Map areas.)

Recommendation details for strategy G2., 3.2.7., page 73:

> "There should be an established maximum number of mooring places and docks per distance of shoreline based on a lake's carrying capacity, to retain some shoreline in a natural or vegetated state, beach, and for other uses."

The following are recommendation/details presented by the Environmental Subcommittee: On all lakefront land regulations should be in place to require:

- Not more than one dock per 100 lineal feet of water frontage (existing second, or more, docks are grandfathered)
- A maximum of two watercraft with a motor moored (to a dock or in a hoist) per 100 lineal feet of water frontage.

Recommendation details for strategy G3., 2.2.3., page 76:

> "Recommend the drop-off container design developed by Emmet County Department of Public Works To reduce contamination of recycled material and ease of use."

The following are recommendation/details presented by the Environmental Subcommittee: The design of recommend the drop-off containers is very important to:

- avoid contamination of recycled materials with garbage.
- mixing of the various types of recycled materials.
- incorporating clear signage to clearly indicate to the user what goes where.
- shape and size of deposit holes reinforce what goes where.
- height and shape designed for shorter people and for ease of use.

The design of the drop-off containers to accomplish this has been container design developed by Emmet County Department of Public Works. It can be considered the model best suited for northern Michigan counties.

Appendix K5: *Plan* Adoption Documentation

THIS appendix has four parts

- One; comments for the 65 day cooperative planning review period and Planning Commission responses.
- Two: comments for the public hearing and Planning Commission responses.
- Three: Adoption documentation.
- Four: Type of plan this *Plan* is.

Parts One and Two

On the remainder of the pages in this appendix, are copies of the letters, public notices, news media coverage, etc. documenting the proper procedural steps for the adoption of this *Plan.* Included are:

This Appendix presents the text of each comment received by the Wexford County Planning Commission on the proposed *Wexford County Comprehensive Plan*, March 19, 2003 draft (page numbers in this Appendix refer to the printed version of this draft). The comments are arraigned to appear in the same order as the subject of the comment appears in the *Plan.*

Each comment is titled, with reference to the goal, objective, policy/strategy/method using a citation method of the chapter number, and the goal, objective, policy/strategy/method followed by the page number. An example would be E1., 1.1.1. (p. 22) to refer to the first policy/strategy/method of the first objective of the first goal of chapter E1 on "County Wide Goals" on page 22. In cases where the comment is not about a specific goal, objective, policy/strategy/method place those in order as it appears in the *Plan* and refer to it be chapter number, column and paragraph.

The purpose of receiving comments, and reviewing those comments, is for the Planning Commission to determine which one of the following actions are taken concerning each comment:

- The *Plan* was changed as a result of the comment.
- A presentation of a preponderance of evidence/facts exists which does not support any change of the *Plan.*
- A combination of the above.

Upon review by the Wexford County Planning Commission made its decision based on a preponderance of evidence/facts or not contained in the comment, the *Plan*, the *Fact Book*, and other sources.

ONE: 65 Day Comments by Governments

The first part is a review of comments made during the 65 day comment period on the proposed *Wexford County Comprehensive Plan*, March 19, 2003 draft. This comment period was for municipalities within and contiguous to Wexford County. Copies of the plan was also available on the Internet, and at each public library in the county. The proposed *Wexford County Comprehensive Plan*, March 19, 2003 draft was also sent to participants on the citizen committee of the County Planning Commission which prepared the *Plan.*

General Comments - Cheri Tuller/Paradise Township (Exhibit I-1):

"I would like to commend you and your board/committee members on a job well done for your Comprehensive Plan for Wexford County."

General Comments -Lois Poag/Lake Mitchell Improvement Board Chairperson (Exhibit J-1):

"The Lake Mitchell Improvement Board would like to recommend that your Board while working on a new Master Plan would change the zoning around Lake Mitchell to Residential and eliminate the Resort which is the present zoning.

We appreciate your time in this matter as we on the Board represent the concerns of the Lake Mitchell residents."

General Comments - Stephen Cunningham/Boon Township Supervisor (Exhibit M-20):

"Overall the citizen committee, the Planning Commission and MSU Extension should all be commended for doing an outstanding job drafting the Plan. In addition the County Board of Commissioners should also be praised for their wisdom and foresight in bringing about the planning process. Without changing any aspect of the draft Plan based on comments submitted here, this Plan is a vast improvement over the existing plan and a great step forward for this community. Thank you for any consideration our comments may be given."

General Comments - Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-1):

"On behalf of the City of Cadillac, we have completed our review of the above referenced plan and wish to offer the following comments. Please note, our comments do not reflect criticisms of the plan. Rather, we trust they are viewed as constructive thoughts and ideas for the Commission's consideration as the final instrument is

drafted.

First, please accept a sincere thank you for the time and effort devoted to preparation of the plan. It is evident the plan is the result of significant field work and data collection, in-depth data analysis, a high level of public involvement, and a genuine concern for the future of Wexford County. The plan incorporates many good ideas, many of which have been instituted at the city level. This shows there is a great number of common goals between the two units of government. Your efforts are commendable. These comments are not meant to be inclusive, but rather are the result of a general review of the document."

Response: Thank you.

General Comments - Dennis Anderson/Clam Lake Township Supervisor (Exhibit H-1)

"The Clam Lake Township Board of Trustees has spent considerable time in review of the Wexford County Comprehensive Plan. In general we find the plan to be very positive, however we have some concerns."

Response: For the following reasons the *Plan* will **not** be changed:

- The "concerns" are too generic in nature to be able to respond to.
- Specific concerns submitted by Clam Lake Township are responded to in this document.

General Comments - Stephen Cunningham/Boon Township Supervisor (Exhibit M-1):

"Land use planning is always a balancing act between competing interests. While most of us who participated on the committee struggled with these trade-offs, we were able to frame the goals described in Chapter E1 of the Plan. These goals are paramount to the preservation of the quality of life that we all enjoy in Wexford County. Congestion, loss of recreational opportunities, loss of farm land, loss of scenic views, deterioration of lakes, streams and groundwater quality, and ultimately a deterioration of our economic base could all result if steps are not taken to bring about these goals.

The degree to which a deterioration of our quality of life will occur or be prevented correlates directly to the implementation of concepts and tools described in the September 11, 2002 plan submitted by the committee. The Plan currently under review, which embodying most of the plans/ideas developed by the committee, strayed at times from some of the concepts. The specific comments here will highlight those areas.

In many places throughout the Plan, recommendations of the committee were changed to suggest that concepts within the plan be encouraged or discouraged rather than mandated or eliminated. For example, in Chapter F1. Policy 1.2.1., the current text reads: "Discourage continuous strip zoning districts." The committee's language did read: "Eliminate continuous strip zoning districts." The difference is significant. When new zoning is developed in response to this Plan, the negative aspects of growth will not be prevented if we are not serious about our goals and objectives. Taking the teeth out of the Plan will short circuit the County's ability to achieve the Plan's stated goals and renders the many hours that all of us have spent in this process, meaningless.

Response: The *Wexford County Comprehensive Plan* is a guide and one of its uses will be the basis for developing the county's zoning ordinance. The use of various action verbs may be the cause for concern. This can be a major concern in future litigation where the meaning of the *Plan* as the basis for zoning is at question. The Glossary of the *Plan* (page iv) should include the various action verbs with an explanation of intent. For Example:

Encourage means an incentive approach, ordinance, and/or other means, which make the intent more attractive. In the context of a "goal" it a statement of utopia, to provide a direction or end-state.

Discourage means a disincentive approach, ordinance, and/or other means, which make the action less attractive. In the context of zoning, all standard concepts such as continuation of nonconforming uses, etc. apply. In the context of a "goal" it is statement of utopia, to provide a direction or end-state.

Then the plan, throughout, needs to be edited for purposes of consistent use of the defined terms "encourage" or "discourage", and not use the terms "allow," "require," "mandate," or "eliminate."

General Comments - Stephen Cunningham/Boon Township Supervisor (Exhibit M-1):

While it is understood that many of the committees specific recommendations could be categorized as explaining "how" to do something, rather than "what" to do and therefore accomplish the stated goals should not be removed or diluted. With this in mind, a reevaluation of recommendations removed from the September 2002 draft plan and placed in the appendix of this Plan needs to occur. In particular, recommendations G2., 3.2.1., 3.2.2., and 3.2.3. are important concepts that should be removed from Appendix K4. and returned to the main body of the Plan."

Response: The consensus of the Commission was to put the specifics in an appendix, and deal with the specific issues in writing a zoning update. A plan is a general goal and policy statement, to provide direction. Specific detail should be worked out during the process of implementing the plan.. Just because it is in an appendix, should not be taken as diluting the intent.

General Comments - Matt Skeels/Acting Director/Grand Traverse County Planning Commission (Exhibit F-1):

"The Wexford County Planning Commission has provided our office with a draft copy of their Master Plan. As per our recent discussion, I reviewed the plan for its' compatibility with the Grand Traverse County Master Plan.

The border area between Grand Traverse and Wexford County is basically rural, with the exception of the village of Buckley. In examining the draft Master Plan, it appears that Wexford County sees the border area remaining mainly rural residential and agricultural. The only comment I would have is the plan does not mention any anticipated effects of the US-131 Freeway extension past Manton. As you know, freeways can bring land use pressures to adjacent areas, particularly near entrance/exit ramps. Although an examination of the freeway map shows the ramps to be located in the Village of Manton and City of Cadillac, the Freeway will transition to a two-lane section prior to crossing the Manistee River (just south of Grand Traverse County). It is my understanding the Department of Transportation is consolidating access points in the transition area. However, I would recommend the Master Plan address this.

As the Planning Commission has discussed, the draft Wexford County Master Plan is on file in the County Planning office for your review." (Attached Map 12: Grand Traverse County Growth Management Levels 2002)"

Response: For the following reasons the *Plan* will **not** be changed:

- U.S.-131, after narrowing down to a two lane highway (northbound), travels through publically owned state forest land, impacts will be low or none.
- Michigan Department of Transportation current intent is to make the two lane highway from the freeway to M-113 into a limited access road (no driveways or intersections).

General Comments - Dennis Anderson/Clam Lake Township Supervisor (Exhibit H-8):

"To make this whole plan work, we have one final comment: **Regionalization without Annexation**."

Response: For the following reasons the *Plan* will **not** be changed:

- The Wexford County Department of Public Works is currently coordinating an effort to explore a regional approach.

Addressing Importance of Maintaining and/or Promoting Thriving "Central City Environment, Chapter D2., p. 5, Column 2, 2nd Paragraph. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-2):

"The plan lists nine fundamental principles that underlie the goals, objectives, and policies of the plan. Essentially, the nine principles serve as the foundation the plan. Principles 1, 2, 3, 4, and 9 relate to the importance of the area's natural resources and character. The remaining principles deal with compact development patterns (#5), consistency with the plan relative to future land use, land division, and public infrastructure decisions (#6), intergovernmental cooperation (#7) and, protection of property right (#8).

These are very laudable principles. However, we note that none of the principles address the importance of maintaining and/or promoting a thriving "central city environment" (such as that of the City of Cadillac) in which a collection of employment opportunities; health care, educational, and cultural facilities; shopping and entertainment; broad range of housing types, and, other such "urban" attributes and amenities may exist.

It is noted that the matter is somewhat addressed on page 15, number 5. However, as the county seat of government and principal urban center, we feel the plan lacks recognition of the importance of the City of Cadillac to the quality of life available to county residents."

Response: For the following reasons the *Plan* will be changed:

- Cadillac area is the dominant commercial, service, employment center for the county and surrounding area (*Fact Book* p. 227-230 & 235-239).
- Manton, Mesick, Buckley are found to also be economic centers in the county (*Fact Book* p. 239).
- The *Plan*'s Future Land Use Map established urban growth areas around Cadillac, Manton, Mesick, Buckley and Harrietta (*Plan* p. 24, 28, 29-30, 34, 35-36, and 39-42).
- This section of the plan is a summary, so any change should occur both here and that part of the plan that is being summarized.

Goal number 5 (page 5, column 2) is changed to read "Future development should primarily take place in a compact development pattern in the urban growth areas around Cadillac, Manton, Mesick, Buckley, and Harrietta."

Goal number 5 (page 15, column 1) is changed to read ". . . New commercial, industrial, and medium density residential areas should be constructed in ~~or adjacent to existing cities and villages~~ the urban growth areas around Cadillac, Manton, Mesick, Buckley, and Harrietta . . . . Outside the ~~urban~~ service growth areas, ..."

Additional Governmental Cooperation Goals Needed, D2., p. 5, Column 2, 2nd Paragraph. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-3):

"Additional governmental cooperation goals that should be added to this section, or Chapter E2 include privatization of shared services, regional tax base sharing, urban growth boundaries, Act 425 Intergovernmental Cooperation Agreements, combined/shared infrastructure, as well as services and common goals, policies, regulations and ordinances between governments."

Response: For the following reasons the *Plan* will **not** be changed:

- An entire chapter, E2: Government Cooperation, already exists on this topic.
- The specifics, such as those contained in this submission, are to be determined through the process outlined in E2. 1.2. (p. 19).

Encourage Utilization of Present Industrial Park Space and Brownfield Sites, D2., p. 6, Column 1, 2nd Full Paragraph. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-4):

"A portion of the paragraph reads; *Creation of visually light industrial parks* ***near urban centers (our emphasis)*** *and limit the impact of heavy industrial on the rural character of the county.*

We suggest the phrase *near urban centers* be changed to read; *within urban centers.* Urban centers, such as City of Cadillac, offer industrial sites with a full range of infrastructure facilities, properly designed truck circulation routes, various financing tools and incentives, industrial zoning, a Brownfield Redevelopment program, and the like.

At a minimum, the plan should encourage the utilization of currently available industrial park space and brownfield sites, as opposed to new greenfield locations."

Response: For the following reasons the *Plan* will be changed:

- The *Plan*'s Future Land Use Map established urban growth areas around Cadillac, Manton, Mesick, Buckley and Harrietta (*Plan* p. 24, 28, 29-30, 34, 35-36, and 39-42).
- The proposed change is consistent with the intent of Chapter F1: Future Land Use Map and Chapter F2: Industry.
- This section of the plan is a summary, so any change should occur both here and that part of the plan that is being summarized.

Page 6, column 1, second full paragraph is changed to read "Wexford County has certain areas designated for existing and future industrial development with the following goals: Creation of visually appealing light industrial parks ~~near~~ in urban ~~centers~~ growth areas and limit the impact of heavy industry on the rural character of the county."

Objective F1., 1.1. (p. 22) is changed to read: "1.1. Encourage economic growth and development in or near existing urban ~~centers and~~ growth areas served by existing infrastructure."

Objective F1., 1.2. (p. 22) is changed to read: "1.2. Encourage cluster developments in urban growth areas."

Goal F2., 1. (p. 43) is changed to read: "1. The creation of visually appealing light industrial parks in ~~or near~~ urban ~~centers~~ growth areas."

Implication that County Plan Rules, D4., p. 12, Column 1, 1st Full Paragraph. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-5):

"A portion of the paragraph reads; *In its review, the Commission's primary job is to insure the other plan is in compliance with this plan.* The "other plan" referring to the plans of other governmental units or agencies, including cities such as Cadillac. This language implies that the County Plan has some level of precedence over that of the Cadillac Master Plan, or that the County Plan "rules," so to speak, on matters of growth and development.

In a later paragraph (paragraph 5), it is mentioned that the County Planning Act specifically states that for the development of an incorporated area, the County Plan shall not be recognized as the official plan or part of the official plan for that area unless adopted by the municipality. For example, the City of Cadillac would have to adopt the County Plan if they wish said plan to be recognized as the city's official plan or part of the city's official plan.

The City of Cadillac has an adopted Master Plan, as prepared by the Cadillac Planning Board. In fact, the city has a long history of master planning. The City Plan is regularly employed in the examination of zone district amendments, land development issues, and other community development matters. Also, as a point of information, the preliminary draft of the County Master Plan was reviewed by the City Planning Board and, where appropriate, the recommendations of that instrument were used in formulating the goals and objectives of the City's plans.

We recommend the above review language be clarified regarding the role/relationship of county and city plans. Or, possibly move or combine the paragraph referencing city adoption (paragraph 5, page 12) with that of the first paragraph to help clarify the relationship of the planning instruments."

Response: For the following reasons the *Plan* will be changed:

- The Municipal (city and village) Planning Act (M.C.L. 125.37b(5) & (6)) and the Township Planning Act (M.C.L. 125.327B(5) & (6)) reads:

  (5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the municipal planning commission its comments on the proposed plan. The comments shall include, but need not be limited to, both of the following, as applicable:

  (a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

  (b) If the county has a county plan, a statement whether the county planning commission considers the proposed plan to be inconsistent with the county plan.

  (6) The statements provided for in subsection (5)(a) and (b) are advisory only.

- The "Best Planning Practices" guidelines published by the Michigan Society of Planning reads:

  "the following standard ... would have required *"consistency"* ... with adopted plans ...:

  *"**(d)** The proposed plan shall be consistent. A proposed plan is consistent if both of the following apply:*

  ***(i)** The goals, policies, and program of implementation for each element of the plan would further, or at least not interfere with, the goals, policy, and program of implementation of other elements of the same plan.*

  ***(ii)** The goals, policy, and program of implementation of the plan and each element thereof would further, or at*

least not interfere with, the goals, policy, and program of implementation of a plan of the reviewing entity adopted under this act or under an enabling act in effect at the time of adoption of the reviewing entity's plan. Circumstances that violate the requirements of this subparagraph include, but are not limited to, all of the following:

(A) *If the jurisdictional area of the reviewing planning commission and the jurisdictional area of the proposing planning commission are contiguous, land use intensity, land use density, or capital facilities in the jurisdictional area of the proposing planning commission and near the common border are incompatible with or would conflict with land use intensity, land use density, or capital facilities in the jurisdictional area of the reviewing planning commission and near the common border.*

(B) *If the reviewing entity is the planning commission of a local unit or a regional planning commission, the proposed plan would create 1 or more specific, verifiable threats to the health or safety of individuals within the local unit or region.*

(C) *If the reviewing entity is the planning commission of a local unit or a regional planning commission, cumulative effects of the proposed plan or element are likely to reduce the existing or planned quality of life in the proposed local unit or region in reasonably identifiable and verifiable ways."*

By analogy, a plan is *"inconsistent"* if it is not *"consistent"* as described above."

- Michigan State University Extension (2001 Planning and Zoning Amendments training outline item number 6.F.7. (page 14)) recommended procedure for a community to review submissions/comments about its proposed plan, and response to those submissions are:

  "7. ...These comments should be reviewed with great care. For each comment made, one of two things should be done:

  a. Respond by changing the draft plan to address the concern in the comment.
  b. Respond by listing your planning commissions facts and reasons why the concern raised is not valid. You will want your facts and reasons to present a preponderance of information to support your position. If that is not the case reconsider changing the draft plan.
  c. Remember the comments received are advisory only – but do not dismiss them lightly. Coordination and cooperation is still the goal."

- (Incidently, the converse is also true when a city, village, or township is conducting a review of a county plan (M.C.L. 125.104c(3) & (4)), hence this presentation of comments and response on the *Wexford County Comprehensive Plan*.)

The paragraph is re-written as follows: "This *Plan* is the document which is used for purposes of the Commission reviewing township zoning.[24] This *Plan* is the document which is used for purposes of the Commission reviewing township; village; city; adjacent county, township city, village; state; and federal agency plans[25]. In its review, the Commission's primary job is to insure the other plan is ~~in compliance~~ consistent, and not inconsistent, with this *Plan* and adjacent county, township, city, and village plans. The review of a plan is advisory, with coordination being the statutory and this *Plan*'s goal. In the case of a township zoning ordinance, Commission review is required prior to adoption by the township. However, a township zoning ordinance shall be based upon a plan.[26] In the absence of a township plan, it is intended this *Plan* shall be the plan for those unincorporated area(s).

County Wide Goals, E1., p. 14-17. Stephen Cunningham/Boon Township Supervisor (Exhibit M-2):

"We fully support the countywide goals described here."

Response: Thank you.

County Wide Goals, E1., Principle #5, p. 15. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit (K-6):

"These pages reflect edification of the nine fundamental plan principles. They focus heavily on the preservation of the county's natural features and character and the need to contain the continued decentralization (sprawl) of various development types.

Principle Number 5 references the focusing of commercial, industrial, and medium density residential uses in or adjacent to existing cities and villages and within areas designated as urban services areas. We recommend that Principle Number 5 include language encouraging the full development, or as necessary the redevelopment, of existing and planned industrial park space, brownfield sites, existing commercial buildings and sites, and existing residential in-fill sites, existing commercial buildings and sites, and existing residential in-fill sites, as opposed to new greenfield locations. Goal 2, page 16, appears to offer these recommendations. Why not reinforce the goal as a component of a principle?

Response: For the following reasons the *Plan* will be changed:

- Elsewhere in the *Plan* (E1., 2. (p. 16)) the concepts of full development and re-development are offered.
- Business retention, recruitment and brownfield redevelopment is important to the area (*Fact Book* p. 241-243.

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[24] Pursuant to section 10 of P.A. 184 of 1943, as amended, (being Township Rural Zoning Act, M.C.L. 125.280.)

[25] Pursuant to section 7b of P.A. 168 of 1959, as amended, (being Township Planning act, M.C.L. 125.327b); section 4c of P.A. 282 of 1945, as amended (being the County Planning Act, M.C.L. 125.104c); and section 7b of P.A. 285 of 1931, as amended, (being the Municipal Planning Act [villages, cities and townships that started planning prior to 1959], M.C.L. 125.37b).

[26] Section 3 of P.A. 184 of 1943, as amended, (being the Township Rural Zoning Act, M.C.L. 125.273).

- Growth in industrial development is supported by county residents (*Fact Book* p. 244).

The following is added at the end of Principle #5 (p. 15): "....Also inside the urban growth areas there should be encouragement of the full development, or as necessary the redevelopment, of existing and planned industrial park space, brownfield sites, existing commercial buildings and sites, and existing residential in-fill sites, existing commercial buildings and sites, and existing residential in-fill sites, as opposed to new greenfield locations.

County Wide Goals, E1., p. 14-17. Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit (K-6):

"These pages reflect edification of the nine fundamental plan principles. They focus heavily on the preservation of the county's natural features and character and the need to contain the continued decentralization (sprawl) of various development types....

...Additionally, we would recommend clarification regarding industrial development from the standpoint that it is the retention and recruitment of quality industrial facilities, not just the scenic character of the county, which contribute to much of our county's jobs and population. We believe it would be reasonable to list retention and recruitment of quality industrial facilities as a County Wide Goal, due to its importance."

Response: For the following reasons the *Plan* will be changed:

- Business retention, recruitment and brownfield redevelopment is important to the area (*Fact Book* p. 241-243.
- Growth in industrial development is supported by county residents (*Fact Book* p. 244).

The following is goal is added (p. 17): "5. Creation of more economic base jobs in Wexford County."

The following objective is added (p. 17): "5.1. Retain the active program of base job business retention and recruitment in the county."

The following policy/strategy/method is added (p. 17): "5.1.1. Utilize state brownfield tax incentives, other tax incentives, and other business retention and recruitment programs."

Urban Growth Area, F1., 1. (p. 22). Stephen Cunningham/Boon Township Supervisor (Exhibit M-3):

"The goals, objectives and policies suggested here are excellent concepts that are key to the countywide goals described in Chapter E1, especially the concept of an Urban Growth Area. This is a proven tool for managing growth. It will provide for the most efficient use of our resources (tax dollars, landbase, transportation routes, school bussing, etc) as we continue to grow in numbers."

Urban Growth Area Boundary, F1, 1. (p. 22). Dennis Anderson/Clam Lake Township Supervisor (Exhibit H-2):

"In general Urban Growth Area aka Urban Growth Boundary may be a good concept. Our board feels that this is too constrictive and could stunt the progress and growth of Clam Lake and the surround townships."

Response: For the following reasons the *Plan* will **not** be changed:

- An "Urban Growth Area" and an "Urban Growth Boundary" are **not** the same thing. In the *Plan* care was taken to use the term "Urban Growth Area" as a generic non-specific term to refer to the urban boundaries shown on the Future Land Use Map (p24, 28, 29-30, 34, 35-36, and 39-42). The intent was to make sure it was not specific concepts outlined previously in the Cadillac Area (Midland's Urban Growth Boundary) nor other specific programs (Urban Growth Limit, Urban Greenbelts, etc.)
- What an "Urban Growth Area" will be for Wexford County does not have details worked out yet. This is because the details and program beyond what is outlined in the *Plan* (chapter F10), if any, should be worked out with an out-of-state facilitator as outlined in E2., 1.2.1.
- Urban Growth Area concept has received public support with comments received during this *Plan*'s 65 day government review period.
- 89.8% of residents in Wexford County support better coordination of planning and zoning (*Fact Book* p. 331).
- Currently, in Wexford County, 3.82 square miles of land zoned as commercial or office (*Plan* K2., p. 96).
- Currently, in Wexford County, 2.1 square miles of land is actually used for commercial or office land uses (*Plan* K2., p. 96).
- Projected additional need for commercial land in Wexford County is 18.7 to 61.2 acres by 2010, and 37.3 to 117.5 acres by 2020 – not including external/regional shopping needs (*Fact Book*, p. 195).
- The proposed *Plan* provides for 5.08 square miles of land as commercial and office, and an additional 4.31 square miles as "transition" which may become residential, commercial, office, or industrial (*Plan* K2., p. 96). The *Plan* provides for more than adequate commercial/office area.
- If one provides too little area for commercial development, the consequences are:
  - Not enough opportunity for small business.
  - High rents.
  - Unmet market demand
  - Market leakage
  - Shopping preferences begin to change
  - Residents will have to drive farther for shopping
  - Loss of commercial tax base because of lost opportunities
- If planning and zoning provides **too much** commercial development, the consequences are:
  - Strip, sprawled development, linear forms
  - Vacancies
  - Undervalued commercial properties
  - Less attractive commercial development
  - Unprofitable businesses
  - Loss of commercial tax base because of declining property values.
- The symptoms listed under "**too much**" commercial appear to be more prevalent in the greater Cadillac area at this time.
- The balance between too little and **too much** is important to maintain, the "transition" concept provides that flexibility. Defining that need is done, ideally, through Market Analysis (not part of this *Plan* or *Fact Book*).
- A commercial Market Analysis was done for the Manton area (by the Four-Corners Group) what was used to reflect the appropriate amount of commercial, transition, and in part the Urban Growth Area around Manton shown in the Future Land Use Map.

Language Too Generic, F1., 3.1.1. (p. 22). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-7):

"Transitional [buffer] zoning is not fully practical for mature urban centers such as Cadillac. Much of the city's central core exhibits a "New Urbanism" character in which a variety of uses are either mixed in or in very close proximity. To a large degree, this character is desired and fostered. Similarly, there is mention of "mitigating all negative influences" for industrial and commercial development before allowing a project to proceed. This language is too generic and probably not attainable.

Also under 3.1.1., consider additional language such as:

Zoning ordinances should include comprehensive site design standards to mitigate conflicts between land uses and zoning districts."

Response: For the following reasons the *Plan* will be changed:

- "Transitional", as used in the *Plan* refers to Future Land Use Map areas (see chapter F10, p. 62-63.)
- "Buffer", refers to the need to have some form of insolation or barrier between two differing land uses.

Add to F1., 3.1.1. which reads: ". . . . <u>or Zoning ordinances should include site design standards to mitigate conflicts between land uses and zoning districts.</u>"

Should be "Eliminate", F1., 1.2.1., (p. 22). Stephen Cunningham/Boon Township Supervisor (Exhibit M-4):

"The word "discourage" should be changed to "eliminate". Strip zoning districts convert transportation corridors to destinations, creating congestion. In addition, strip-zoning districts encourage development away from the urban core where services are available. Allowing strip-zoning districts is not consistent with goal #5 of the Plan and should be eliminated in future zoning."

Response: See the response to the general comment on page 110.

Should be "Require", F1., 2.1.1., (p. 22). Stephen Cunningham/Boon Township Supervisor (Exhibit M-5):

"The word "request" should be changed to "require". Once a countywide trail plan has been established, the only way those trails (snowmobile, ski, bike, etc.) will become a reality is to require developers to dedicate easements. This section should also be made consistent with Chapters J1 and J2 policy 1.1.2."

Response: For the following reasons the *Plan* will **not** be changed:

- Under United States property rights law, one can not require a developer to provide a right-of-way or easement that is not directly linked in purpose and function to the specific development at hand, unless the government chooses to go to condemnation proceedings and pays the landowner for the value of the property. (The court case establishing this principle was right on point; where the City of Portland, Oregon, was trying to require an easement for a bike trail as a part of the development requirements.)
- Under Michigan case law, one can not require a developer to provide off-site improvements.
- When a developer is required to provide an improvement, or property, that only partly benefits or is tied to the developer's development, then a proper *nexus* is required, where the developer is only required to pay the share of the cost which is proportionate to his development's direct benefit.
- There is nothing to stop a developer who wishes to volunteer to provide off-site improvements or to provide property, easement, or right-of-way to a government.
- The use of the word "require" is avoided, and the use of the word "request" is more prudent.

Future Land Use Map(s) (p. 24-42).

Change map to commercial (p. 24 and 42). James D. Thompson (Exhibit G-1):

"I am writing about the proposed zoning Change of the Front 300' of my property from Resort/Residential to residential. The property is "that part of the N ½ of NE¼ of SE¼ Lying W of (old) Hwy US-131, Set 9, T21N R9W" containing 13 acres. [northwest corner of B.R US-131 and Mackinaw Trail.]

When I acquired this property in 1953 it was a quiet rural area with very little development. Now 131 is all commercial development except Mary Reamers place. Mackinaw trail has more commercial development than residential. From my property all I can see is commercial buildings.

With the increase in traffic from the middle school and traffic using Mackinaw Trail as a shortcut to M-115 South the noise level has increased a lot. We have to keep our windows closed to hear the television, which isn't a good selling point for residential development.

Over the past 50 years I have had many inquires about this property for commercial use but not residential.

I would hope as a minimum the zoning would be Resort/Residential for the entire property but a more realistic zoning would be commercial like everything I see across the road and up and down 131. I think both sides of Mackinaw trail should be zoned the same near 131."

Response: For the following reasons the *Plan* will be changed:

- The *Plan*, as written, follows the Clam Lake Township Downtown Development Authority plan and proposal for zoning the area. That plan calls for the property being "residential".

However, shifting the property to "Resort" makes sense because it is adjacent to "Resort" associated with McGuire's property and eliminates a small spot of "residential." The future land use map will be changed to reflect this change.

Future Land Use Map(s) (p. 24-42).
Agricultural-Forest Mapped Area: F1., (p. 24 & 35-37). Mary Kay St. John, Secretary, Norman Township Planning Commission (Exhibit N-5):

"Do the small area "Agricultural-Forest Production" areas shown on the map in section 31 and 32 of Slagle and section 8 and 17 of South Branch really merit Agricultural preservation? Norman Township has similar soil regimes as that part of Wexford County. Soil survey data found only a small area with Norman Township with better farm soils. However the area was not large enough to create a critical mass of agricultural activity within a definable service area to support various agriculture-dependant businesses and services to warrant the additional regulation and property owner burden of having agriculture preservation regulations. By allowing, without restriction agriculture and farming in rural areas such farms can continue (*Norman* 12C.3, p.148 and *Manistee* Vol. I.B5. Policy 8., p. 45)""

Response: For the following reasons the *Plan* will **not** be changed:

- The small areas shown are a result of a natural feature analysis done by use of Geographic Information System technology, highlighting areas which were:
  - prime farm land soils,
  - prime forest land soils, and prime forest land rated areas
  - When these areas were less than 40 acres in size were not shown.
  - When these areas overlapped areas shown as residential, special and unique, office service, resort, commercial, or industrial, then they were not shown.
  - boundaries of areas shown were snapped to the nearest section, quarter, or sixteenth public land survey lines; natural features; roads; or parcel boundaries.
- The result was reviewed by the Map Subcommittee of the Plan Committee of the Wexford County Planning Commission. The issue raised in the submission was raised and discussed at length by the subcommittee, deciding to retain and show areas larger than 40 acres in size.

Future Land Use Map(s) (p. 24-42).
Cherry Grove Land Use Map Error, F1., (p. 41). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-1):

"The area around Camp Torenta is dark black. This appears to be an error. Within our township, your map proposes to limit the amount of "Resort" classification from what it was previously. We strongly support your proposed change.""

Response: The submission is correct. The reproduction of the maps (pages 27-42) are in error. The [corrected] color map should be assumed to be correct. The area around Camp Torenta should be shown as "residential".

Future Land Use Map(s) (p. 24-42).
Grandfathering Current Industrial Operations, F1., (p. 24 & 42). Dennis Anderson/Clam Lake Supervisor (Exhibit H-4):

"We would like to see the industrial sites in Clam Lake zoned as commercial. The current operations could then be grandfathered in as a nonconforming use for this area."

Response: For the following reasons the *Plan* will be changed:

- Whether a pre-existing legal land use is non-conforming or not does not depend how land is zoned (Court cases establishing this principle are too numerous to list here).
- A nonconformity has rights to limited expansion, renewal, replacement, and continuation (Court cases establishing this principle are too numerous to list here).
- Under Wexford zoning a nonconformity exists, with the same rights to limited expansion, renewal, replacement, and continuation regardless which zoning classification it is in.
- Creating commercial districts at each point where an industrial land use currently exists does not bestow any additional status on the nonconformity under Wexford zoning.
- There is a small spot of industrial, surrounded by all "commercial" in section 21 of Clam Lake Township, near interchange #176.

The Future Land Use Map should be changed to remove the "industrial" area, changing it to "commercial".

Future Land Use Map(s) (p. 24-42).
Impede Commercial Development, F1., (p. 24 & 42). Dennis Anderson, Clam Lake Township Supervisor (Exhibit H-3):

"Without question these areas should develop commercially .... The board also feels that there should be a commercial corridor along the both sides of M-115 from Sunnyside Drive to 44 Road."

Response: For the following reasons the *Plan* will be changed:

- The north half of the south half of section 7, Clam Lake Township, along M-115 is currently "commercial" on the Future Land Use Map.
- The south half of the south half section 7 and the northeast quarter of the northeast quarter of section 18, Clam Lake Township, along M-115 is currently "transition" on the Future Land Use Map.
- The *Plan* is trying to avoid strip development.
- Currently the zoning in the area is "Commercial" from Sunnyside to S. 39 Road on both sides of M-115.
- Down-zoning is not desired in this instance, where the *Plan* would call for transition back to commercial in the future anyway.

The Future Land Use Map should be changed to "Commercial" from Sunnyside to S. 39 Road to reflect current zoning.

Future Land Use Map(s) (p. 24-42).
Commercial Zoning, F1., (p. 24 & 42). Mike Flint/Thomas Flint & Son (Exhibit E-1):

"My name is Mike Flint and I own property on M-115 and 41 Road which I would consider in the future to be commercial property. The property now is under F & J Inc,

we would like for you to consider this 27 acres to be in the master plan for Wexford city. Across from this property on the east side is a Mobile gas station, on the south side is the Eldorado golf course, on the south east side is a business complex. Obviously this property is not for heavy commercial use, only for light commercial use.

I have talked to Mike Solomon and he agree's that this property should be zoned commercial.
I will enclose a map of the property so you can see what it looks like.

I would appreciate hearing from you on this matter. I can be reached at xxxxxxxx Cadillac, MI 49601 or you can call me at 231xxx-xxxx. Or I can stop by and talk to you on this matter which would be better." (Copy of survey attached, see exhibit E-1)"

Response: For the following reasons the *Plan* will be changed:

- The Future Land Use Map shows the area as "Transition."
- Current zoning is residential along M-115 and Agriculture-Residential for the rest of the property.
- The landowner already requested the zoning on his property be changed; the County Planning Commission recommended the change occur, the Wexford County Board did not adopt the zoning amendment.
- It is adjacent to other commercial uses.
- There are wetlands on the property.
- The area is next to, but outside of, the Clam Lake Township Downtown Development Authority.

The Commission feels the Future Land Use Map should show this area as "Commercial."

Future Land Use Map(s) (p. 24-42).
Impede Commercial Development, F1., (p. 24 & 42). Dennis Anderson, Clam Lake Township Supervisor (Exhibit H-3):

"Clam Lake Township is in a unique situation with a 2½ of the 4 highway interchanges in the Cadillac area within its boundary. Without question these areas should develop commercially. We feel the proposed map would impede this development.

Future Land Use Map(s) (p. 24-42).
Commercial Zoning, F1., (p. 24 & 42). James Houston/Clam Lake Township Trustee (Exhibit A-1):

"The Cadillac area has an unprecedented rate of growth.

A hundred years ago there were houses where the Weidner Motor Sales now stands. Fifty years ago nice homes lined Mitchell Street from River Street to 13th Street. This was also true on South Mitchell Street from Stimson Street to Granite Street. Have people and their homes been displaced? Yes, without question. Today there is more traffic on M-55 east than there was on North Mitchell Street 30 years ago. Even 25 years ago Cadillac was the destination point for 80,000 shoppers.

Today Clam Lake Township has become a very fortunate and enviable location.

There are lakes and 100's of acres of scenic, rolling hills ideal for residential development. These residents blend well into the agricultural areas of the township.

The land along 3 major highways and 2 interchanges is ideal for commercial developments. All these developments are served by a network of improved roads.

The present commercial DDA District on the south is developing very well. The current restrictions as well as the additional setbacks, green belts, landscaping etc now being considered are all very desirable.

As the area continues to grow and expand it becomes necessary to reevaluate land uses and rezone. We now must take into consideration the possibilities of a new commercial area. This is a 70 plus acre parcel of land south of M-55 and adjacent to the east US-131 interchange. Rezoning and incorporating the beautification restrictions now imposed on our south commercial district, Clam Lake Township has the opportunity to furnish a second beautiful entrance into the City of Cadillac.

It should be noted that commencing a Carmel Street, M-55 east supports some residents, but the growth in recent years seems to lean more to churches, a doctors office, "assisted living" home and "cottage" businesses (beauty shop, antique shop). This plus the fact that the traffic count is now over 10,000 vehicles per day, new home construction on the M-55 corridor is no longer desirable.

With the new US-131 bypass and the three new interchanges it is inevitable these areas will develop commercially. It is highly recommended that this zoning change be granted."

Response: For the following reasons the *Plan* will **not** be changed:

- The City of Cadillac zones the area to the west of this interchange (#180) as residential with light office as possible land uses.
- Haring Charter Township zones the area to the north of this interchange (#180) as agricultural-residential.
- Current Wexford zoning is residential and agricultural-residential.
- The Clam Lake Downtown Development Authority (DDA) land use plan, and report to the county planning commission concerning zoning of the DDA area advocates interchange #177 become the main commercial gateway to the Cadillac area, and interchange #180 not be commercial, endorsing the *Cadillac Ara Corridor Study*. (III.B., and IV, p. 1-2 in the "Summary" and IV., p. 19-20 of *recommended Zoning for the Clam Lake Downtown Development District* draft #5, July 9, 2001).
- Several times though the process of developing this *Plan* DDA members expressed concern the entire content of the DDA Recommendations became a part of this *Plan* (see F11., 1.3.6., p. 65; F4., 1.1.1., p. 47; K2, p. 93).
- *Cadillac Area Corridor Study* (unpublished) recommendations call for not having commercial development at the M-55/U.S.-131 interchange (#180).
- Past re-zoning requests in this area, before the County Planning Commission, have produced a large number or vocal residents in the area expressing their desire not to see the area zoned commercial.
- The County Planning Commission is willing to work toward a

coordinated planning approach with Cadillac, Haring and Clam Lake Townships pursuant to E2., 1.2.1. (P. 19) of the *Plan*.

Definitions Needed to Differentiate Types of Industrial, F2., (p. 43). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-8):

"With some exception, it is becoming more difficult to differentiate between industries classified as light and heavy. Local zoning, state and federal environmental regulations, state and federal work place regulations, and other such controlling factors have blurred the line between the two industrial categories. Perhaps, the plan should provide some level of definition in which the two industrial types are described."

Definition of Heavy Industrial, F2., (p. 43). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-12):

"As previously mentioned, it would be helpful to provide guidance on the county's definition of heavy industrial. Additionally, uses allowed (upon review and approval) under special conditions, or as regulated by the State of Michigan should include mining, drilling (oil, gas, water), and forest products (tub grinder, mulching). Issues for this topic should include buffering industrial uses from residential."

Response: For the following reasons the *Plan* will be changed:

- There is a definition of "light industrial" on page iv, Glossary, of the *Plan*. "Heavy Industry" is everything else.

  Add to the Glossary (p. iv): **Heavy Industry** means any manufacturing activity which is not defined in this *Plan* as "light industry".

Location of Industrial, F2., 1.1., 1.2., (p. 43). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-10):

"Light industrial parks should also be located on year-round truck routes. Many light industries depend on large trucks (semi-tractor trailers) for receiving and shipping. Limiting heavy industrial uses to urban areas will discourage mining, oil extraction and forest products industries."

Response: For the following reasons the *Plan* will **not** be changed:

- The *Plan* already says this in F2., 1.1.1. (p. 43).

Location of Industrial, F2., 1.1.2., (p. 43). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-9):

"Further, while we agree that most types of industrial development should be properly located in industrial parks and areas capable of offering the level of infrastructure and support services needed, it may be appropriate to place some forms of industrial activity in more rural settings. Examples include: sawmills, mineral extraction and processing operations, tree farm production operations, certain agricultural/food processing and/or food packaging operations, commercial greenhouse (wholesale) operations, etc."

Response: For the following reasons the *Plan* will, in part be changed, and in part, **not** be changed:

- The plan already lists mining as a possible special use and Agriculture, Forestry, Fishing and Hunting operations and production as a permitted use in Rural Residential (p. 51) and in Agricultural-Forest Production (p. 53).
- The current county zoning includes sawmills and some mineral and timber processing as a permitted or special use in rural areas of the county.

The following is added to the list of possible special uses in Chapter F7: Rural Residential (p. 51): "• Mineral and timber processing, including sawmills."

Also the following is added to the list of possible special uses in Chapter F8: Agricultural-Forest Production (p. 53): "• Mineral and timber processing, including sawmills".

Excessive Open Space, F2., 1.1.2., (p. 43). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-11):

"This item calls for a minimum of 50% open space in light industrial park districts, based on developable area. This amount of open space is excessive. One of the goals of many industrial parks is to maximize the use of land in order to concentrate industry into a limited number of geographic locations. However, in doing so, this does not mean that site quality or site attractiveness must be sacrificed.

The visual concerns associated with most industrial parks do not relate to the park's interior. Rather, they pertain to (public) views of the park from locations outside the boundaries of the park. Instead of recommending a minimum of 50% open space, which may or may not accomplish the intended purpose, it may be more appropriate to stress the importance of designing industrial park settings such that the visual quality of parks, as viewed by the public from off-site, present attractive, high quality, visual images pursuant to landscaping, signage, building quality, and the like. We believe the award-winning James E. Potvin Industrial Park is a clear example of this type of planning.

Also, as with 2.1.1., site plan review should be a requirement."

Response: For the following reasons the *Plan* will be changed:

- The 50% open space figure was from the County Zoning Act (M.C.L. 125.216h(1)) which applies to residential development only. The same percentage should not carry over to industrial development.

  Change F2., 1.1.2., to read: "Encourage cluster

development in light industrial districts with an ~~minimum 50%~~ open space requirement (based on developable area)".

Commercial Signs, F3., 3.1., 3.1.1., (p. 45). Stephen Cunningham/Boon Township Supervisor (Exhibit M-6):

"We fully support all efforts to reduce the number, size, and intrusiveness of signage. The lighting of billboards (reduce, shield, or eliminate it) should also be addressed."

Response: Thank you. For the following reasons the *Plan* will be changed:

- Billboard regulation falls under the jurisdiction of township, city, and villages. County jurisdiction is limited.

Add a F3., 3.1.3., (p. 46) which reads: "Townships, cities, and villages adopt uniform billboard regulations concerning size, lighting, design, following a county model developed by the Wexford County Planning Department."

City of Cadillac's Central Business District, F3., (p. 45). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-13):

"This chapter offers no focus or discussion regarding Cadillac's core downtown (Central Business District). Yet, the CBD (city) which is also the seat of county government, is an extremely important commercial sector pursuant to the county's tourism base. In developing Cadillac's Master Plan and related planning studies, we had opportunity to interview a number of regional resort owners, managers, and guests regarding the relationship of the city's downtown to tourism. Almost unanimously, we found that guests visiting area resorts considered the city's downtown as the "other" most important feature pursuant to their enjoyment of stays in Wexford County. One major resort owner commented that the city's "quaint and vibrant" downtown is very important, possibly critical, to the attraction of many of his guests.

We recommend the County Plan convey the importance of maintaining the economic health of the City's downtown and its relationship to the local economy and tourism."

Response: For the following reasons the *Plan* will be changed:

- The same points brought up in the submission also applies to Manton, Buckley, and Mesick.
- These locations are pointed out in the *Fact Book* (p. 239) as "convenience shopping" economic centers, with Cadillac as a "specialty compete shopping" center.
- The point made in the submission is valid.

Add a goal F3., 4. which reads: Have vital, vibrant downtown city and village commercial areas.

Add a goal F3., 4.1. which reads: Retain, enhance, or improve downtown city and village commercial areas.

Add a goal F3., 4.1.1. which reads: Use tax incentives provided by downtown development authority to revitalize city and village downtowns, and make a part of this *Plan*, by this reference, downtown development plans which have been adopted in Wexford County.

Add DDA plans to the list of documents made a part of this *Plan* in appendix K6 (p. 113).

Commercial Garlett's Corner, F3., 2., and F3., 2.1.1., (p. 45). Mary Kay St. John/Secretary, Norman Township Planning Commission (Exhibit N-2):

"For purposes of Garlett's Corner the only strategy which appears to apply is Policy F5.2.1.1. The commercial activities as "regional (multi-county) shopping centers, big box retail outlets, large restaurants, etc. does not appear appropriate, and certainly not in keeping with a rural intersection. The *Wexford* plan includes commercial for industrial buffer *(Wexford* Goal F5.1), and heavy commercial activities *(Wexford* Goal F5.2), but no consideration for a neighborhood rural community commercial cluster, or mixed commercial-residential/walkable community concept. To do so would be consistent with *Norman* Plan p.148-149 and the *Manistee* Vol. I chapter B3.

Response: For the following reasons the *Plan* will be changed:

- The same points brought up in the submission also applies to Garlett's Corner (M-55 and M-37), Jack's Corner/Cross Roads Corner (M-37 and W. 30 Road (Coates Highway)), E 34 Road (Boon Road) and M-115, Miner's (N 3½ Road and North Hodenpyl Road), and Boon.
- Most of these locations are pointed out in the *Fact Book* (p. 239) as "hamlet" economic centers.
- The point made in the submission is valid.

Add a goal F3., 1a. (and renumber the remaining) which reads: Have rural commercial neighborhood retail and service locations.

Add an objective F3., 1a.1. (and renumber the remaining) which reads: To have rural areas of the county with relatively close geographic access to basic retail and service needs, at an economic service level which is less than what is found in a town or urban growth area.

Add a strategy F3., 1a.1.1. (and renumber the remaining) which reads: Provide rural commercial centers as shown on the Future Land Use Plan.

City of Cadillac's Urban Area, F4., (p. 47). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-14):

"Similar to the comments under Number 10 (F3 4.1.1 p.43), we believe the plan should refer to the City of Cadillac (Cadillac Urban Area) as the area's regional office center and county seat."

Response: For the following reasons the *Plan* will be changed:

- The Cadillac area is the center of service and office economic activity in Wexford County (*Fact Book*, p. 230-234, and 239.)

Add to the first "Issues" (p. 47) bullet point, so it reads: "The economy of Wexford County is anticipated to grow in the higher-tech types of businesses in the Cadillac area which require office space."

Add a new bullet to the same list which reads: "Cadillac urban growth area is the center of the region's office service activity."

Lake Mitchell Zoning, F6., (p. 50). Tom and Diane Jobson, Cadillac (Exhibit D-1):

"Please add our names to the list of people who support residential zoning for Lake Mitchell."

Response: Thank you.

Opposition to Terminology, F6., 2.1.1., (p. 50). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-2&3):

"We are opposed to short term rentals because it corrupts the neighborhood atmosphere."

"Add ***"A conservative approach will be used regarding short term rentals."***

Response: For the following reasons the *Plan* will be changed:

- The county's corporate counsel advises the county may not have any control over regulation of short-term rentals.
- Circuit court rulings in other counties indicate the county does have such control through zoning, but none of the cases have been heard on appeal yet.
- This is an issue which must be researched.

Add a F6., 2.1.2. (p. 50) which reads: "The issue of short term rentals of dwellings in residential districts is a concern that should be the focus of Planning Commission research to identify jurisdiction and a solution. Evaluate the issue of short term rental of residences."

Need to be More Specific, F6., (p. 50). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-15):

"The residential chapter addresses housing in a general nature. There is no reference to senior housing, low income housing, housing to accommodate residents with special needs, etc. Does/should the County Plan address these housing needs?"

Response: For the following reasons the *Plan* will be changed:

- The *Plan* does not address housing issues concerning low income, residents with special needs, etc.
- The Community Asset & Needs Assessment (C.A.N.A.) Affordable Housing Action Team work is on-going which may result in identifying further modification to this *Plan* when their effort is done.

Add another bullet point to "Issues" (p. 50) which reads: "Senior housing, low to moderate income affordable housing, housing to accommodate people with special needs, and homeless.

Special Use -vs- Permitted by Right, F6., Column 2, 1st Paragraph, (p. 50). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-16):

"This item recommends that home occupations be handled as special land uses. In many instances, modern zoning ordinance have eliminated the special use requirement for non-intrusive home occupations. Home occupations that do not result in external (beyond the lot line) environmental or visual impacts and which do not pose a threat to the health, safety, and welfare of surrounding properties are often given a "permitted by right" status."

Response: For the following reasons the *Plan* will **not** be changed:

- The issue brought up in the submission was considered by the respective subcommittee, Plan Committee, and Planning Commission.
- Concern focused on enforcement.
- In past special use permits for home occupations residents are vocal with concerns, which allow for those issues to be handled on a case-by-case basis through the special use process.
- Concern focuses on the difficulty to draw the line between intrusive and non-intrusive home occupations. This is best dealt with on a case-by-case basis using the special use permit process.

Residential Too Restrictive, F6., 1.1.1., (p. 50)., Dennis Anderson/Supervisor Clam Lake Township (Exhibit H-5):

"The board feels that this is too restrictive and could limit subdivisions from developing within our township. Our area is ideally suited for subdivisions. This provides needed housing for the greater Cadillac area."

Response: For the following reasons the *Plan* will **not** be changed:

- The statement is only about "urban residential districts," and does not apply to all "residential" nor "rural residential" areas.

Limit Areas Served by Water/Sewer Systems, F6., 1.1.1., (p. 50). Stephen Cunningham/Boon Township Supervisor (Exhibit M-7):

"This is a very good, important policy and should be implemented in concert with the Urban Growth Areas described in Chapter F1, Goal 1."

Response: Thank you.

Home Occupations, F6., 2.1.1., (p. 50). Stephen Cunningham/Boon Township Supervisor (Exhibit M-8):

"Site Plan Review is mentioned here and throughout the Plan. This is a very good and useful tool and should be used in large residential, all commercial, and industrial developments."

Response: Thank you.

Include Site Condominium Regulations, F6. 2.1.1., (p. 50). Stephen Cunningham/Boon Township Supervisor (Exhibit M-9):

"The committee recommended that site condominium regulations be included in local zoning ordinances. While this statement remains in Chapter F7 [2.1.3.], it has been removed from Chapter F6. This statement should be included in Chapter F6."

Response: For the following reasons the *Plan* will be changed:

- The submission makes a valid point.
- Upon review it is found the concept should apply throughout the county, not just F7: Rural Residential.

Delete F7., 2.1.3.

Add to F11., 1.4.12½., (and renumber the remainder) so it reads: "1.4.12½. Include site condominium regulations in local zoning ordinances."

Rural, F7. Column 1, Paragraph 3, (p. 51). Mary Kay St. John/Secretary, Norman Township Planning Commission (Exhibit N-3):

"Permitted, or "land uses found and commonly allowed" in rural residential is consistent with our plan (*Norman* 12C.3, p.148) and *Manistee's* "Agriculture and Forestry and other land dependent industries, commercial or services should be encouraged" (*Manistee* Vol. I. B5. Policy 8., p.45)."

Response: Thank you.

Rural Home Occupations, Wexford, F7., 1.1.1., (p. 51). Mary Kay St. John/Secretary, Norman Township Planning Commission (Exhibit N-4):

"Requiring home occupations only by special use permits is inconsistent with *Norman* strategies to encourage home occupation as an important part of job creation in economically challenged rural areas (*Norman* 13A.5.2, p.149; *Manistee* Vol I. P. 43; and B5, Policy 8, p.45) Rural residential areas have large enough parcel sizes where buffering and insolation (coupled with zoning regulations requiring home occupations to be inside a residence with no external evidence (Norman Zoning §1082) should be (a) appropriate, and (b) a very effective means of job creation."

Response: For the following reasons the *Plan* will **not** be changed:

- The issue brought up in the submission was considered by the respective subcommittee, Plan Committee, and Planning Commission.
- Concern focused on enforcement.
- In past special use permits for home occupations residents are vocal with concerns, which allow for those issues to be handled on a case-by-case basis through the special use process.
- Concern focuses on the difficulty to draw the line between intrusive and non-intrusive home occupations. This is best dealt with on a case-by-case basis using the special use permit process.

Cluster Zoning, F7., 2.1.2., (p. 51). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-4 & L-5):

"We believe zoning and County government should be more proactive in providing incentives for builders to use cluster zoning."

"Starts with the word "Allow." Change it to **"Encourage."**

Cluster Zoning, F7., 2.1.2., (p. 51). Stephen Cunningham/Boon Township Supervisor (Exhibit M-10):

"Policy 2.1.2 as well as other policies within the Plan refer to "allowing for cluster developments with a 50% open space requirement." Cluster development should be required when development occurs outside of the Urban Growth Area. This would serve as a disincentive for development when it occurs away from urban services and would help preserve our rural character, recreational base, and scenic views."

Response: See the response to the general comment on page 110. The *Plan* will be changed:

- Rewrite F7. 2.1.2. to read "~~Allow for~~ Encourage cluster developments with a 50% open space requirement (based on developable area)."
- Rewrite F8. 1.1.2. to read "Local governments or conservation groups in Wexford County should consider developing a PDR (purchase of development rights) fund for the purpose of buying development rights from local ~~farmers~~ land owners, giving them some financial incentive to stay in business."

Cluster Developments, F8., 1.1.1., (p. 54). Stephen Cunningham/Boon Township Supervisor (Exhibit M-11):

"The goals of the committee for this chapter (preserve good farmland, preserve open space, preserve scenic views, preserve rural character, etc) are better accomplished utilizing the tools mentioned in the current draft, than the 40-acre minimum parcel size. The 40-acre minimum parcel size was an attempt to find some method of achieving the committee's goals. It should only be used for critical open space needs such as preserving the bear corridor."

Response: Thank you.

Reclamation, F8., 4.1.1., (p. 56). Stephen Cunningham/Boon Township Supervisor (Exhibit M-12):

"Objective 4.1 and Policy 4.1.1 The current draft, requiring rather than encouraging gravel pit mitigation is a good improvement over the committee's September 2002 draft."

Response: Thank you.

Special and Unique Areas, F9., (p. 57). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-6&7):

"We feel that tourism in "Special and Unique" areas is would be best served by more cabin and campground offerings. Campgrounds would be somewhat accommodating to the wildlife corridors that are the special and unique attribute of our township."

"Add ***1.2.3 "In "Rural" zoning districts that have "Special and Unique" overlays, leniency should be granted when applications are made for special use permits for campground and cabin offerings."***

"Another option would be to put the above under Goal #2, which is more tourist oriented."

Response: For the following reasons the *Plan* will **not** be changed:

- On page 57, first column, of the *Plan* "Parks, boat launch, campgrounds, and similar uses" are listed as a possible special use.

Forest Special and Unique Consistency, F9., 2.4., (p. 59). Mary Kay St. John, Secretary, Norman Township Planning Commission (Exhibit N-9):

"The treatment of such forest areas is consistent with Norman Township's treatment of similar forests (*Norman* 15B, p. 151-152; 22B., p. 154-155; and 31B., p. 156) such as the Udell Hills Experimental Forest and Hopper's Swamp, which is in turn consistent with our neighboring Stronach Township and Manistee County (*Manistee* B8.E1. P 61-62)."

Response: Thank you.

Environmental/Nature Based Special and Unique Areas, F9., 2.4.10., (p. 59). Stephen Cunningham/Boon Township Supervisor (Exhibit M-13):

"Due to the importance of this very unique area in our county, the Plan should consider requiring 40-acre minimum parcels for those areas known to have high concentrations of bears moving through them."

Response: For the following reasons the *Plan* will **not** be changed:

- 47% of residents do not support a large minimum parcel size for open space, agriculture preservation, and environmental protection, while 41.3% do support the technique (*Fact Book* p. 134).
- (52.2% of residents support increasing parcel size requirements for homes in agricultural areas, while 33.7% do not (*Fact Book*, p. 134).
- The Planning Commission finds a 40 acre minimum parcel size is not appropriate.

Linked Area Open Spaces, F9., 2.5.1., (p. 59). Stephen Cunningham/Boon Township Supervisor (Exhibit M-14):

"This section should read... "As important wildlife corridors are identified, they should be protected...," to account for any important wildlife corridors identified in the future."

Response: For the following reasons the *Plan* will **not** be changed:

- Making a change of this magnitude should be done through amending the *Plan* after important wildlife corridors are identified.
- To try to do what is suggested, creates a system where the public can not see a proposal ahead of time, and have an opportunity to respond through a public participation and formal hearing process.
- Any change to the Future Land Use Map should be handled as an amendment to the plan which occurs prior to a zoning amendment (if any), or a system similar to "Transition" be established where such intent is known prior to the *Plan*'s adoption.

Transition Areas, F10., (p.62), Dennis Anderson/Supervisor Clam Lake Township (Exhibit H-6):

"Our board is uncomfortable with the Phase aspect of this chapter. There is too much of our township that is located within the transition areas; we feel this would unfairly restrict development without our township."

Response: For the following reasons the *Plan* will **not** be changed:

- "Transition" creates a system of maximum flexibility – the opposite of "unfairly restrict" development.
- If the *Plan* is adopted; "Transition" areas shown on the Future Land Use Map, would be zoned the same, or similar to, current zoning now in place.
- If the *Plan* is adopted; those areas shown as "Transition" on the Future Land Use Map would be able to be re-zoned to a more intense use (residential, commercial, industrial). This is the intent behind this concept. The *Plan* is already saying as the community grows, these areas are expected to be, and should transition into more intense uses.
- (Conversely, without the "Transition" concept, when a re-zoning is sought, first the *Plan* would have to be amended, which would take 4+ months at best.)
- The concept of "Transition" includes a geographic phasing for the following reasons:
  - So that incentives for development encourage intense land uses to make it more economical for purposes of future sewer, water, and other infrastructure service.
  - To maintain a balance between not having too much commercial (e.g., if the *Plan* simply said the whole area should be commercial right away), and not having a problem of not enough commercial due to a lack of flexability.
    - If planning and zoning provides **too much** commercial development, the consequences are:
      - Strip, sprawled development, linear forms
      - Vacancies
      - Undervalued commercial properties
      - Less attractive commercial development
      - Unprofitable businesses
      - Loss of commercial tax base because of declining property values.
    - If one provides too little area for commercial

development, the consequences are:
- Not enough opportunity for small business.
- High rents.
- Unmet market demand
- Market leakage
- Shopping preferences begin to change
- Residents will have to drive farther for shopping
- Loss of commercial tax base because of lost opportunities

- The goal is to make it easier to develop within Urban Growth Areas as an incentive to have development occur in those areas.

Zoning Plan Update, F11., Column 1, 1st Paragraph (p. 64). Stephen Cunningham/Boon Township Supervisor (Exhibit M-15):

"The zoning ordinance must be updated to conform to this Plan as provided for in Chapter F11."

Response: Thank you.

Zoning Plan Update, F11., Column 1, 1st Paragraph (p. 64). Stephen Cunningham/Boon Township Supervisor (Exhibit M-15):

"Adopting a countywide storm-water ordinance should also be listed as one of the policies needing implementation under objective 1.2."

Response: For the following reasons the *Plan* will **not** be changed:
1. "Chapter F11: Zoning Plan Update" is about zoning.
2. In Chapter G2. 3.3.1., about water protection, adoption of the county-wide storm water ordinance is already a strategy.

Cadillac "Home Rule City," F11., 1.1.2., (p. 64). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-17):

"This item calls for the City of Cadillac to base the city plan on the county's plan. As previously noted, the recent update to the city plan (2002) did utilize the county's draft plan in the consideration of the city's Master Plan Goals and Objectives. Future updates to the City Master Plan will carefully consider the goals, objectives, and policies of the County Master Plan. However, the City's plan will clearly be based on those planning principles and concerns as identified as most appropriate by the Cadillac Planning Board and City Council. As a home rule city, the City of Cadillac will continue to adopt its own Master Plan to address the specific needs of the City."

Response: For the following reasons the *Plan* will be changed:
- The goal is coordination and cooperation. Chapter, E2: Government Cooperation, already exists on this topic.
- Coordination is the spirit and intent of the state's planning enabling statutes.
- The intent of the County Planning Commission is to work closely with Cadillac and other municipalities to support and enhance consistency (through the process outlined in E2. 1.2. (p. 19)).

Reword F11., 1.1.2. to read: "1.1.2. Haring Charter Township, Cedar Creek Township, Manton, ~~and~~ Cadillac, (and other municipalities which may adopt plans and zoning in the future) should ~~base~~ have their plan or five year plan update ~~on~~ coordinated and consistent with this *Plan* or, if a township, adopt this *Plan* at that time; then work to bring their zoning into compliance with this *Plan*."

Urban Boundary Concept, F11., 1.2., (p. 65). Ronald Blanchard, Mayor/City of Cadillac and John Putvin/Vice Chair Cadillac Planning Board (Exhibit K-18):

"County-wide land development should be based on the Urban Boundary concept for Cadillac, Manton, Buckley, and Mesick and a ranking system of existing commercial areas."

Response:
- F11., 1.2.talks about subdivision and site-condos, a process of dividing land into lots. Subdivisions can be for residential, commercial, industrial, and any other lawful land use. F10. talks about Urban Growth Areas.

The city was asked to clarify what they meant by the above. Their response was:

"I'm answering this from out of town, so unfortunately I don't have the County Plan in front of me, but I do remember the comment. I think we may have a numbering problem in our response. The point was to clarify that an UGB was not specific just to Cadillac, but should be considered for a variety of urban settings. It seems to me that there was an area of the plan that left a subtle impression that linked UGBs just to Cadillac." – Pete Stalker, Cadillac City Manager.

Response: Thank you.

Modification of Wording Regarding Permits, F11., 1.4.20., (p. 67). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-19):

"This item calls for the obtainment and submission of necessary permits (e.g. local, state, and federal permits) prior to/concurrent with conducting site plan review. Perhaps, this language should be modified to indicate that such permits are not necessarily required during the pre-application or preliminary site plan review phases in which an applicant is merely seeking direction from a community on his/her project. We find that in a majority of instances it is the local unit of government that calls for the modification of site plans, and not the other agencies. By having the applicant obtain other approvals, he/she will make a strong case for maintaining the plan as is, even though a Planning Commission may wish to see

modification of that plan."

Response: For the following reasons the *Plan* will be changed:
7. This was the intent of the Planning Commission.

F11., 1.4.20 [1.4.21.] is re-written to clarify this, to read as follows: "County and municipal ~~zoning~~ development proposals and site plan review should ~~require necessary permits (except construction code: building, electrical, mechanical, plumbing) be obtained or coordinated prior to, or concurrent with, conducting a site plan review, and the requirements of those permits should will be reflected in the final approved site plan~~ be coordinated with all affected agencies. The submitted review comments and or agency requirements, will be reflected in the staff report and may be made conditions of approval for the project. At the developer's option pre-application meetings, preliminary site plan, and possibly the decision to issue a special use permit conditioned on final site plan approval, should occur prior to requiring other permits."

Difficulty with Air Pollution Discharge, G1., 1.1.1., and 1.1.2., (p. 69). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-20):

"While fully understanding the issues raised in this section, we believe the implementation of 1.1.1 and 1.1.2 will be difficult to achieve. As an example, "significant air pollution discharge" is not quantifiable."

Response: For the following reasons the *Plan* will **not** be changed:
- What is discharged into the air is quantifiable. What is "significant" may not be quantifyable.
- The Policy/Strategy/Method G1., 1.1.1. and G1., 1.1.2. reflect the intent of the County Planning Commission, and the Citizen Plan Committee.

Lake Mitchell Development, G2., Column 1, 1st Paragraph, (p. 69). Lois Poag/Chair Person - Lake Mitchell Improvement Board (Exhibit B-1):

"The Lake Mitchell Improvement Board would like you and your planning Board to recognize the need for an anti-funnel, or keyhole, development in your Master Plan design.

The enclosed article is taken from our annual newsletter, which is sent to Lake Mitchell property owners. I have highlighted the pertinent part.

Please help us in our effort to preserve and protect Lake Mitchell."
(Attachment Reads: "At this time, it may be appropriate to consider adoption of a local anti-keyhole ordinance to help present overuse and overcrowding of Lake Mitchell.")

Response: For the following reasons the *Plan* will be changed:
- Limiting the number of houses sharing lake access is supported by 64.1% of county residents (*Fact Book* p. 126).
11. The Planning Commission agrees (and the concept should apply to all lakes in the county).

Add a G2., 2.2.3. which reads: "Develop an anti-funnel/key-hole development provision for zoning to help protect intense use of a small area of shoreline based on lake management plan findings (G2., 3.2.8.)."

Need for Wellhead Protection Plans, G2., 1.1.1., (p. 71). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-21):

"Wellhead protection plans should be developed and adopted by all jurisdictions, not just those with public water systems."

Response: For the following reasons the *Plan* will **not** be changed:
- G2., 1.1.1 combined with G2., 1.2. and G2., 1.3.3. (P. 71) addresses this issue.

Groundwater Consistency, G2., 2.1., (p. 71-72). Mary Kay St. John, Secretary/ Norman Township Planning Commission (Exhibit N-10):

"Groundwater protection has been an important part of planning and zoning in Norman Township *(Norman* 31B.2. 31B.6.1, p. 156-157; and *Manistee* Vol.I. B10., p. 77-80). Again, Norman Township is "downstream" from Wexford in terms of direction of much of the groundwater flow along the Norman Township-Wexford County boundary. The groundwater protection provisions of the Wexford Plan is consistent and supported."

Response: Thank you.

Preservation of Wetlands G2., 2.2., and 2.2.1., (p. 72). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-8, 9, & 10):

"We believe preserving wetlands is a priority."

"2.2. Protecting***(ing)*** watersheds from the negative effects of urban development (ADD:) ***"is a priority"***

Response: For the following reasons the *Plan* will **not** be changed:
- Indicating this item is a priority, implies other issues, goals, objectives policy/strategy/methods are not priority.

Preservation of Wetlands G2., 2.2., and 2.2.1., (p. 72). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-8, 9, & 10):

"We believe preserving wetlands is a priority.

"2.2.1. After the first sentence, add: ***"No residential development should be in designated wetlands. GIS maps of wetlands and flood plains should be readily available to the public."***

Response: For the following reasons the *Plan* will be changed:
- All wetlands in Michigan are not regulated.
- County (and city, village, township) authority to regulate more wetlands than the state does, or to have stricter regulations

than the state does is limited, and subject to a review and approval by the state.

- An outright prohibition creates a situation that is ripe for a regulatory property takings action against the county (and city, village, township).
- The Planning Commission, however, does agree with part of the intent.

Strategy G2., 2.2.1. is rewritten to read: "2.2.1.High-density urban development should be directed away from wetlands and surface water features. Development should be in compliance with state regulation of wetlands."

Setback/Buffer Strips, G2., 2.2.2., (p. 72). Stephen Cunningham/Boon Township Supervisor (Exhibit M-16):

"This section should read "Local zoning shall require greater setbacks and [(]not or[)] utilize vegetative buffer strips." Vegetative buffer strips are only affective if they are of sufficient width."

Response: For the following reasons the *Plan* will be changed:

- The requirement of both is consistent with classic and researched measures to protect surface water (*Fact Book* p. 118-120).

Strategy G2. 2.2.2. is rewritten to read: "Local zoning should require greater setbacks from any surface water features ~~or~~ and utilize vegetative buffer strips"

State Natural River Zoning, G2., 3.2.1., 3.2.2., 3.2.3., and 3.2.4., (p. 72)). Jerry K. Richards/Cherry Grove Township Clerk (Exhibit C-1):

"At a recent meeting of the Cherry Grove Township Board, the details of the Pine River designation as a possible State Natural River was brought before us. We believe that the Pine River is an outstanding water resource and that the river system should be protected for future generations. However, we are strong supporters for local control of land use issues.

In that light, we would like to back the concepts of the State Natural River zoning and request that similar standards be incorporated into Wexford County zoning. We understand that the County Master Plan is currently in progress; however, the Public Hearings for the Natural Rivers Program may precede that. Therefore we wanted to be on record as supporting the Natural Rivers concept, while retaining local control.

We have attached a summary of the standards set forth in the Natural Plan. Although we feel some may be over-restrictive, we feel retaining local control will maintain a reasonable application of the standards. We cannot over emphasize the value of our water resources in this County. We encourage you to adopt standards similar to the Natural River plan and ask for your response."

Summary of Natural River Standards Set-Backs:

Native Vegetation Buffer: Mainstream	100 feet
Native Vegetation Bufer: Tributaries	50 feet
Building Setback: Mainstream	150 feet
Building Setback: Tributaries	100 feet
Bluff Setback: Mainstream	50 feet
Bluff Setback: Tributaries	25 feet
Minimum lot area: All segments	80,000 sq ft
Minimum lot width: All segments	200 ft

All setbacks and native vegetation buffer widths are measured horizontally from the Ordinary

High Water Mark (aka the river's edge)

All building setbacks may be reduced based on height of the stream bank.

Permitted Uses:

Private recreation
Reforestation
Agricultural activities
Licensed vehicles on roads
Off-road operation of emergency vehicles
Cutting vegetation for footpath to a single point on the river's edge and for a filtered view

Commercial Uses:

Permitted if they meet certain standards:
Rental cabins
New private campgrounds
Agriculture (not aquaculture)
Home occupations
Exploration of certain minerals
Commercial forest management

Prohibited:

New golf courses
New watercraft liveries
Diversions of water if negative impact

All current landowners are grandfathered in and are not required to meet these standards"

State Natural River Zoning, G2., 3.2.1., 3.2.2., 3.2.3., and 3.2.4., (p. 72))., [see also F9., 2.4.9., (p. 59)]. Mary Kay St. John/ Secretary, Norman Township Planning Commission (Exhibit N-6, 7 & 8):

"There is a strong consistency with our planning for the Big Manistee River and Pine River in our and other plans (*Norman* 15B., p.151 and 31B.10, p.156; *Manistee* Vol. I. B8.E and R; *Manistee County Economic Adjustment Strategy* Ch. 3, p.17 U.S.F.S. *Manistee River Wild & Scenic River Study Report & Environmental Impact Statement* 1983, p. 133, 135; and *Upper Manistee River/Pine River Natural River Plan*, 2003. However the *Wexford* plan cross reference..." [to Appendix K4 (Column 1, 3rd Paragraph, (p. 104-105)] ...which is not clear. The use of the word "should" coupled with placement in an appendix raises the question of commitment, or *Plan's* intent. So are the standards in *Wexford K4* intended to be used, or not? If not, then this part of the *Plan* is inconsistent with our and other plans *(Norman* 15B., p. 151 and 31B.10, p.156; *Manistee* Vol.I, B8.E. and R; *Manistee County Economic Adjustment Strategy* Ch.3, p. 17; U.S.F.S. *Manistee River Wild & Scenic River Final Study*

Report & Environmental Impact Statement 1983, p. 133, 135; and *Upper Manistee River/Pine River Natural River Plan,* 2003). If the intent is to follow the "recommendations in Wexford K4, the consistency is found to exist, but this intent is not clear and should be made clear. We can not tell what the intent is, let alone how unclear intent will provide a solid basis for future zoning in Wexford County.

The Norman Township Planning Commission considers this to be a major deficiency and issue for resolution prior to adoption of the plan. Along the Pine River, Wexford County is one of the counties which is upstream from Norman Township. Norman Township Planning Commission reserves the right to further comment on this issue. Failure to consistently manage the Pine River can have a direct impact on Norman Townships economic and environmental well-being. The need for coordinated planning is most obvious where a single water body – the Pine River – is subject to multiple planning and zoning jurisdictions. To date, downstream municipalities to Wexford County, Norman Township, Dickson Township, Marilla Township, Manistee Township, Brown Township plans and zoning ordinances; U.S.F.S. *Manistee River Wild & Scenic River Final Study Report & Environmental Impact Statement* 1983; and land areas upstream from Wexford County *Upper Manistee River/Pine River Natural River Plan,* 2003 have a similar planning and zoning treatment of the rivers. Here a situation where there will be some level of consistency upstream and downstream of Wexford County for both the Pine River and the Big Manistee River. This leads to a conclusion Wexford County could be the one that is not consistent with its neighbors in the watershed.

The concerns here, apply to both the Pine River, (which may be mitigated, in part, with State Designation) and the Big Manistee River and tributaries."

"If these recommendations [K4., p. 104-106] are followed, they tend to be constant with *Upper Manistee/Pine River Natural River Plan,* 2003, but are not as stringent as plans and zoning already in place in Norman Township (and most other Manistee County Townships). See *Norman* 15B, p. 151 and 31B.10, p. 156; *Manistee* Vol. I B8.E and R; *Manistee County Economic Adjustment Strategy* Ch.8, p. 17. See also the *Norman Township Zoning Ordinance* of April 8, 1993, as amended, Article on "Big Manistee River Corridor District" §2001 *et.seq.*) enclosed."

Minimum Water Protection Standards, G2., 3.2.3., (p. 72). Stephen Cunningham/Boon Township Supervisor (Exhibit M-17):

"The Pine and the Upper Manistee Rivers have been designated State Natural Rivers since the draft plan was written, county zoning should adopt the state zoning regulations for those portions of the designated rivers within the Wexford County boundaries. The Plan should reflect these changes."

State Zoning Regulations, G2., 3.2.3., (p. 72). Stephen Cunningham/Boon Township Supervisor (Exhibit M-18):

"The state zoning regulations, which are the backbone of the State's Natural Rivers program and are the current best template of protection for streams and rivers, should be adopted to the quality of these natural gems. Their protection should be of the highest priority. There is a proven track record for the adoption and success of these regulations and their reasonable application to private property."

Response: For the following reasons the *Plan* will **not** be changed:

- The standards provided with Cherry Grove Township's submission are already in appendix K4 (p. 104-105).
- The Appendix K4 (p. 104-105) standards are consistent with or stricter than with classic and researched measures to protect surface water (*Fact Book* p. 118-120).
- Regulations to protect quality of lakes and rivers are supported by 95% of county residents (*Fact Book* p. 126).
- Regulations to preserve vegetation along lakes and streams are supported by 89.3% of county residents (*Fact Book* p. 126).
- Preserving vegetation strips along lakes and streams are supported by 88.6% of county residents (*Fact Book* p. 126).
- The state natural river concept is supported by 76.5% of county residents (*Fact Book* p. 126).
- The *Plan* policy/strategy/method recommends using the standards in Appendix K4 (p. 104-105) to protect the Big Manistee and Pine Rivers.

Burden of Enforcement, G2., 3.2.7., (p. 73). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-11):

"We believe that enforcement of number of mooring places and docks is too burdensome on the County and restrictive for the residents. Therefore we would replace the first sentence of this *Policy, Strategy, Method* with: ***"The County will work in conjunction with the City to develop restricted uses on the lakes for varying watercrafts for specified time slots. The County will devote a share of their law enforcement money to enforcing these restrictions."***

Response: For the following reasons the *Plan* will **not** be changed:

- Limits on number of docks per residential lot is part of best management practices for lakes (commercial marinas, etc. are dealt with separately).
- Limiting the number of houses sharing lake access is supported by 64.1% of county residents (*Fact Book* p. 126)
- The Citizen Committee's subcommittee on this issue felt this was an important issue.

Stormwater Ordinance, G2., 3.3., (p. 73). Stephen Cunningham/Boon Township Supervisor (Exhibit M-19):

"This is a very good section and very much needed. We must have a good stormwater ordinance in Wexford County if our high quality surface waters are to be maintained as we grow and develop."

Approving Authority for Stormwater Management, G2., 3.3.1., (p.73). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-22):

"The County Drain Commission should not be the approving authority for stormwater management plans affecting properties within the City of Cadillac. As a home rule city, the City of Cadillac will retain the authority to review and approve such plans."

Response: Thank you. The Commission concurs.

Recycling, G3., (p. 75). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-12):

"We are in favor of recycling."

Response: Thank you.

Elimination of Charge by Weight, G3., 1.1.3., (p. 75). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-13):

"Eliminate 1.1.3. It bases charging for trash disposal based on weight. It is in contradiction to 1.1.1. that charges by volume. It is our opinion that volume is more critical to measure since it is the volume that takes up space in the landfill."

Response: For the following reasons the *Plan* will **not** be changed:

- Volume of solid waste is not as important as the ability to compact it so the solid waste uses less space in a landfill.
- One can have a cubic yard of solid waste delivered in a pickup truck, and one can have a cubic foot of solid waste delivered in a compactor-garbage truck – both can weigh the same amount. Should the pickup driver be charged more because they did not compact their load? The solid waste from the pickup truck will be compacted in the landfill at the same rate as the garbage truck load.
- Compacted, or uncompacted, the weight stays the same.
- G3., 1.1.1. refers to quantity discarded – the goal being to have people who discard less quantity also pay less as an incentive for people to recycle.

Addition of Objectives, G3., 2.1., (p. 75-76). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-14):

"Add the following three *Policy, Strategy, Methods under Objective* 2.1.

2.1.5. ***Encourage businesses and industries that use recycled products to establish their companies in our County.*** (Our thinking was that it would reduce the length of hauling required for recycled materials.)

2.1.6. Periodically explore curbside recycling for economic feasibility.

2.1.7. Consider establishing a centralized composting site."

Response: For the following reasons the *Plan* will be changed:

33. The Planning Commission finds the proposed concepts are appropriate and further the underlying goal.

Strategy G3., 2.1.5. should be added which reads: "Encourage businesses and industries that use recycled products to establish their companies in our County."

G3., 2.1.6. should be added which reads: "Periodically explore curbside recycling for economic feasibility."

G3., 2.1.7. should be added which reads: "Consider establishing a centralized composting site."

Multi-Family Development, H1., 1.1.1., (p. 77). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-23):

"We suggest adding multi-family development and the need to minimize urban sprawl to make the most efficient use of governmental services, while protecting natural resources."

Response: For the following reasons the *Plan* will be changed:

- The Planning Commission found the point made to be valid.
- Avoiding strip development and establishing town-centers out-weighs the opposite (*Fact Book* p. 87-88, 347-350, 351, 59-60, 423-424).

Strategy H1., 1.1.1. is re-written to read: "Provide ~~a~~ training to educate both decision makers, and citizens about the benefits of future industrial, commercial, ~~and~~ office service areas, and multi-family development, minimize urban sprawl for efficient use of government services, while protecting natural resources."

Economic Growth Locations, H1., 1.2., (p. 77). Mary Kay St. John/Secretary, Norman Township Planning Commission (Exhibit N-11):

"The *Plan* talks about designating areas in the future. This is not specific, and thus has the same concerns as expressed in number 6 [comment on G2., 3.2.1., 3.2.2., 3.2.3., and 3.2.4., (p. 72); exhibit N-7], above. Is such a growth location contemplated for Garlett's Corner? It is not possible to make a determination of consistency or inconsistency, let alone how it will provide a solid basis for future zoning in Wexford County."

Response: The Economic Subcommittee members were asked to clarify the phrase "Planned Economic Growth Locations/urban service areas". Their answer was:

"Great question! We did not have the opportunity to bring the issue to the larger dialogue during planning. (I'm

adding Bill Tencza to the distribution because he was chair and will also have some recollection.) Our committee specifically stayed away from the term "urban growth boundary" because we felt it may have negative connotations. The big idea was to try to build where there was existing infrastructure, limiting sprawl and redundancy in infrastructure. I recall that the idea - and thus the definition - of "planned economic growth location" was similar (if not the same as UGB) but we were trying to avoid language that would scare people away from the idea. I was actually a little surprised the UGB idea was so readily received so our concern may have been overstated." – Alice Dieble, MSUE facilitator for the Economic Subcommittee.

The economic group was interested in creating an economic climate in the county that would foster economic growth. We hoped that such growth would not deplete existing economic centers/downtown areas. We did not believe it was our committee's role to identify (define or draw) specific boundaries of growth - hence the PEGL. (It was our understanding that the land use group would draw such areas.) Some of this emphasis was in response to the redundant water and sewer systems built for new developments - a touchy issue in the county. The committee hoped that encouraging growth where there was existing infrastructure would reduce those kinds of developments, and maintain a vital downtown area (obviously a Cadillac-centric view - but not entirely). There was no interest in *linear* developments along roadways, but looking at development more broadly, such as in industrial parks. The PEGL was a way to target development to specific locations - that we did not define. – Alice Dieble, MSUE facilitator for the Economic Subcommittee.

We forwarded the PEGL acronym (made up by the committee). Our feeling was Urban Growth Area/Boundary is a miscast (by name) for a largely rural county. We are talking the same concept. We recognized Cadillac as the core economic sector. However, our thought was "urban" was too specific to larger metropolitan areas (not necessarily the connotation of urban). I am copying Todd Bennington on this email. He put in plenty of time on the committee. – Bill Tencza, President Cadillac Area Chamber of Commerce and chair of the Economic Subcommittee.

I agree with the comments and explanations of Bill and Alice on this issue. Alice really captured the "concern" side of the equation. Since UGB seems to be universally understood, at least in concept, I would say to go with it and drop PEGL. – Pete Stalker, Cadillac City Manager.

Response:

- See response on page 119 concerning Garlett's Corner.
- See response on page 114 concerning Urban Growth Area Boundary.

Change "PEGL to "Urban Growth Area" throughout this chapter.

New Construction Opposed to Utilization of Current Buildings, H1., 4.1., (p. 78). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-15 & 16):

"We dislike seeing new construction as old buildings are abandoned and deteriorate."

"Under Objective 4.1 Add a new *Policy, Strategy, Method*"

"4.2.2. [sic.: 4.1.3. (also correct numbering in the *Plan*.)] ***Use incentives for businesses that relocate to an empty building rather than building new. A secondary incentive could be provided for the business that tears down a current site and rebuilds, which at least avoids abandoned buildings. Incentives could include tax breaks or assistance with obtaining grants."***

Response: For the following reasons the *Plan* will be changed:

- The Planning Commission found the point made to be valid.
- Avoiding strip development and establishing town-centers out-weighs the opposite (*Fact Book* p. 87-88, 347-350, 351, 59-60, 423-424).
- Brownfield re-development is an effective and successful tool to accomplish infill and re-development and an important part of the area's economic development strategy (*Fact Book* 242-243).

Strategy H1., 4.1.2. is rewritten to read: "~~4.2.1.~~ 4.1.2. Concentrate on commercial development using current infrastructure and buildings to the greatest extent possible to limit the environmental impact" and employ Brownfield and other tax incentives to provide incentives.

Importance of Downtown Districts, H2., (p. 80). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-24):

"Within the past decade, high quality, core downtowns, have become one of the most viable tourism attractions in the State of Michigan. As previously mentioned, local resort owners and managers have expressed the importance of Cadillac's downtown to local tourism. Therefore, we believe this chapter should reference the importance of maintaining the city's core downtown for tourism purposes."

Response: For the following reasons the *Plan* will be changed:

- The same points brought up in the submission also applies to Manton, Buckley, and Mesick.
- These locations are pointed out in the *Fact Book* (p. 239) as "convenience shopping" economic centers, with Cadillac as a "specialty compete shopping" center.
- See also comments in response to central business district submission on page 119, above.
- The Planning Commission finds point made in the submission is valid.

Add a H2., 1.3.3. to read: "1.3.3. Maintain the county's important downtown areas in Cadillac, Manton, Buckley, and Mesick as a tourist attractions and tourist service/retail centers. Strategies in F3., 4. also apply here".

Encouraging Utilization of Trails, H2., 1.1., (p. 80). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-17):

"We feel trails are underutilized. Secondly we feel there would be reduced animosity of locals against tourism through education and law enforcement, particularly when it comes to snowmobiles."

"Add ***1.1.3 Educate developers and businesses where the trails and trail connections are so that they will promote them as part of their developments and to business customers.*** (We noted a need for publicizing residential areas having easy access to trails and for tourists using businesses to become aware of how to get to the trails. We felt it wasn't only the Visitor's Bureau that needed to do the publicizing."

Response: For the following reasons the *Plan* will be changed:

- The Planning Commission finds this consistent with the intent and goal.

  Add a H2. 1.1.3. which reads: "1.1.3 Educate developers and businesses where the trails and trail connections are so that they will promote them as part of their developments and to business customers".

Encouraging Utilization of Trails, H2., 1.1., (p. 80). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-17):

"We feel trails are underutilized. Secondly we feel there would be reduced animosity of locals against tourism through education and law enforcement, particularly when it comes to snowmobiles."

"Add ***1.2.3 Realize that education and law enforcement are the two necessary elements in promoting compatibility of tourism with residents."***

Response: For the following reasons the *Plan* will be changed:

- The Planning Commission finds the point made to be valid.

  Add a H2., 1.2.3. to read: "Encourage compatibility of tourism with residents through education and law enforcement."

Questions Regarding Geographical Location of Housing, I2., 1.1., (p. 83). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-25):

"This section does not address the geographic location in which affordable and other housing needs will or should be met. Do the goals, objectives, and policies apply to all areas of the county? Are there specific techniques or programs that should be pursued?"

Response: For the following reasons the *Plan* will **not** be changed:

- The Community Asset & Needs Assessment (C.A.N.A.) Affordable Housing Action Team work is on-going which may result in identifying further modification to this *Plan* when their effort is done.
- See "Need to be more specific" on page 120, above.

County-Wide Rental Inspection Ordinance, I2., 1.1.10., (p. 83). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-25):

"Additionally, we suggest the addition of a housing goal to adopt a County-wide rental inspection ordinance, similar to that utilized in the City of Cadillac."

Response: For the following reasons the *Plan* will **not** be changed:

- The issue of a county rental ordinance is a major topic, which will take more thought and discussion than is available at this point in the *Plan* adoption process.
- The subcommittee on housing in this planning process did not have as high a level of participation as was seen by other subcommittees, and public buy-in or constituent support does not exist, or has not been expressed for this issue.
- The Community Asset & Needs Assessment (C.A.N.A.) Affordable Housing Action Team work is on-going which may result in identifying further modification to this *Plan* when their effort is done.

Public Safety - Traffic Design, J1., 1.1.1., (p. 84). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-18 & 19):

"One site that prompted our below comment regarding safety is the corner of North Blvd. And M-115. It does not appear that this dangerous corner had safety in mind when it was designed. We would like to avoid similar situations in the future.

Goal 1 mentions safe roads, then the *Policy, Strategy, Method* doesn't mention safety."

"We feel ***1.1.1b*** should state (move the current 1.1.b down to c) ***Traffic designs will have safety as their emphasis.*** "

Response: For the following reasons the *Plan* will **not** be changed:

- This issue is already in the *Plan* as goal J1., 1. (p. 84).

Public Safety - Traffic Design, J1., a new policy/strategy/method (1.1.3½.), (p. 84). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-18 & 19):

"Our [~~second~~] concern below was an environmental one, again protecting the wetlands.

Move 1.1.4 down as 1.1.5. Add a new ***1.1.4*** as follows: ***If a paved road is returned to a gravel site, it should be repaved as soon as possible if there is any negative environmental impact to a watershed."***

Response: For the following reasons the *Plan* will be changed:

- The Commission finds the point made by the submission is valid.

  Add a J1., 1.1.3.f. which reads: "f. If a paved road is

returned to a gravel state, it should be repaved as soon as possible."

Transportation Millage, J1., 1.1.3.c., (p. 84). Dennis Anderson/Supervisor Clam Lake Township (Exhibit H-7):

"Clam Lake Township has had a very good working relationship with the Wexford County Road Commission. We do not feel there is a need for county wide millage for roads."

Response: For the following reasons the *Plan* will **not** be changed:

- The Plan (J1., 1.1.3.c.) does not specify a county-wide millage.
- The Wexford County Road Commission expressed the need and desire to explore the possibility.

Airport Improvement Plans Approval, J1., 2.2.1., (p. 85). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-26):

"Any plan for improvements at the Wexford County Airport should be coordinated and approved through the City of Cadillac since the majority of the airport land is located in the City."

Response: Thank you.

Need to Link Identified Recreation Goals, Objectives and Policies, J2., Expected Results. (p. 86). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-27):

"Many of the "Expected Results" do not appear to link to the identified goals, objectives, and policies.

This Chapter seems to be lacking in overall depth. There is no mention of recreation on a 12 month basis. The only emphasis is on trails."

Response: For the following reasons the *Plan* will **not** be changed:

- The *Plan* adopts by reference the *Wexford County Recreation Plan of 2002-2007* (J2., column 2, page 86), but does not reiterate its entire content here.
- The expected results link to the goals in this *Plan* and the *Wexford County Recreation Plan of 2002-2007*.

Water and Sewer Concept Good, J3., 1.1, (p. 87) Dennis Anderson/Supervisor Clam Lake Township (Exhibit H-8):

"In general this concept is good, **BUT** will only work if it is managed by Wexford County DPW."

Regional Sewer, J3., 1.1., (p. 87). Margo Stratton/Cherry Grove Planning Committee (Exhibit L-20, 21, 22, & 23):

"We felt that a commission overseeing the future regional sewer could reduce territorialism. Secondly, we felt the application of alternative septic solutions could frequently be applied to dense residential areas, such as new subdivisions (not just waterfront areas.)"

"Add to ***1.1.4 This Central Authority should be a Commission with representatives from the same groups represented in the planning process in 1.1.5."***

"Add to ***1.1.5. This group should consist of city, townships and county DPW."***

"Add to **1.2.1** ***...and all dense residential areas."***

Regional Sewer/Services, J3., 1.1., (p. 87). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-28):

"The concept of the regionalization of utilities is a laudable goal. However, efforts at regionalization should consider the impacts on the affected units of government. For instances:

- what benefits will specifically accrue to the City of Cadillac and its residents through the regionalization of the present infrastructure system?
- what are the potential disadvantages to the city?
- will the expected benefits outweigh the disadvantages?
- how will regionalization of the system impact the city's long term growth and development and sustainability?
- how would it affect the county's growth?

It is noted that this chapter does not examine, nor even reference, other means of regional cooperation pursuant to the provision of utilities, such as the use of 425 Agreements or other intergovernmental cooperation mechanisms, Furthermore, there was significant discussion regarding the matter of water and sewer during the planning process, with many possible solutions presented. Yet, the plan recognizes only one possible solution in this chapter. Discussion is lacking on the major issue at hand, that being equity in taxation. Water and sewer services are only part and parcel of the overall urban density residents do not have the option to elect to pay or not to pay taxes for public safety and other public services are only part and parcel of the overall urban density issue. Other services are also required with urban density, such as public safety. City residents do not have the option to elect to pay or not to pay taxes for public safety and other public services – why should the surrounding urban areas have this option? The proposed approach, as written, would not result in lower fees to City residents. It would actually raise them. We do not believe this section recognizes the City policy or concerns on this matter and should be expanded to include some of the discussion

presented in Appendix K1."

Regional Sewer/Services, J3., 1.1., (p. 87). Ronald J Blanchard, Mayor/Cadillac; John Putvin Jr, Vice Chair/Cadillac Planning Board (Exhibit K-29):

"Please note, the Grand Rapids example has experienced (is experiencing) various problems pursuant to the regionalization of municipal services. A number of communities are dissatisfied with the proposed arrangements and are seriously considering the developing of separate facilities."

Response: Thank you. Further discussion and detail on the cooperation system to be used can be found in E2., 1.2., and J3., 1.1.5.

The list of original comments on the proposed *Plan* are:

January 1, 2001: A. James Houston, Clam Lake Township Trustee
June 11, 2002: B. Lois Poag, Chair, Lake Mitchell Improvement Board
September 13, 2002: C. Jerry K. Richards, Township Clerk, Cherry Grove Township
June 19, 2003: D. Tom and Diane Jobson, 1401 E. Lake Mitchell Drive
October 7, 2002: E. Mike Flint, 10213 S. 39 Road
September 7, 2003: F. Matt Skeels, Acting Director, Grand Traverse County Planning Commission
September 8, 2003: G. James Thompson, 7592 S. Mackinaw Trail
September 11, 2003: H. Dennis Anderson, Supervisor, Clam Lake Township
September 19, 2003: I. Cheri Tuller, Secretary, Paradise [Grand Traverse] Township
September 23, 2003: J. Lois Poag, Chair, Lake Mitchell Improvement Board
September 25, 2003: K. Ronald J. Blanchard, Mayor, City of Cadillac; and John Putvin Jr., Chair, Cadillac Planning Board
September 29, 2003: L. Margo Stratton, Treasurer, Cherry Grove Township Planning Committee
October 1, 2003: M. Stephen Cunningham, Supervisor, Boon Township
September 21, 2003: N. Mary Kay St. John, Secretary, Norman [Manistee] Township

TWO: Public Hearing Comments

THE second part is a review of comments made during the 30 day public comment period and public hearing on the proposed *Wexford County Comprehensive Plan*, March 19, 2003 draft. This hearing was for the general public, with copies of the plan available on the Internet, and at each public library in the county. (page numbers in this Appendix refer to the printed version of this draft). The comments are arranged to appear in the same order as the subject of the comment appears in the *Plan.*

General Comments

County Board Member Darrell Kelley, 8178 Colleen Drive, Cadillac, at public hearing (Exhibit O12)

"stated that he was pleased with the process used in developing the Land Use Plan, thanked the Victor Institute for their help and the citizens land use committee for all their hard work and asked about the time frame for final review by the Planning Commission."
["Chairman Solomon stated about 45 days."]

Response:
Thank you.

Signs, E1.,#1, (p. 14); F3., 3.1 (p. 46); F4., 2.1. (p. 47); F11., 1.3.1. & 1.4.10. (p. 66); G1., 2.1. (p. 71) Barb Cummings, 7597 E. M-115, Cadillac, at public hearing (Exhibit O11)

"asked about signs and billboards."
["Tim Evans stated that Townships are responsible for billboards and that with the writing of a new zoning ordinance, a more comprehensive sign code section will be developed."]

Response: For the following reasons the *Plan* will not be changed:

- General police powers (including sign regulation) fall within city, village, and township jurisdiction. This is the most effective place for such regulation.
- County sign regulation is limited to zoning ordinance: Sign regulations are intended to be included in the county's future zoning ordinance, consistent with , E1.,#1, (p. 14); F3., 3.1 (p. 46); F4., 2.1. (p. 47); F11., 1.3.1. & 1.4.10. (p. 66); G1., 2.1. of the *Plan*.

Future Land Use Map(s) (p. 24-42).
Spot zoning/Special Use for Nudist Campground, F1., (p. 24-42) Raymond Fox, (Exhibit P4):

"The planning commission and the zoning administrator should not spot zone or issue special use permits for nudists camp grounds or any other campgrounds, public or private in agriculture residential areas.

They could allow spot zoning and special use permits for Churches school houses, town hall and small commercial businesses in agriculture residential areas.

Camp grounds should be located in areas where there

is lots of open space, but not in agriculture residential area.

Response: For the following reasons the *Plan* will **not** be changed

- Special use permits are not spot zoning (see numerous court cases, too many to list here).
- Development standards for campgrounds will be part of future zoning for Wexford County.
- Campgrounds will be included in districts which are consistent with the lists at the beginning of each land use map chapter (F2., F3., F4., F5., F6., F7., F8., and F9.) named "Land uses found and commonly allowed" and "Under special conditions might include".

Future Land Use Map(s) (p. 24-42).
Future land use map, F1., (p. 24-42) Raymond Fox (Exhibit P5):

"When the Master Plan and the master plan map are final the private owned land should be called what it is described [?on the zoning map?] as on the master map [?future land use map?].

Agriculture, smaller parcels agriculture residential, and lot size residential and timber land called Forest land."

Follow future land use map, F1., (p. 24-42) Ray Fox, 8360 W. 6½ Road., at public hearing (Exhibit O1)

"Stated that he thought it was a good plan and recognized it as being the first in the State to be done under the new planning law and asked that the new land use map be followed and that it reflect current land use."

Response: For the following reasons the *Plan* will **not** be changed

- The County Zoning Act[27] requires a zoning ordinance is based on a plan. In Wexford County's case the proposed *Wexford County Comprehensive Plan*, adopted pursuant to The County Planning Act[28] is the plan zoning is to be based on.
- This is reiterated as an explanation as to one of the many reasons why a county adopts a plan on page 24 of the *Fact Book*.
- This is reiterated as the *Plan*'s intent in D4. of the proposed *Plan* (pp.11-13).
- There will not be a direct correlation from the future land use plan map and a proposed zoning map. The *Plan* is more general. The zoning map is more specific. For example for the future land use map area "residential", the corresponding areas on the zoning map may include an R-1, R-2, R-3, and other residential zoning districts. In "transition" areas zoning districts similar to existing zoning would exist – with intent for those areas to change over time.

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[27]P.A. 183 of 1943, as amended, (being the County Zoning Act, M.C.L. 125.201 *et. seq.*)

[28]P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*)

Future Land Use Map(s) (p. 24-42).
Follow future land use map, F1., (p. 24-42) Amelia Benson (address not reported) and Joe Dumont, 6244 Avon Lane., at public hearing (Exhibit O3)

"asked about the proposed "Transition"areas shown on the proposed Land Use Plan and what it meant."
["Chairman Solomon stated that these are areas which are close to existing development and designate areas which are most likely to change uses in the near future. By designating them 'Transitional', when the areas do change, it will not be necessary to keep amending the Comprehensive Plan."]

Response: For the following reasons the *Plan* will **not** be changed

72. See responses on pages 122, 132.

Future Land Use Map(s) (p. 24-42).
Commercial areas, F1., (p. 24, 28-30, 34,-37, 39-42) Steve Cunningham, 1211, S. 15 Road, Harrietta,, at public hearing (Exhibit O7)

"He also expressed concern about the existing commercial areas found along the main roads and State Highways and the need to direct them to areas where infrastructure can best serve them. He also pointed out the number of vacant big box stores found in Haring Township"
["Tim Evans then described the existing commercial zones found in the County and the need to direct future commercial development to areas where infrastructure was in place to serve commercial development consistent with the policy of the proposed *Plan*."]

Response: For the following reasons the *Plan* will **not** be changed

- See discussion, above, on the balance between too much commercial and too little commercial on page 111, 114, 122, 119, and 114.
- We understand the comment is an endorsement of the proposed *Plan*, F3., 2.

Future Land Use Map(s) (p. 24-42).
East M-55 zoning remain Residential, F1., (p.24, 40, and 42) Quinn (Exhibit H-8):

"I live on the east side of Cadillac just beyond the 131 freeway exit #180. I am in the small subdivision located at that exit. I am concerned that this area remain residential or forest recreational as zoned. The image of the city and the county when approaching in this direction has always been rural and I would like to see it remain this way. It shows off the heritage of Cadillac by a countryside and then the old homes of the lumberman as you approach downtown. And then you see the view of the lake. I would hate it if this area looked like our busy north end with no definition of our heritage. The history of our area should be preserved and this approach into town shows it

off to a great advantage.

My neighbors in this subdivision and in homes nearby agree with this as evidenced by the numbers who came to the Zoning Boards meeting when there was a request to change the zoning in this area.

Thank you for your consideration of us."

Response: For the following reasons the *Plan* will **not** be changed

- The future plan map shows the area east of the freeway as "Rural Residential" and "Argicultural-Forest Production."
- See discussion, above, on the urban growth boundary on page 114.
- We understand the comment is an endorsement of the proposed *Plan*, F1., F7., F8., and F10.

Future Land Use Map(s) (p. 24-42).
Follow future land use map, F1., (p. 33) County Board member Leslie Houlser, 5270 N. 25½ Road, Mesick, at public hearing (Exhibit O4)

"asked about the proposed land use designations for part of Section 6, in Colfax Township as it affected his land."
["Chairman Solomon responded by stating that Mr. Housler's property would be reviewed and appropriate changes made to reflect the current land use."]

Response: For the following reasons the *Plan* will **not** be changed

- Leslie Housler owns the W½ and the SE¼ of the NW¼ of section 6, T23N R10W, 183± acres (and another 123 acres in section 7, T23N R10W).
- The SW¼ of section six is "Agricultural-Forest Production" and the N½ is "Rural Residential" on the future land use map.
- Mr. Housler was not asking for a change.

Future Land Use Map(s) (p. 24-42).
Keyhole development - Lake Mitchell, F1., (p. 39-41) Sperry Claypool, 4573 West Lake Mitchell Drive., at public hearing (Exhibit O2)
"asked about the future zoning around Lake Mitchell with a desire to change it from Resort-Residential to Residential to include provisions in the Ordinance for 'anti-funneling.'"
["Chairman Solomon stated that the changes and concerns are noted."]

Response: For the following reasons the *Plan* will **not** be changed

- Limiting the number of houses sharing lake access is supported by 64.1% of county residents (*Fact Book* p. 126).

82. The Planning Commission agrees (and the concept should apply to all lakes in the county).
83. We understand the comment is an endorsement of the proposed *Plan*: A change to address this issue (adding a G2., 2.2.3.) has already been done (see page 124).

Resort v. Residential, F5., (p. 49 (& 50)) Penny Rice Lipinski, 600 Arbutus Drive, Cadillac, at public hearing (Exhibit O8)

"inquired about the differences in uses between Resort-Residential and just Residential."
["Tim Evans explained what the differences are in the current zoning ordinance and what the potential changes would be under a new zoning ordinance. Further, that under a Residential Zoning District, some of the commercial type uses which may be allowed as special uses in the Resort-Residential Zone would change to more compatible uses to residential."]

Response: For the following reasons the *Plan* will **not** be changed

- The comment is an inquiry, not asking for a change.

Campgrounds in Rural Residential, F7., (p. 51) Raymond Fox (Exhibit P1):

"There are no two camp grounds alike. Some allow more activities than others.

If there is a camp-ground to go in an agriculture, residential area, there should be more restrictions than in a larger unpopulated area. No excessive noise, no concerts, no camp fires. Only cooking on gas grills should be allowed.

Snowmobiles, motorcycles, and 4 wheelers should not be operating on private land near the camp ground.

In agriculture areas where farm machinery is moved on the road, is the road able to take the extra vehicles with out creating a hazard on the road?

There should be a setback of 150 feet in agriculture residential area. Proper waste disposal should be in the center of the camp grounds, oked by the health department.

Camp grounds should be located in or near state land, and it is also called public land anyway.

There is **a** of northern lower Michigan state land or public land.

That would give the camp ground plenty of room to play in."

Response: For the following reasons the *Plan* will **not** be changed

- The proposed *Plan* is to introduce general concepts, and the *Fact Book* is to introduce background research upon which decisions (goals, objectives, policy/strategy/methods) made through public participation (citizen committee) are based.
- Development standards for campgrounds will be part of future zoning for Wexford County.
- Campgrounds will be included in districts which are consistent with the lists at the beginning of each land use map chapter (F2., F3., F4., F5., F6., F7., F8., and F9.) named "Land uses found and commonly allowed" and "Under special conditions might include".
- Equal treatment (e.g. same rules applied to like land uses) is a basic fundamental principle which will need to be followed in any regulation system concerning campgrounds.

- State statute[29] requires:

  > "A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a county in the presence of a demonstrated need for that land use within either the county or surrounding area within the state, unless there is no location within the county where the use may be appropriately located, or unless the use is unlawful."

  Trying to use regulations to, in effect through the back door, totally prohibit an otherwise lawful land use is not legal.

Farmland Preservation areas, F8., (p.53) Steve Cunningham, 1211, S. 15 Road, Harrietta, at public hearing (Exhibit O13)

"discussed the need for the preservation of farmland, and open space in the County"

Response: For the following reasons the *Plan* will **not** be changed

- We understand the comment is an endorsement of the proposed *Plan*, F8., goals 1., 2., and 3.

Campgrounds in Agricultural-Forest Production, F8., (p. 53) Raymond Fox (Exhibit P1):

"There are no two camp grounds alike. Some allow more activities than others.

If there is a camp-ground to go in an agriculture, residential area, there should be more restrictions than in a larger unpopulated area. No excessive noise, no concerts, no camp fires. Only cooking on gas grills should be allowed.

Snowmobiles, motorcycles, and 4 wheelers should not be operating on private land near the camp ground.

In agriculture areas where farm machinery is moved on the road, is the road able to take the extra vehicles with out creating a hazard on the road?

There should be a setback of 150 feet in agriculture residential area. Proper waste disposal should be in the center of the camp grounds, oked by the health department.

Camp grounds should be located in or near state land, and it is also called public land anyway.

There is **a** of northern lower Michigan state land or public land.

That would give the camp ground plenty of room to play in."

Response: For the following reasons the *Plan* will **not** be changed

- See response for "Campgrounds in Rural Residential", above, on page 133.

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[29]Section 27a of P.A. 183 of 1943, as amended, (being the "Effect of zoning ordinance or decision in presence of demonstrated need" provision of the County Zoning Act, M.C.L. 125.227a).

Vote on Zoning Administration decisions, F11., (p. 64-68) Raymond Fox (Exhibit P2):

"Camp grounds, adult video stores, liquor establishments, junk yards, and land fills should be voted on by the people of the township when approving a special use permit.

The planning commission should make the zoning rules. The zoning commissioner [*sic.* "County Planner"?] should not be able to modify or change the rules that the planning commission makes, only enforce them.

The county board of commissioners should retain the power to correct any miszoning or any improper use permits."

Response: For the following reasons the *Plan* will **not** be changed

- A county, in Michigan, receives its authority to adopt a zoning ordinance from the Michigan Legislature in the form of an enabling statute. In this case the County Zoning Act.[30]
- If a county chooses to have zoning it **shall** do so according to the procedures, process, and system required by the County Zoning Act. There is not any leeway as to who does what, or how it is done, other than what is spelled out in the statute.
- Statute does not allow public votes on issuing special use permits. Communities which have tried have lost in courts – and when a federal court case have been found guilty of denial of due process, civil rights, property rights laws.
- The planning commission can only recommend rules (the zoning ordinance). The planning commission can not make rules/adopt an ordinance. Only the county board can adopt the zoning ordinance, or amendments to the zoning ordinance after receiving a recommendation from the planning commission.
- The zoning administrator[31] can not make or change rules. But that office does have the authority to interpret the zoning ordinance and then apply it according to that interpretation in a consistent manner.
- The county board of commissioners can only adopt a zoning ordinance or a zoning amendment. The county board of commissioners can not make hear appeals or "correct any miszoning or any improper use permits". Only the zoning board of appeals can act on variances, appeals (administrative and interpretation) of a decision by the zoning administrator and some administrative decisions of the planning commission.

Appointment to Planning Commission, F11., (p. 64-68) Raymond Fox (Exhibit P3):

"The county commissioners should screen their appointees to the planning commission, to make sure they get good thinking personal.

This way we won't have a dictatorial government by the zoning board [*sic.* "planning commission"?] or the zoning commissioner [*sic.* "County Planner"?]."

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[30]P.A. 183 of 1943, as amended, (being the County Zoning Act, M.C.L. 125.201 *et. seq.*)

[31]County Planner, or "zoning commissioner"(?).

Response: For the following reasons the *Plan* will **not** be changed

- The topic of discussion how, and whom, is appointed to the county planning commission is not a part of the proposed *Plan*. This is because the formation of the county planning commission, and how members are appointed, is done before a proposed *Plan* is developed.
- A county, in Michigan, receives its authority to create a planning commission from the Michigan Legislature in the form of an enabling statute. In this case the County Planning Act.[32]
- If a county chooses to have a planning commission it **shall** do so according to the procedures, process, and system required by the County Planning Act. There is not any leeway as to who does what, or how it is done, other than what is spelled out in the statute.
- It is the county board of commissioners which adopts a county planning ordinance to spell out how the Wexford County Planning Commission is structured and appointed. The Planning Commission, or its *Plan*, normally does not address this issue.
- State statute[33] requires:

  "The county planning commission shall consist of not less than 5 nor more than 11 members who shall individually be representative of important segments of the economic, governmental, social life, and development of the particular county, in accordance with the major interests as they exist in the county, such as agriculture, recreation, education, government, transportation, industry, and commerce. The county board of commissioners shall establish the basis for representative membership on the commission. A majority of commission members shall not hold another office or position in the county government. The method of appointment and the term of office of members of the commission shall be determined by resolution of a majority of the full membership of the county board of commissioners. Where the commission consists of 5 members, 1 member may be a member of the county board of commissioners elected and serving. Where the commission consists of from 6 to 8 members, 2 members may be members of the county board of commissioners elected and serving. Where the commission consists of from 9 to 11 members, 3 members may be members of the county board of commissioners elected and serving. The term of each appointed member shall be for 3 years, except that upon first appointment of the membership by the board, the terms of office may be varied to permit the establishment of overlapping terms of office and the terms of ex officio members shall correspond to their respective official tenures or as may be determined by the county board. . . ."

  No where in the act does it discuss a system of membership based on where a person geographically lives in the county. No where in the act does it discuss a system where membership is tied to a particular county commissioner district. No where in the act does it speak to periodically changing the number of members on the county planning commission.

[32]P.A. 282 of 1945, as amended, (being the County Planning Act, M.C.L. 125.101 *et. seq.*)

[33]Section 2 of P.A. 282 of 1945, as amended, (being the "County planning commission; representative membership; appointment and terms of members; vacancy; removal; compensation and mileage; expenses" part of the County Planning Act, M.C.L. 125.102).

- The county planner is an employee of the County Planning Commission.[34]

Commercial areas, F11., 1.2.2. & 1.2.5. & 1.3.1., (p. 65) Steve Cunningham, 1211, S. 15 Road, Harrietta, at public hearing (Exhibit O15)

"Provisions in the new zoning ordinance for the future review of all proposed "site plan condos" in the County followed."

Response: For the following reasons the *Plan* will **not** be changed

- We understand the comment is an endorsement of the proposed *Plan*, F11., 1.2.2. & 1.2.5. & 1.3.1.

Enforcement, F11., 2.1.2., (p. 67) County Board member Larry Copley, 1970 E. 46 Road, Cadillac, at public hearing (Exhibit O10)

"asked about Blight Ordinances and Code enforcement in the County."
["Tim Evans, then outlined the change in enforcement of the ordinance from criminal to municipal civil infractions, the history of the enforcement actions taken in the County and the outlined the police powers of the Townships as they relate to blight ordinances."]

Response: For the following reasons the *Plan* will **not** be changed

- We understand the comment is an endorsement of the proposed *Plan*, F11., 2.1.2., concerning adequate staffing within the county to adequately implement this proposed *Plan*.

Water Protection, G2., (p. 71-74) Steve Cunningham, 1211, S. 15 Road, Harrietta, at public hearing (Exhibit O5)

"discussed the need for well head protection, protection of surface waters."

Response: For the following reasons the *Plan* will **not** be changed

- We understand the comment is an endorsement of the proposed *Plan*, all of chapter G2.

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[34]Section 3 of P.A. 282 of 1945, as amended, (being the "County planning commission; officers; director; information, meetings, records" part of the County Planning Act, M.C.L. 125.103).

Diggins Hill Recreation and Trails, J2., (p. 86) Bill Allen, 213 Holbrook Street, Cadillac, at public hearing (Exhibit O9)

"asked about Diggins Hill it recreational use and the need for a connection between the County and the City."

Trails, J2., 1.1., (p.86) Steve Cunningham, 1211, S. 15 Road, Harrietta,, at public hearing (Exhibit O14)

"and referenced Chapter J2 of the Plan "Recreation" and expressed a need for non-motorized
walkable trails."

Response: For the following reasons the *Plan* will **not** be changed

- We understand the comment is an endorsement of the proposed *Plan*, J2., Goal 1.

"Required"/"Encouraged", (changes reflected in this document, p. 110, 136) Steve Cunningham, 1211, S. 15 Road, Harrietta, at public hearing (Exhibit O6)

"asked about the use of words such as 'required' and 'encouraged' as used in the *Plan* and whether there was consistency throughout the *Plan* in the use of these terms for each chapter.

Response: For the following reasons the *Plan* will **not** be changed

- This is already addressed, in this document, in the "Additional editing notes", page 136.

Additional editing notes:

- The entire document should be searched to make sure consistent use of the phrase "Urban Growth Area" is used throughout (e.g. J3., 1.1.2.).
- Make sure the new airport plan is referenced.
- Add square miles from the Future Land Use Plan to the table on page 96 (appendix K2) and on page 114 of this document.
- The plan, throughout, needs to be edited for purposes of consistent use of the defined terms "encourage" or "discourage", and not use the terms "allow," "require," "mandate," or "eliminate."

The list of original comments on the proposed *Plan* are:

March 8, 2004: O. Minutes of the March 8, 2004 Planning Commission Hearing on the proposed *Plan.*

Feb. 25, 2004(rec.) P. Undated letter from Raymond Fox (received February 25, 2004).

March 3, 2004: Q. Letter from Mr. and Mrs. Darrell A. Quinn.

THREE: Adoption Documentation

ON the remainder of the pages in this appendix, are copies of the letters, public notices, news media coverage, etc. documenting the proper procedural steps for the adoption of this *Plan.* Included are:

- Certified copy of February 1, 2002 Wexford County Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Wexford County the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (9 pp.).
- February 1, 2002 *Cadillac News* article "Volunteers sought to help revise county plan"
- April 20, 2002 *Cadillac News* article "Comment sought on county plan"
- April 23, 2002 *Traverse City Record Eagle* article "Wexford to explain land-use plans"
- April 24, 2002 *Cadillac News* article "County land use committee begins work"
- May 8, 2002 *Traverse City Record Eagle* article "Wexford discusses master planning"
- May 8, 2002 *Cadillac News* article "Land use issues top commitee's list of priorities"
- May 29, 2002 *Cadillac News* article "Wexford County too far in the 'zone'"
- May 30, 2002 *Cadillac News* article "Committee identifies key issues for county master plan"
- June 15, 2002 *Cadillac News* article "A step closer to master plan in Wexford County"
- _ *Cadillac News* article "Draft of Wexford master plan headed to county commission"
- Certified copy of Wexford County Planning Commission minutes acting to send the plan to the county board for the start of the 65 day adjacent and within Wexford municipality review. (Feb. 19, 2003)
- Memo to County Board conveying the draft plan to the Board (March 19, 2004)
- Certified copy of the Wexford County Board of Commissioners resolution (March 19, 2003) which approves the plan for distribution at the start of the 65 day adjacent and within Wexford municipality review.
- March 22, 2003 *Cadillac News* article "Wexford County residents to see land use plan"
- Affidavit of publication of legal notice on 65 day comment period.
- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period.
- August 23-24, 2003 *Cadillac News* article "Plan lays out possible future for Wexford County"
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- Planning Commission resolution to Hold a Public Hearing on the Proposed *Plan.*
- Copy of the legal notice and publisher's affidavit of publication in the *Cadillac News* of the public hearing.
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- March 9, 2004 *Cadillac News* article "Around two dozen attend master plan public hearing"
- Certified copy of Wexford County Planning Commission March 18, 2004 resolution to adopt the *Plan* and recommending the same to the County Board.
- Copy of the letter(s), affidavit of mailing, and mailing list, sent out notifying people of the county board meeting on the *Plan.*
- Certified copy of the Wexford County Board of Commissioners resolution which approves the *Plan.*
- Certified copy of the letter , affidavit of mailing, of transmittal of a "certified copy of the adopted *Plan*" to the Wexford County Board of Commissioners (**j** the county clerk).
- Certified copy of the letter, and affidavit of mailing, of transmittal of the adopted *Plan* to:
  a. Planning Commission of each city, village, township within or next to Wexford County (if no planning commission, then to the legislative body).
  b. Northwest Michigan Council of Governments.
  c. Planning Commission of each adjacent county (if no planning commission, then to the county board).
  d. Each public utility company and railroad company, if they have registered their name to get a copy (if you do not know if they registered or not, then send a copy to each).
  (Optional)
  e. The U.S. Forest Service (Manistee Ranger office), MDOT, DNR forestry, DDA, airport, TIFA districts.
  f. Each library in the county (public and highschool).
  g. State of Michigan Library, MSU Library, MSU School of Urban Planning library.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Certified copy of February 1, 2002 Wexford County Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Wexford County the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (1 of 9 pp.).

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- Certified copy of February 1, 2002 Wexford County Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Wexford County the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (2 of 9 pp.).

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- Certified copy of February 1, 2002 Wexford County Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Wexford County the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (4 of 9 pp.).

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- Certified copy of February 1, 2002 Wexford County Planning Commission letters, affidavit of mailing, and mailing lists, notifying municipalities, counties, and others within and adjacent to Wexford County the planning process is starting (including inviting many to be on the Citizen Committee to prepare this *Plan* (5 of 9 pp.).

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- May 8, 2002 *Cadillac News* article "Land use issues top committee's list of priorities"

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- Certified copy of Wexford County Planning Commission minutes acting to send the plan to the county board for the start of the 65 day adjacent and within Wexford municipality review. (Feb. 19, 2003)
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- March 22, 2003 *Cadillac News* article "Wexford County residents to see land use plan"
- Affidavit of publication of legal notice on 65 day comment period.

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- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period. (pp. 1 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period. (pp. 2 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period. (pp. 3 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period. (pp. 4 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Copy of the letter(s), affidavit of mailing, and mailing list, notifying people and municipalities of the start of the 65 day adjacent and within Wexford municipality review period. (pp. 5 of 6)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

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[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- August 23-24, 2003 *Cadillac News* article "Plan lays out possible future for Wexford County"
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- October 29, 2003 *Cadillac News* article "Clam Lake may go it alone on zoning"
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- February 2, 2004 *Cadillac News* column "Wexford County Master Plan could be used as model"

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- Planning Commission resolution to Hold a Public Hearing on the Proposed *Plan.*
- Copy of the legal notice and publisher's affidavit of publication in the *Cadillac News* of the public hearing.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Certified copy County Board of Commissioners resolution which asserts the right of the county board to adopt the plan.
- Certified copy of the minutes of the March 8, 2004 hearing (pp 1 of 3)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Certified copy of the minutes of the March 8, 2004 hearing (pp 2 of 3)

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Certified copy of the minutes of the March 8, 2004 hearing (pp 3 of 3)

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- Certified copy of Wexford County Planning Commission March 18, 2004 resolution to adopt the *Plan* and recommending the same to the County Board.

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- Copy of the letter(s), affidavit of mailing, and mailing list, sent out notifying people of the county board meeting on the *Plan.*
- Certified copy of the Wexford County Board of Commissioners resolution which approves the *Plan.*
- Memo to Land Use Committee indicating when the plan would go before the Wexford County Board.

[[[[[INSERT PLAN ADOPTION DOCUMENTATION HERE]]]]]

- Certified copy of the letter, affidavit of mailing, of transmittal of a "certified copy of the adopted *Plan*" to the Wexford County Board of Commissioners (j the county clerk).
- Certified copy of the letter, and affidavit of mailing, of transmittal of the adopted *Plan* to:
  a. Planning Commission of each city, village, township within or next to Wexford County (if no planning commission, then to the legislative body).
  b. Northwest Michigan Council of Governments.
  c. Planning Commission of each adjacent county (if no planning commission, then to the county board).
  d. Each public utility company and railroad company, if they have registered their name to get a copy (if you do not know if they registered or not, then send a copy to each).
  (Optional)
  e. The U.S. Forest Service (Manistee Ranger office), MDOT, DNR forestry, DDA, airport, TIFA districts.
  f. Each library in the county (public and highschool).
  g. State of Michigan Library, MSU Library, MSU School of Urban Planning library.

FOUR: Type of Plan This *Plan* Is

THE following table presents the content of a plan, according to "Best Planning Practices" adopted by the Michigan Society of Planning.[35] The table provides the "Best Plan Practice" along with a cross reference for where the material is found in this *Plan.*

There are a number of different types of plans which might be prepared by a county planning commission. The first or most basic is a county "**General Plan**". This is the most basic type of plan, and should only be considered as adequate for a county that does not have a county zoning ordinance. If the county administers a zoning ordinance, or if the plan is intended to be a document a municipality in the county can adopt by reference for purposes of being the basis of that municipality's zoning ordinance, then the county planning commission should also prepare a "**Future Land Use Plan**." The county planning commission can also combine the "General Plan" and "Future Land Use Plan" into one document. In addition, if the situation in the community warrants, a "**Growth Management Plan**" or "**Redevelopment Plan**" should be prepared to include a mechanism for phasing growth or redevelopment efforts. In addition a plan may include as part of the plan, or as separate plans some or all other planning efforts. Finally, a plan can incorporate, by reference to relevant portions of other plans, including any of the following adopted plans that apply to the territory covered by the planning commission.

As a result of this analysis, this is a "Comprehensive Plan."

[35]Michigan Society of Planning's *Implementation Guidelines for the 2001 Planning and Zoning Law Amendments* "Types and Contents of Plans" and Schindler, Kurt H.; *Land Use Series*; Checklist C1, M1, T1; "For Adoption of a County/City & Village/Township Plan; February 1, 2002. (Http://www.msue.msu.edu/wexford/LU/index.html).

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the *Fact Book*	Where the element is found in this *Plan*	Other Plans
General Plan Is a policy-based plan with generalized future land use maps.		(entire plan)	
Include a section on affordable housing needs and a strategy to meet those needs.	Chapter B2	Chapter I2	
Includes a section on job development and a strategy to meet those needs.	Ch. B10	Part H	
Address the relationship between jobs, housing, and transportation within the county or region.	Part of Ch. B4, B8. Ch. B11		
Include a separate section on multimodal transportation including streets and highways, public transit, airports, railroads, ports, and pedestrian and bicycle ways.	Transportation part of Ch. B12, Appendix C8	Ch. J1	Airport Plan Road Comm. 5 year plan
A section on capital facilities owned or operated, or both, or privately contracted by the county, together with long-range fiscal plans for the provision of new capital facilities for the county.	County facilities/Buildings part of Ch. B12 (not fiscal plans)	Part J (not fiscal plans)	
The plan shall be the basis for the county or regional capital improvement program including capital improvements to be done by a county road commission, drain commissioner, parks and recreation commission, department of public works, or other county board or commission.		(entire plan)	
Provide an analysis of all the municipal or joint municipal plans of municipalities within the county to ensure coordination and consistency, including, but not limited to, buildout, economic, fiscal, environmental, and social impact analyses.	Ch. B14, appendix C10	parts of chapters E2, G1, G2, G3, H1, H2, and I1.	
A plan may incorporate by reference plans, or portions of plans, adopted by other agencies of political subdivisions, a regional plan, this state, or the federal government.		Appendix K6	
Include such other elements as determined by the planning commission.	Appendix C11	Ch. E2	
Future Land Use Plan The arrangement of future land uses, as well as the intensity and density of such uses		Ch. F1	
An explanation of the future land uses' degree to which they are or are not compatible with the future land use plans and zoning regulations of adjoining jurisdictions, municipalities within the county, or the management plans of state or federal agencies with public lands within the county	Ch.. B14	Ch. F1	
Future land use shall be described in the text and depicted on a future land use map showing the general location and arrangement of future land uses, but not parcel lines.	Ch. B4, B14, part of Ch. B8, appendix C6	Ch. F2-F10, appendix K2, part of Ch. F1.	

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the *Fact Book*	Where the element is found in this *Plan*	Other Plans
A future transportation network, including, but not limited to, roads and streets, bridges, railroads, airports, bicycle paths, and pedestrian ways.	Transportation part of Ch. B12.	J1	
Provision for a network of electronic communication facilities.			
Future capital facilities.		Ch. J1 and J2	
A zoning plan for the control of the height, area, bulk, density, location, and use of buildings and premises, for current and future zoning districts.	Ch. B14	Ch. F1, F11	
An explanation of the zoning plan's relationship to the future land use plan.	Ch. B14	Ch. F1, F11	
A description of how the community intends to move from present conditions illustrated on the current zoning map and described in the zoning plan to the proposed future relationship of land uses illustrated on the future land use map.		Ch. F11	
A discussion of measures considered and included in the development of the future land use plan to avoid possible takings of private property without just compensation if land use regulations were to be subsequently adopted or amended consistent with the plan.		Throughout (in particular E1, D3, D4, F1, F8)	
Each of the elements of a future land use plan, above, should incorporate goals, objectives, policies, and strategies to be employed in fulfilling the plan		(entire plan)	
Each element of a future land use plan should utilize maps and, if helpful, plats, charts, and tables. Maps, plats, charts, and tables should be accompanied by descriptive explanatory text.	(entire plan)		
Comprehensive Plan Recommendations for the social, environmental, economic, or physical development or redevelopment of the jurisdictional area. The plan should identify the amount and source of the fiscal and other resources to be used to implement the recommendations in the plan.	Social: Ch. B2, B9, B11 Environment: Ch. B1, B5, B6, B7 Economic: Ch. B5, B8, B10 Physical: Ch. B12	Social: Ch. E2, I1, I2. Environment: Ch. G1, G2, G3 Economic: Ch. E2, H1, H2 Physical: Ch. J1, J2, J3	
An analysis of existing community social and economic disparities in employment, income, housing, transportation, education, and crime and recommendations for public and private measures to rectify disparities.	Parts of Ch. B8, B9, B10, B11		
A section on multimodal transportation facilities, together with long-range fiscal plans for the provision or replacement of transportation facilities. (This may be part of the future transportation network element of a Future Land Use Plan.)	Transportation part of B12, Appendix C8	Ch. J1	Airport Plan Road Comm five year Plan

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the *Fact Book*	Where the element is found in this *Plan*	Other Plans
Information on capital facilities necessary for the comprehensive plan to serve as the basis for the development and annual updating of a capital improvement including a map of the location of new capital facilities on which construction is proposed to begin within a period at least as long as that covered by a capital improvement program.	County Facilities/Buildings part of Ch. B12 (not fiscal or CIP Plan)	Part J (not fiscal or CIP Plans)	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for housing, including, but not limited to, the condition of existing housing and specific needs for affordable and assisted housing, and analysis of options for meeting those needs.	Ch. B11, Appendix C7	Ch. I2	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Economic development, including both job retention and promotion strategies.	Ch. B10 and B11. Part of Ch. B4, B8	Part H	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Natural resources management, including, but not limited to, agricultural and forest lands, mineral lands, wetlands, floodplains, headwaters areas, sand dunes, areas at high risk of erosion, other sensitive areas, endangered or threatened species habitat, and land use related to preserving biodiversity.	Ch. B4 (part), B5, B6, B7	Part G, Ch. F1, F8, F9	
Maps and text with an analysis of existing conditions and strategies to address identified problems and/or opportunities for Measures to define, protect, enhance, or change community character.	Ch. B13, B14, Appendix C12	Ch. E1, F1	
Growth Management Plan The boundaries for expansion of capital facilities and/or public services local units during the period of the plan.	Urban Growth Area part of Ch. B4	Ch. F1	
Maximum density of land use based on available public services and facilities and specified level of service standards for those services and facilities.			
The plan should be consistent with P.A. 207 of 1921, as amended, (City and Village Zoning Act, M.C.L. 125.581 *et. seq.*); P.A. 184 of 1943, as amended, (Township Zoning Act, M.C.L. 125.271 *et. seq.*); or P.A. 183 of 1943, as amended, (County Zoning Act, M.C.L. 125.201 *et. seq.*) as applicable, for a program for the purchase of development rights, and/or to the extent permissible by law, transfer of development rights.			
Maps showing the location of proposed future road right-of-way and of other public facilities beyond 5 years in the future.			
A strategy and locations to target provision of affordable housing.			
A strategy that links future jobs, housing, and transportation in mutually supportive ways.			
A strategy for land assembly and redevelopment.			

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the *Fact Book*	Where the element is found in this *Plan*	Other Plans
Other elements as necessary to implement the growth management or redevelopment goals of the plan.			
Include as part of the Plan, or as separate plans some or all of: Soil and water conservation.	Ch. B6	Ch. G1	
Open space protection.	Ch. B7	Many locations throughout	
Intergovernmental coordination.		Ch. E2	
Human services, including, but not limited to, childcare services, senior citizen programming, and mental health services.	Ch. B9	Ch. I1	
Historic preservation.	Ch. B2	Ch. F9	
Coastal zone management.	n/a	n/a	
Solid waste management.	Solid Waste part of Ch. B6	Ch. G3	
Energy conservation.			
Watershed planning and management.	Ch. B5	Ch. G1, G2, Appendix K4	
Community corrections.			
Annexation.		See Ch. E2, F10	
Redevelopment.			
Special purpose, sub-area, functional, neighborhood, corridor, or strategic plans.			
Incorporate, by reference to relevant portions of other plans, including any of the following adopted plans that apply to the territory covered by the planning commission: A development plan adopted by a tax increment finance authority under P.A. 450 of 1980, as amended, (the Tax Increment Finance Authority Act, M.C.L. 125.1801 *et. seq.*).			
A development plan adopted by a downtown development authority under P.A. 197 of 1975, as amended, (M.C.L. 125.1651 *et. seq.*).			
A development plan adopted by a local development finance authority under P.A. 281 of 1986, as amended, (the Local Development Financing Authority Act, M.C.L. 125.2151 *et. seq.*).			
A development plan adopted by an international tradeport development authority under P.A. 325 of 1994, as amended, (the International Tradeport Development Authority Act, M.C.L. 125.2521 *et. seq.*).	n/a	n/a	
A brownfield plan adopted by a brownfield redevelopment authority under P.A. 381 of 1996, as amended, (the Brownfield Redevelopment Financing Act, M.C.L. 125.2651 *et. seq.*).			

Michigan Society of Planning's "Best Planning Practice" Plan Content	Where the element is found in the *Fact Book*	Where the element is found in this *Plan*	Other Plans
A plan adopted by a county or regional economic development commission under P.A. 46 of 1966, as amended, M.C.L. 125.1231 *et. seq.*).			
A project plan adopted by an economic development corporation under P.A. 338 of 1974, as amended, (the Economic Development Corporations Act, MCL 125.1601 *et. seq.*).	n/a	n/a	
A plan adopted by a housing commission under P. A. 18 of 1933 (Extra Session), as amended, (M.C.L. 125.691 *et. seq.*).	n/a	n/a	
A development plan approved by a planning commission and supervising agency under P.A. 250 of 1941, as amended, (the Urban Redevelopment Corporations Law, M.C.L. 125.901 *et. seq.*).			
A county or regional park or recreation plan adopted by a county or regional commission under P.A. 261 of 1965, as amended, (M.C.L. 46.351 *et. seq.*).		Ch. J2	(County Recreation Plan)
A plan adopted by an historic district commission under P.A. 169 of 1970, as amended, (the Local Historic Districts Act, M.C.L. 399.201 *et. seq.* 399.215.			
An airport approach plan adopted by the aeronautics commission under P.A. 23 of 1950 (Extra Session), as amended, (the Airport Zoning Act, M.C.L. 259.431 *et. seq.*).			
A school district plan adopted by a public school district or charter school.			
A sewer or water plan adopted by a local unit or joint sewer and water authority.			
A solid waste management plan adopted pursuant to Part 115 of P.A. 451 of 1994, as amended (the Solid Waste			Solid Waste Management Plan
Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11501 to 324.11550).			
A blighted area rehabilitation plan adopted pursuant to P.A. 344 of 1945, as amended, M.C.L. 125.71 *et. seq.*).			
A neighborhood area improvement plan adopted pursuant to P.A. 208 of 1949, as amended, (M.C.L. 125.941 *et. seq.*).			
A plan for redevelopment of principal shopping areas under P.A. 120 of 1961, as amended, (M.C.L. 125.591 *et. seq.*).			
Enterprise or empowerment zone plans.	n/a	n/a	
Any capital facility or other metropolitan plan prepared by a metropolitan council under P.A. 292 of 1989, as amended, (M.C.L. 124.651 *et. seq.*).			Airport Plan

Appendix K6: Associated Plans, Reports, Bibliography

THE following plans and reports are made a part of this *Plan* by this reference, and are considered a part of this *Plan.*

Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002.

Cadillac-Wexford Airport Authority; *Airport Master Plan*; (c. Prior to 2002).

Downtown Development Authority adopted plans for territory within Wexford County.

Wexford County Planning Department (Tim Evans, County Planner); *Wexford County Recreation Plan 2002-2007*; Recreation Plan Advisory Committee Members; February-March, 2002.

Wexford County Road Commission; *Five Year Plan for Primary Road Improvements*; Spring 2002.

Wexford County Emergency Operations Plan, as amended. February 1999.

BIBLIOGRAPHY: The following documents are referenced and were considered in the development of the Plan (but not a part of this *Plan*):

Clam Lake Downtown Development Authority; *Clam Lake DDA Plan for landscaping and access management guidelines*; Draft #5.

Grand Traverse County Planning Department; *Grand Traverse Bay Region Development Guidebook*; Grand Traverse County Planning Department, 400 Boardman Avenue, Traverse City, Michigan 49684.

Human Services Collaborative Body for Wexford-Missaukee; *Community Asset/Needs Assessment*, (work in process); 2002-2003.

Peterson, Dan; *Summary Draft, Pine River Natural River Plan*; Michigan Department of Natural Resources, Fisheries Division, April 8, 2002.

Peterson, Dan; *Summary Draft, Upper Manistee River Natural River Plan*; Michigan Department of Natural Resources, Fisheries Division, April 8, 2002.

Schindler, Kurt H., Mike Green, Tim Evans; *Fact Book for the Development of the Wexford County Plan*; MSU Extension, Wexford County; Cadillac, Michigan; April 2002.

Secrest, Marian and Nagel, Jan; *Greenbelts: A Circle of Protection for Inland Lakes*; Lakeland Report Number 12, University of Michigan Biological Station.

Protecting Inland Lakes: A Watershed Management Guidebook; (Wyckoff, Warbach, Williams) Michigan Department of Natural Resources; February 1990

Addendum K7: About Addendums

THE purpose of addendums is for the Commission to be able to record interpretation of this *Plan*, provide for specific recommendations for implementation of this *Plan*, to have further explanation of its application, and to prepare model ordinance or other language to implement this *Plan*.

Addendums can only be added to this *Plan* by action of the Wexford County Planning Commission, or to record Planning Commission actions which may set precedent concerning the use or interpretation of this *Plan*.

An addendum is <u>not</u> an amendment to, or an addition to this *Plan*. Its purpose is limited to clarification, expounding, interpretation, and to create a history of the *Plan*'s use and application.

The addendum is used to perform these functions, and flexibility without the need to formally amend this *Plan*, but still creating a formal record of such actions.

Addendum K8: Precedent & Interpretive Decisions

THE last addendum is reserved to provide a continuing record of decisions and interpretation if this *Plan* by the Wexford County Planning Commission. This copy provides that information through Friday, December 17, 2004 1:59PM.

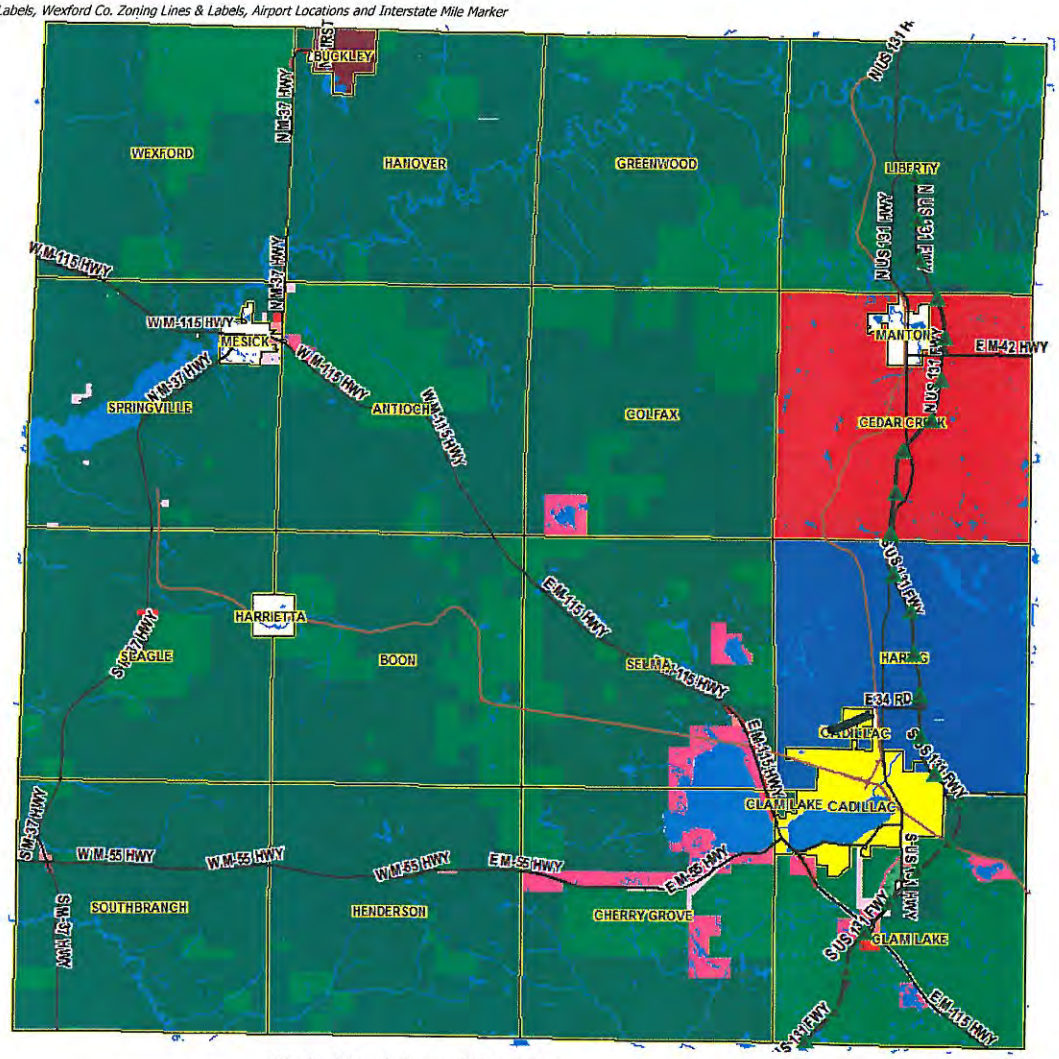
- Rezoned to commercial 19± acres in section 10 of Clam Lake Township at the interchange of business route U.S.-131 and U.S.-131 freeway. Planning Commission found it in compliance with this *Plan* and recommended adoption. County Board adopted the zoning amendment July 7, 2004. See June 9, 2004 Planning Commission minutes and staff report for the same.

- The Commission finds there is inconsistency within the *Wexford County Comprehensive Plan* of May 19, 2004, and hereby acts to interpret and provide instruction for reading the land use maps found in the *Plan.*
  1. The fold-out "Future Land Use Map" (p. 25) uses colors to designate land use categories. Those colors, as shown on the key on that map (p. 25) are the correct colors –and where the colors referred to in various locations within the text of the *Plan*, part F (pp. 43-63) are not consistent with the map key on page 25, the map key (p. 25) shall control.
  2. The "Future Land Use Map Township Detail" (pp. 27-42) uses shading and patterns to designate land use categories. Those shading and patterns, as shown on the key on those maps (pp. 27-42) are the correct shading and patterns –and where the shading and patterns referred to in various locations within the text of the *Plan*, part F (pp. 43-63) are not consistent with the map keys on pages 27-42 the map keys (p. 27-42) shall control.
  (See September 8, 2004 minutes of the Wexford County Planning Commission.)

[C:\My Documents\wp\Wexford Plan\Wexford County Plan v2004 03 18.wpd; Friday, December 17, 2004 1:59PM]

Wexford County Zoning

Showing Parcel Lines & Labels, Wexford Co. Zoning Lines & Labels, Airport Locations and Interstate Mile Marker



Wexford County Zoning Information

The Wexford County Zoning information was provided by Wexford County GIS.

NOTE: This GIS data is to be considered a generalized representation which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific information, contact the appropriate department or agency. This information is provided as a visual representation only and is not intended to be used as a boundary survey or to construct improvements.

The attributes of the geographic data may be generalized. If questions or concerns arise, please contact the appropriate department or agency.

Zone: AGRICULTURAL-RESIDENTIAL Code: A-R Fam1 Lot Size: 43560 SQ FT Fam2 Lot Size: 65340 SQ FT Bldg. Size:800 SQ FT Max. Bldg. Hieght: 35 ft Front Setback: 50 ft Lot Width: 165 ft Side Yard: 30 ft Rear Yard Size: 50 ft

Zone: COMMERCIAL-1 Code: C-1 Fam1 Lot Size: 25000 SQ FT Fam2 Lot Size: 65340 SQ FT Bldg. Size: 50 Perc COV Max. Bldg. Hieght: 35 ft Front Setback: 300 ft Lot Width: 150 ft Side Yard: 20 ft Rear Yard Size: 60 ft

Zone: COMMERCIAL-2 Code: C-2 Fam1 Lot Size: 43560 SQ FT Fam2 Lot Size: 43560 SQ FT Bldg. Size: 50 Perc COV Max. Bldg. Hieght: 40 ft Front Setback: 100 ft Lot Width: 150 ft Side Yard: 20 ft Rear Yard Size: 60 ft

Zone: FOREST-RECREATIONAL Code: F-R Fam1 Lot Size: 43560 SQ FT Fam2 Lot Size: 65340 SQ FT Bldg. Size: 800 SQ FT Max. Bldg. Hieght: 35 ft Front Setback: 50 ft Lot Width: 165 ft Side Yard: 30 ft Rear Yard Size: 50 ft

Zone: OFFICE-SERVICE Code: O-S Fam1 Lot Size: 22500 SQ FT Fam2 Lot Size: 65340 SQ FT Bldg. Size: 35 Perc COV Max. Bldg. Hieght: 35 ft Front Setback: 75 ft Lot Width: 150 ft Side Yard: 30 ft Rear Yard Size: 60 ft

Zone: RESIDENTIAL Code: R-1 Fam1 Lot Size: 20000 SQ FT Fam2 Lot Size: 32000 SQ FT Bldg. Size: 900 SQ FT Max. Bldg. Hieght: 35 ft Front Setback: 40 ft Lot Width: 100 ft Side Yard: 15 ft Rear Yard Size: 25 ft

Zone: RESORT-RESIDENTIAL Code: R-R Fam1 Lot Size: 20000 SQ FT Fam2 Lot Size: 32000 SQ FT Bldg. Size: 900 SQ FT Max. Bldg. Hieght: 35 ft Front Setback: 40 ft Lot Width: 100 ft Side Yard: 15 ft Rear Yard Size: 25 ft

N

3 Miles

- Agricultural-Residential (A-R)
- Commercial-1 (C-1)
- Commercial-2 (C-2)
- Forest-Recreational (F-R)
- Office-Service (O-S)
- Residential (R-1)
- Resort Residential (R-R)
- Not Zoned
- Village of Buckley Zoning
- Cedar Creek Township Zoning
- City of Cadillac Zoning
- Haring Township Zoning
- Lakes and Rivers
- Municipal Boundary
- Railroads
- Public Roads

Property Lines

Wexford County Zoning Areas

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Clam Lake DDA

Airports

Interstate Mile Markers

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ZONING ORDINANCE

WEXFORD COUNTY MICHIGAN

AN ORDINANCE to establish Zoning Districts and regulations governing the unincorporated portion of Wexford County, Michigan in accordance with the provisions of Act 183 of the Public Acts of Michigan as amended; to provide for a County Zoning Board of Appeals, for amendments and for the administration of this Ordinance.

THE COUNTY OF WEXFORD ORDAINS;

ARTICLE ONE: TITLE, PURPOSE AND SCOPE

1.1: TITLE

This Ordinance shall be known as the Wexford County Zoning Ordinance.

1.2: PURPOSE OF ORDINANCE

The primary purpose of this Ordinance is to promote the health, safety, comfort, peace, convenience and general welfare of the inhabitants.

The provisions hereinafter adopted are intended:

- to promote the orderly development of the County;
- to encourage the use of lands and resources of the County in accordance with their
- character and adaptability;
- to promote economic progress while protecting and enhancing property values and natural resources of the County;
- to reduce hazards to life and property, promote safety in traffic, and provide protection from spread of fire;
- to provide, in the interests of health and safety minimum standards under which land, specified buildings and structures may hereafter be erected, altered and used;
- to facilitate the development of adequate and economic systems of fire protection, safe and adequate water supplies, sewage disposal, education, transportation and other public requirements;
- to conserve the use of public funds for public improvement and services to conform with the most advantageous use of the land, water, properties and resources within the County; and to advocate site design and development which will conscientiously protect and enhance the natural features and ecosystems which exist in the county.
- to designate districts within which uses of land and location, sizes, and uses of buildings and structures, the maximum number of families to be housed, and open spaces conform to an orderly system.

1.3: SCOPE

The provisions of this ordinance shall be held to be the minimum requirements for promoting the public health, morals, safety or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rules, regulations or restrictions, or with existing easements, covenants, or other agreements between parties, the requirements imposing the more restrictive standards shall govern. Where a conflict arises between requirements of this Ordinance, the conflict shall be resolved so that the more restrictive standards apply and the spirit and purpose of the Ordinance are observed. The requirements of Article Five, Lake Mitchell Overlay Zone, supersede conflicting requirements of the underlying zoning districts unless otherwise specifically stated.

1.4: EXISTING USES OF LANDS, BUILDINGS AND STRUCTURES

At the discretion of the property owners, the lawful use of any building or structure and of any land or premises as existing and lawful on the date of adoption of this Ordinance may be continued even though such use may not be in conformity with the provisions of this Ordinance.

1.5: EXEMPTION OF ACCESSORY FARM BUILDINGS AND STRUCTURES

The provisions of this Ordinance shall not apply to the erection, repair or use of customary accessory farm buildings and structures, such as barns, sheds, pens. fences and the like, provided that no building or structure other than open fences, through which there shall be clear vision, shall hereafter be erected, moved or maintained less than one hundred (100) feet from any highway right-of-way line abutting the premises.

1.6: OPEN SPACE PRESERVATION OPTIONS

A. Any parcel of land in Wexford County subject to this Ordinance which is zoned in such a manner as to allow for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could be otherwise be developed on the entire land area on a portion of the land not to exceed fifty percent of the entire land area, if all of the following apply:

   1. The land is zoned at a density equivalent to two or fewer dwelling units per acre or; if the land is served by a public sewer system, three or fewer dwelling units per acre;
   2. At least fifty percent of the entire land area is set aside as open space to remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land;
   3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this Section would also depend upon such an extension; and
   4. The option provided pursuant to this Section has not previously been exercised with respect to the land.

B. After a land owner exercises the option provided pursuant to this Section, the land may be re-zoned accordingly.

C. The development of land under the option in this Section is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of ground water for on-site water supply for land not served by public water, and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

ARTICLE TWO: DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply. In the event that a question of definition should arise for a word or phrase not included within, the common dictionary definition shall apply. The dictionary selected for this purpose shall be the Webster's New Collegiate edition (Numbers in parenthesis indicate other sections of this Ordinance related to that definition)

ACCESSORY BUILDING OR STRUCTURE (3.2), (3.7), (3.21), (7.3)

A supplemental building or structure on the same lot or premises as the main building occupied by, or devoted exclusively to an accessory use, not including dwelling, lodging or sleeping purposes. For the purposes of this ordinance, semi-trailers, manufactured homes recreational vehicles or any similar structure shall not be used as an accessory building.

ACCESSORY USE (3.7), (6.3)

A subordinate use incidental to and customary in connection with the use of the principle building or use and located on the same lot or premises. It is the intent of this definition that accessory uses are allowed only in conjunction with an existing principal use.

ADULT BOOK AND/OR VIDEO STORE

Means an establishment having, as a substantial or significant portion of its stock in trade or business, books, videotapes, CDs, computer software, computer services, magazines, and other periodicals or other writings as defined in MCL 15.232(e), MSA 4.1801 (2)(e) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or ‘specified anatomical areas,” hereinafter defined;

ADULT LIVE ENTERTAINMENT ESTABLISHMENTS REGARDLESS OF WHETHER ALCOHOLIC BEVERAGES MAY OR MAY NOT BE SERVED

means establishments which include a night club, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a “state of nudity” or “semi-nude”; and/or (b) live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”,

ADULT MOTION PICTURE THEATER

Means an enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “special anatomical areas”, as hereinafter defined for observation by patrons therein;

ADULT MINI MOTION PICTURE THEATER

Means an enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “special anatomical areas”, as hereinafter defined for observation by patron therein;

ADULT PARAPHERNALIA/NOVELTY STORE

Means an establishment having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal;

ADULT PANORAMS

Means an establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes or live entertainment showing “specified sexual activities” or specified anatomical areas”.

AGRICULTURE

The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forage and sod crops; grains and seed crops- dairy animals and dairy products, poultry and poultry products; livestock, including those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats bison captive cervidae, raties, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats (PA 466 of 1988). bees and apiary products; fur animals; trees and forest products- fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to soil conservation.

ASSISTED LIVING FACILITY

A building used and occupied for residential purposes for older adults which provides personalized support services for daily living and resident health care for 7 or more persons under 24-hour supervision or care for persons in need of that supervision or care. This definition shall not apply to adult foster care facilities licensed by a state agency and does not include a facility for the care and treatment of persons released or assigned to adult correctional institutions.

AUTOMOBILE SERVICE STATION

A building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where minor services may be rendered, not to include the following:

A. Major mechanical and body work, such as straightening of body parts painting and refinishing.

B. Storage of damaged automobiles not in operating condition, except those awaiting immediate service (i.e., within three days).

C. Other work creating noise, glare, fumes or smoke.

AUTOMOBILE REPAIR STATION

A building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where vehicle repair services may be rendered, including the following:

A. Major mechanical and body work, such as straightening of body parts, painting and refinishing.

B. Temporary storage of damaged automobiles not in operating condition, awaiting service.

BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater that the vertical distance from the mean grade to the ceiling.

BUILDING

Any structure, whether site built or pre-manufactured, which is erected on a site and having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

BUILDING HEIGHT

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof.

BUILDING SIZE

Describes the total exterior size of a structure. In the case of a dwelling, this definition shall not include open breezeways, unenclosed porches or attached garages.

BUSINESS

See Commercial Enterprise

BREEZEWAY

A covered structure connecting an accessory building with the main building. The breezeway shall not be considered or included as part of the living area of the main building for determining square footage requirements for dwelling purposes or for determining yard and area requirements.

CHURCH

A building and the related grounds which are owned by and used for religious services performed by an incorporated religious institution in accordance with the bylaws of their charter.

COMMERCIAL ENTERPRISE (3.26)

An establishment or activity concerned with the supply and/or distribution of commodities as a means of livelihood. This definition, along with the provisions found in Section 3.26, shall be applied to all retail establishments and businesses provided for in this Ordinance, except Home Occupations/Home Professional Offices (See Definition and Sec. 3.2).

CONDITIONAL USE

Conditional Use is defined as a use which would not impair the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located or in adjoining zones unless restrictions on location, size, extent and character of performance are imposed in addition to those imposed in the zoning regulations. Conditional Uses are specifically listed in this Ordinance for each zone. In addition to meeting standard requirements found throughout this Ordinance, conditional uses must also meet certain use-specific requirements which are found in Section 10.16 of this Ordinance.

CONDOMINIUMS

A multi-unit structure or development with individual ownership of each dwelling unit pursuant to the Condominium Act (PA 59 of 1978).

CONSERVATION EASEMENT

Conservation easement means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, being MCL 342.2140; MSA 13A.2140.

CONVENIENCE STORES

This industry comprises establishments known as convenience stores or food marts (except those with fuel pumps) primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks.

DAY CARE HOME, FAMILY (see "State Licensed Residential Facility")

A single-family dwelling occupied as such in which one (1) but less than seven (7) individuals are received for care and supervision for periods of less than twenty four (24) hours per day. This definition shall not apply to persons related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DAY CARE HOME, GROUP (see "State Licensed Residential Facility")

A single-family dwelling occupied as such in which more than six (6) but less than twelve (12) individuals are given care and supervision for periods of less than twenty four (24) hours per day. This definition shall not apply to persons related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DISCARDED MATERIALS

See definition for Junk.

DRIVE THROUGH BUSINESS

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

DUPLEX (3.6)

See DWELLING, TWO-FAMILY

DWELLING UNIT (3.12, 3.13, 3.16, 6.4)

A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit

DWELLING, MULTI-FAMILY

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three or more families.

DWELLING, SINGLE-FAMILY (3.12, 3.16)

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

DWELLING, TWO-FAMILY (3.6)

A building containing two (2) dwelling units, designed for exclusive use and occupancy by two (2) families.

ERECTED

Includes built, constructed, reconstructed, located, moved upon, excavation, or any physical operation on the premises intended or required for a building or structure. Fill, drainage and general property improvements shall not be considered as erection.

FAMILY

A single individual or a number of individuals domiciled together whose relationship is of a continuing non-transient, domestic character and who are cooking and living together as a single nonprofit housekeeping unit. This shall not include any organization or group of individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration.

FARM (1.5)

A parcel of land, no less than forty (40) acres in size, which is used for agricultural activities.

FENCE (3.8)

Any artificially constructed barrier of any material or combination of materials erected to enclose or separate areas.

FLOOR AREA

For the purpose of computing the required number of parking spaces or minimum living area the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerline of interior walls, exclusive of mechanical areas, elevator shafts stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

GARAGE, PRIVATE

Part of a main building or an accessory building used primarily for the storage of personal property or the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

GASOLINE STATIONS

Establishments that retail automotive fuels (e.g., gasoline, diesel fuel, gasohol) and automotive oils or retail these products in combination with convenience store items. These establishments have specialized equipment for the storage and dispensing of automotive fuels.

GREENBELT (5.6)

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

HOME OCCUPATION (3.2, 3.19)

A gainful occupation traditionally and historically conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit

HOME PROFESSIONAL OFFICE (3.2), (3.19)

The office of a professional person, such as a doctor, lawyer, osteopath, dentist, chiropractor, engineer or similar professional when said office is located in the practitioners residence. (Refer also to General Provisions for Home Occupations)

HOST OR HOSTESS ESTABLISHMENTS

Means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee;

JUNK (3.7, 3.14)

Shall be interpreted to include, but not necessarily be limited to. junk vehicles and parts, construction materials, appliances and other discarded household, commercial or industrial items.

JUNK YARD (3.14)

The legal and licensed use of premises for storage of old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap building materials, scrap equipment, tanks, cases, barrels, boxes, drums, piping, bottles, old iron, machinery, rags, paper and other kinds of scrap or waste material.

LOT (3.4, 3.5, 3.11, 5.9),

An undivided portion of land occupied or intended for occupancy by main building or a group of such buildings and accessory buildings, or utilized for a main use and accessory uses, together with such yards and parking areas as may be present or required under the provisions of this Ordinance.

LOT AREA* (3.4)

The total horizontal area within the lot lines of a lot.

LOT, CORNER*

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a comer lot if the curve is of less radius than one hundred and fifty (150) feet, and the tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees.

** See illustrations at the end of this section*

LOT COVERAGE

A part or percent of a lot occupied by buildings or structures.

LOT DEPTH*

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line

LOT LINES*

Front Lot Line:

In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right of way.

Rear Lot Line:

That tot line which is opposite and most distant from the front lot line. In the ease of an irregular or triangular shaped lot. a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot tine.

Side Lot Line:

Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Corner Lot Line:

In the case of a comer lot, both sides of the property which border a public-right-of-way shall be considered as front lot lines.

LOT OF RECORD (3.11)

A lot whose legal description is recorded in the office of the Register of Deeds for the County of Wexford, State of Michigan, as a part of a plat or subdivision or by metes and bounds or by rectangular survey.

LOT WIDTH*

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line.

** See illustrations at the end of this section*

MANUFACTURED HOME (3.21)

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MASSAGE PARLOR

Means any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor Barber Shops or beauty salons in which massages are administered only to the hands, feet, scalp, face neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet **one or more** of the following criteria:

1) Proof of Graduation from a school of massage licensed by the State of Michigan;
2) Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
3) Certificate of professional membership in the American Massage Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
4) A current occupational license from another state.

MOBILE HOME (3.21)

See definition for Manufactured Home.

MANUFACTURED HOME PARK (3.21)

Any parcel or single contiguous tract of land upon which three (3) or more occupied manufactured dwellings are located.

MINI CABINS AND COTTAGES

A type of dwelling that is smaller in square footage than otherwise allowed in this Ordinance.

MODULAR HOMES (3.21)

Any structure used as a dwelling that has been pre-assembled -and put together in sections and which meets or complies with the requirements of the State Construction Code Group R-3, and requires a permanent foundation as opposed to piers, blocks, wheels, skids, jacks, horses or skirting, said foundation thereby supporting load bearing walls.

NON-CONFORMING BUILDING OR STRUCTURE (3.10, 3.11)

A building or structure lawfully existing on the effective date of this Ordinance, or amendments thereto, which does not conform to the regulations of the zoning district in which it is located,

pertaining to minimum lot area, minimum lot width, minimum residential floor area, required yards or maximum building height.

NON-CONFORMING USES (3.9, 3.11)

A lawful use of a building, structure or land lawfully in existence on the effective date of this Ordinance, or amendments thereto, which no longer conforms to the use regulations of the zoning district in which it is located.

OFFICE

A room, suite of rooms, or building in which services, clerical work, professional duties or the like, are carried out

OPEN DANCE HALL

Means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment;

PARKS AND PLAYGROUNDS, PUBLIC OR PRIVATE

Includes parks, playgrounds and other outdoor recreation facilities which are less than five (5) acres in size.

PERSONAL SERVICE BUSINESS

Includes businesses which offer personal services, such as barber shops, beauty parlors, tanning salons and pet grooming.

PRIVATELY OWNED UTILITIES

Defines those utilities which are owned and operated by private industry. Examples include cellular phone towers and television and radio transmitters.

PROFESSIONAL SERVICE BUSINESS

Includes doctor's offices, dentist offices, real estate offices, chiropractors, optometric services, attorneys and other similar professional services.

RECREATIONAL FACILITY, INDOOR

Commercial recreational facility which is located entirely within an enclosed building. Included in this definition would be bowling allies, indoor golf ranges, indoor pistol firing ranges, movie theaters and other similar facilities.

RECREATIONAL FACILITY, OUTDOOR

Includes commercial recreational facilities which are either entirely or partially conducted outdoors. Accessory structures, such as refreshment stands and ticket or broadcast booths will be considered part of the facility. This definition includes, but is not limited to, the following: golf courses, miniature golf. Go-kart tracks, amusement parks, and parks and playgrounds larger than five-acre in size.

RECREATIONAL VEHICLE (3.20)

A licensed vehicle designed to be used primarily for recreation purposes, including but not limited to temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes. This definition shall include self-propelled motor homes, travel trailers and pick-up campers provided that such vehicle or unit does not exceed forty (40) feet in length.

RECREATIONAL VEHICLE PARK

A parcel of land, licensed by the Health Department, on which two or more recreational vehicles are placed for a period of more than six months out of one calendar year.

RECYCLE FACILITY

A designated location where solid waste is collected in containers and hauled to other locations for disposal or reuse. Facilities which process and/or remanufacture recycled materials may also be included in this definition.

RESIDENTIAL ZONES

A general term referring to any zoning district which allows single family residences as a permitted use.

RETAIL ESTABLISHMENT

See Commercial Enterprise

ROADSIDE STAND (3.20)

A seasonal commercial operation where items such as produce, baked goods, Christmas trees, honey or maple syrup are offered for sale.

ROAD, STREET, HIGHWAY

A public thoroughfare which affords the principal means of access to abutting property.

SCREEN

A planting of vegetation or fence which effectively blocks the view of certain land uses from neighboring properties.

SETBACK* (3.3, 3.4, 3.11)

A horizontal distance measured from all points along a lot line, which describes an area within which no building or structure may be placed, except in conformance with this Ordinance.

** See illustrations at the end of this section*

SPECIAL USE (10.1)

A land use which may be permitted in a specified zoning district only after review arid approval by the County Planning Commission as outlined in this Ordinance (ARTICLE TEN).

SPECIFIED SEXUAL ACTIVITIES

Means and includes any of the following:

1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
3) Masturbation, actual or simulated;
4) The display of human genitals in a state of sexual stimulation, or arousal or tumescence;
5) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection;

SPECIFIED ANATOMICAL AREAS

Means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus or female breasts below immediately above the top of the areolae; or human male genitals in a discernable state of tumescence, even if opaquely covered;

STANDARD CONSTRUCTION (3.12, 3.16)

Construction which meets or exceeds the minimum standards provided in the State Construction Code, as administered by Wexford County.

STORAGE AREA

An enclosed space, either attached or unattached to the primary use building, which is used for the storage of items customary to the principal land use.

STRUCTURE

Any production or piece of work artificially built up or composed of parts joined together in some definite manner, including, but not limited to buildings, radio and television towers, sheds, signs and storage bins.

SUBSTANTIAL OR SIGNIFICANT PORTION

Means a business or establishment or establishment which has:

1) Thirty-five percent or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and/or "specified anatomical areas", and/or
2) Thirty-five percent or more of the usable floor area of the building is used for the sale display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or
3) The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified sexual activities" and/or "specified anatomical areas".

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS

Means and includes any of the following:

1) The sale lease or sublease of the business establishment;
2) The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
3) The establishment of a trust, management arrangement, gift or other similar legal device which transfer ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership of control.

UNDEVELOPED STATE

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

VARIANCE (8.3)

An authorization by the Zoning Appeal Board to a property owner to depart from the dimensional requirements of this Ordinance in cases where strict interpretation would cause undue hardship and where the property cannot reasonably be used in a manner consistent with the Ordinance.

VEHICLE SALES

This definition shall identify establishments dealing in" the sales of motorized or wind-driven vehicles, including new or used automobiles, recreation vehicles and boats.

WETLAND (3.24)

Wetlands are lands characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances do support, wetland vegetation or aquatic life and are commonly referred to as a bog, swamp, or marsh.

YARD* (3.7. 3.22)

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

YARD, FRONT* (3.7)

A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a lakefront lot, the yard on the lake side shall be the front yard.

YARD, REAR* (3.7)

A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building. In the case of a lakefront lot, The yard on the non-lake side shall be the rear yard.

YARD, SIDE* (3.7)

A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard.

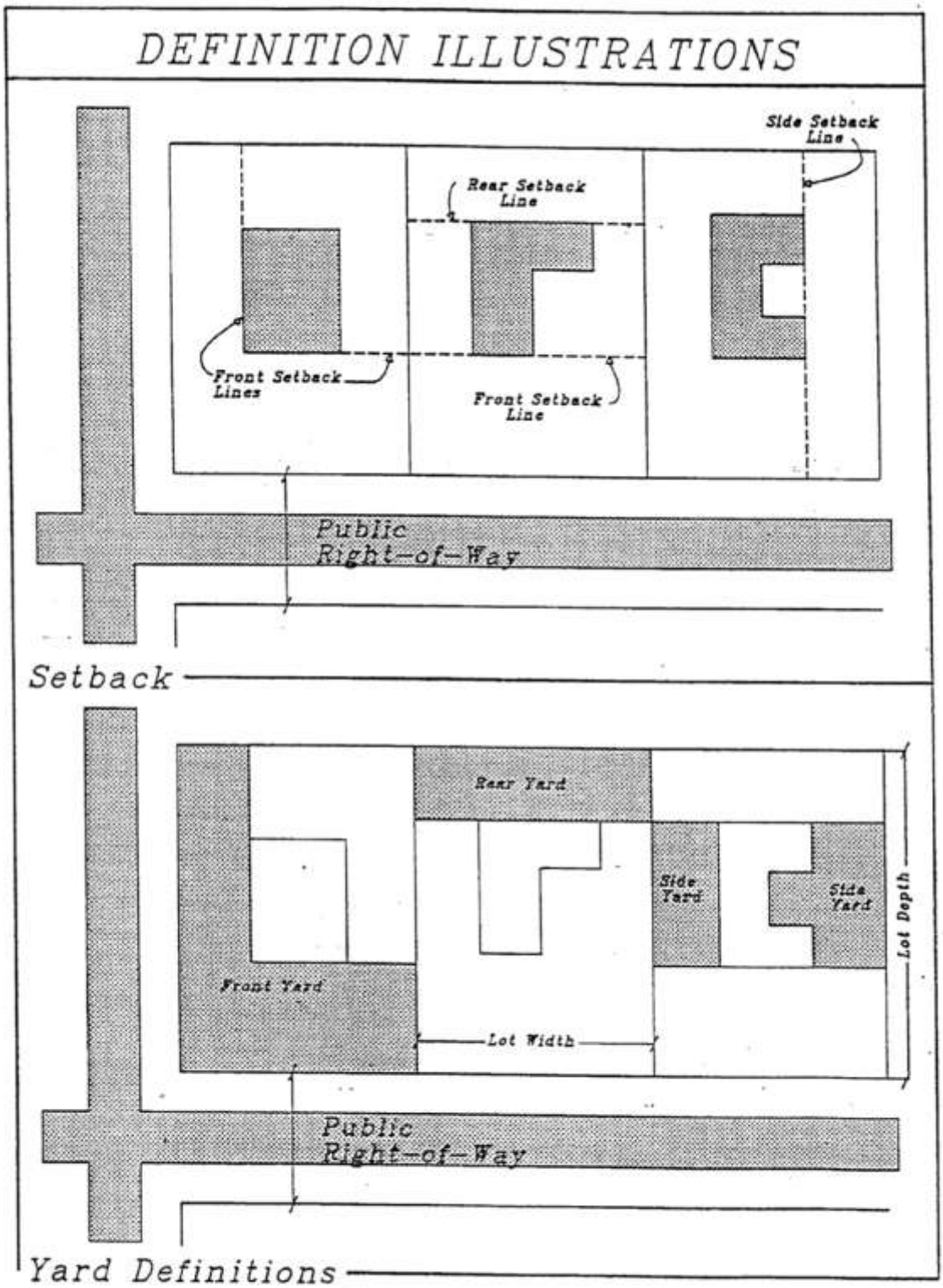
** See illustrations at the end of this section*

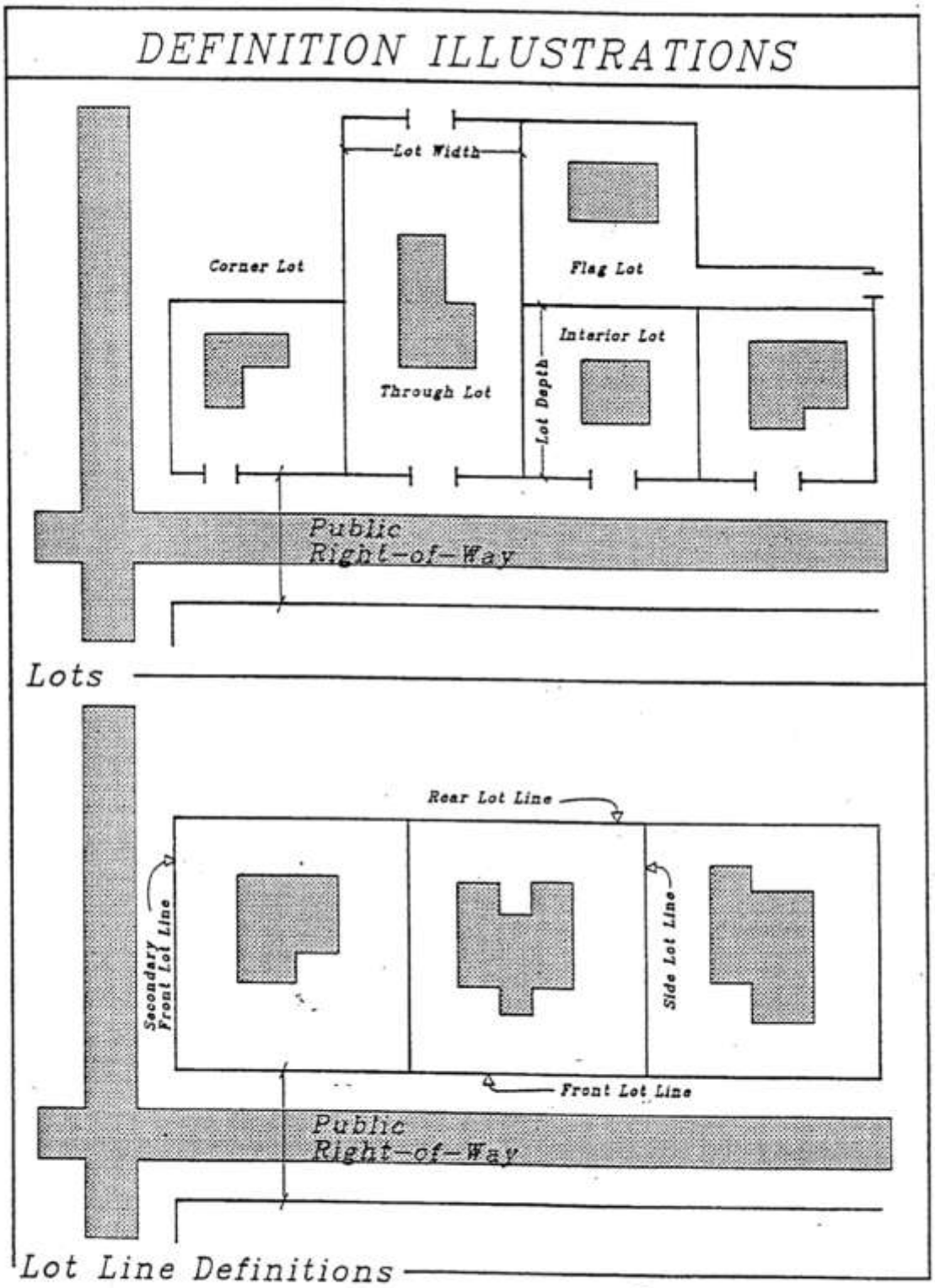
ZONING ACT

Michigan Act 183 of 1943, as amended.

ZONING DISTRICTS (4.1, 4.2, 5.1, 6.1)

The division and classification of property within the County for the purpose of determining appropriate land uses.


DEFINITION ILLUSTRATIONS
Side Setback Line
Rear Setback Line
Front Setback Lines
Front Setback Line
Public Right-of-Way
Setback
Rear Yard
Side Yard
Side Yard
Lot Depth
Front Yard
Lot Width
Public Right-of-Way
Yard Definitions


DEFINITION ILLUSTRATIONS
Lot Width
Corner Lot
Flag Lot
Interior Lot
Through Lot
Lot Depth
Public
Right-of-Way
Lots
Rear Lot Line
Secondary
Front Lot Line
Side Lot Line
Front Lot Line
Public
Right-of-Way
Lot Line Definitions

ARTICLE THREE: GENERAL PROVISIONS

3.1: LIMIT ON NUMBER OF USES PER PARCEL

Not more than one (1) permanent land use or principal structure shall be erected, moved upon, or located on a lot or parcel, except as provided for the PUD Zoning District of this Ordinance.

3.2: HOME OCCUPATIONS/HOME PROFESSIONAL OFFICES (Also see Definitions and ART. 10)

An occupation which is carried out entirely in a residential structure and is clearly incidental to residential use. Examples of acceptable occupations include dressmaking, real estate sales, bookkeeping and accounting services, beauty parlor, barber shops and dancing instruction. Such occupation may be engaged in only by a resident entirely within his dwellings, and not in an accessory building or structure. Such use shall not occupy more than twenty-five (25) percent of the floor area, exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the building, or of the premises, from residential use. One (1) illuminated but non-flashing or glaring sign not exceeding six (6) square feet in area may be erected flat on the front wall of the dwelling for identification. In addition, no more than one non-resident may be employed in the operation of the business.

3.3: SUPPLEMENTARY SETBACK REGULATIONS (See Definition)

Commercial Districts Bordering State Highways

Setback requirements in Commercial Districts bordering Michigan State Highways shall be measured from edge of road right-of-way, as designated by the Michigan Department of Transportation and filed in the Wexford County Zoning Administrator's office.

Front Lot Lines Which Abut State Highways

All Zoning Districts adjacent to State highways where highway right-of-ways may not be of one continuous width, the overall setback line shall be from the center-line of such highway. The predominant right-of-way width for each individual highway, using the current edition of the Michigan State Highway right-of-way map, shall be considered the minimum right-of-way width with building setbacks beginning from this line.

Established Lot Line Setback

In established (developed) areas, the front setback line may be determined by the established building line of the majority of structures located on the same side of the street within 300 feet of the subject property. These alternative setbacks shall be determined by the Zoning Administrator at the time the zoning permit is requested.

3.4: SUPPLEMENTARY LOT PROVISIONS (See Definition)

Lot Measurement

Every structure, hereafter erected or altered, shall be located on a lot, the description of the boundaries of which are on public record. The burden of proof of the exact location of all lot lines shall rest with the property owner.

Lot Frontage and Access

Every lot, other than lots in a recorded plat, shall have public road frontage which is equal to the width of the lot at the building setback line. In recorded plats, road frontage shall be a minimum of sixty-five (65) feet. All private roads shall be constructed to be at least thirty-three (33) feet wide.

Water Front Lots

On lots abutting lakes, rivers, streams, channels, canals, or wetland, no building or structure or sewage disposal system except boat houses, shall be erected less than fifty (50) feet from the edge of the legally established water level, or, if not established, than the highest known water level.

3.5: LAND DIVISIONS

Except as otherwise provided in Article One, Section 1.6 of this Ordinance, no parcel or lot, hereafter created by the division of a tract of land shall be less than the minimum required square footage and lot width for the zoning district wherein situated. The provisions of the Land Division Act, 1967 PA 288, as amended, shall also govern the procedure of land division.

3.6: TWO-FAMILY DWELLINGS (See also Articles Two and Ten)

In Zoning Districts which allow the construction of two family housing, the Zoning Administrator may, upon special application approve the erection of dwellings on the lot line separating two lots when erected with a common soundproof wall centering directly upon the centerline subject to all other limitations of the zoning district wherein situated.

3.7: SUPPLEMENTARY YARD PROVISIONS (See Definition)

The following provisions shall apply to all yards and open space:

1) No yard or open space shall hereafter be used for the open-air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment either temporarily or otherwise, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk or other personal property. Without limiting the meaning of junk, the term shall include used or salvaged metals, and their compounds, or combinations, used or salvaged lumber, ropes, bags, paper, rag, glass, rubber and similar articles and materials, and without limiting any previous part of this paragraph, businesses shall be limited to the parking or storing of usable idle equipment in rear yard when completely screened from the roadway, naturally, or by a fence, approved by the Planning Commission.
2) Storage or parking of trucks, semi-tractor trailers, semi-trailers, moving vans, non-operative vehicles, auto trailers, manufactured homes, mobile homes, buses, or car bodies and erection of cabins or tents (except children's play tents) shall not be permitted or considered a legal accessory structure. This limitation shall not prohibit the storage of one unoccupied travel trailer or motor home, which is the property of the occupant of the dwelling in the rear yard, when located not less than twenty-five (25) feet from the side lot lines and ten (10) feet from the rear lot line, provided further, however, that such storage shall not be permitted in the front yard of a water frontage lot with front yard abutting a lake.
3) No premises shall be so filled or graded as to discharge surface run-off on abutting premises in such manner as to cause ponding or surface accumulation of such run-off thereon.
4) No premises shall be so filled creating a slope more than one (1) foot of vertical to eight (8) feet of horizontal and where land fill is required adjacent to existing dwellings with a low ground level. The Zoning Administrator may require a retaining wall be installed to prevent run-off onto abutting premises, and which fill shall be seeded and maintained. In the event of special circumstances, Zoning Administrator may determine minimum requirements and give special approval.

Attached accessory Structures

All attached garages, enclosed porches, breezeways, decks and carports shall be considered a part of a dwelling in determining yard requirements.

Unattached accessory Structures

No unattached accessory building or accessory structure shall be set back less than the permanent dwelling on the premises, except a garage when the dwelling is more than fifty (50) feet from the required front setback line and not more than 14 feet in height from grade to peak.

3.8: FENCES

1) Fences in Residential Districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
2) Fences erected within the front yard in any district shall not exceed three (3) feet in height Fences within the front yard shall be of a type which is not more than 25 solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
3) Fences in Residential Districts or enclosing residential uses shall not contain barbed wire or be electrified.
4) Fences in Commercial or Industrial Districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height offences in Commercial and Industrial Districts shall not exceed eight (8) feet.
5) Fences shall not be erected within any public right-of-way in any district.
6) Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
7) In order to provide convenience in maintenance, all fences shall be constructed at least twelve (12) inches inside the property line.
8) Screens will be no closer to the lake than any built structure permanently attached to the dwelling.
9) Fences shall not be constructed of discarded materials.

3.9: NON-CONFORMING USES (See Definition)

Discontinued Non-Conforming Uses

Any non-conforming use of land, building or structure, which is discontinued through vacancy, lack of operations, or otherwise, for a period of eighteen (18) months, shall be construed as abandonment of use, and any future use thereof shall conform with the provisions of the Zoning District where located.

Change of Non-Conforming Use

No non-conforming use shall be changed or expanded to other than a conforming use, nor shall any use be reverted to a former non-conforming use after use has been changed to a conforming use.

3.10: NON-CONFORMING BUILDINGS AND STRUCTURES (See Definition)

Use of Non-Conforming Buildings and Structures

The use of any non-conforming building which is discontinued for a period of eighteen (18) months shall be construed as abandonment of use following which no further use shall maintain until the building has been brought to conformity with the provisions of this Ordinance.

Completion of Non-Conforming Buildings and Structures

To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance, and upon which construction has been diligently earned on and s completed within one (1) year of said date. Actual construction shall be construed as permanent fixation of construction material in place.

Structural Changes and Enlargement of Non-Conforming Buildings and Structures

No non-conforming buildings, other than dwellings, shall be structurally altered or enlarged unless the resultant alteration or enlargement or use conform to the provisions of the Zoning District wherein located. The exception to this Section is manufactured single family dwellings, which may be replaced provided that the replacement lessens the non-conformity.

Repair of Non-Conforming Structure

Nothing in this Ordinance shall prohibit the repair, improvement or modernization of a lawful non-conforming building in order to correct deterioration, obsolescence, depreciation and wear, provided that such repair does not exceed an aggregate of thirty (30) percent of the assessed valuation of the building as determined by the assessing officer, unless the building is changed by such repair to a conforming use.

3.11: SUPPLEMENTARY REGULATIONS FOR NON-CONFORMING LOTS (See Definition)

Any lot of record, having less area and/or less width on the effective date of this Ordinance than required for the Zoning District wherein located, may be occupied by any use permitted in the District on approval of the Zoning Administrator, who shall determine the minimum yard and setback requirements for such use.

Non Conforming Lots of Record

Front and back yard setback requirements shall be determined by the average setback of the nearest structure on either side of the substandard lot in case of no nearby structures, to the setback requirements for that district In no event shall the front yard setback be less than twenty-five (25) feet and the rear yard setback be less than fifteen (15) feet unless authorized by the Zoning Board of Appeals pursuant to Article 13 of this Ordinance. Side yard setbacks shall be not less than eight (8) feet except that a garage may be erected five (5) feet from either side yard lot line on lots fifty (50) feet or less in width.

Supplementary Side Yard Requirements for Non-Conforming Lots

85' to 100'	15 feet
65' to 84'	12 feet
50' to 64'	10 feet
Under 50'	8 feet

Waterfront Non-Conformance

In the event a dwelling or other main building is erected on a lot located on a public road, or on a lot abutting the shoreline of a water body on which a building having a lesser setback than required by this Ordinance has been erected on a lot adjacent thereto prior to the effective date of this Ordinance then

the setback of such building shall not be less than the average setback of the buildings on both adjacent lots and, if only one lot, then the setback of such building. Refer also to Sections 3.3, 3.7

3.12: SUB-STANDARD DWELLINGS

For the express purpose of protecting the health, safety, and general welfare of the inhabitants of the County, and of reducing hazards to life and property, no basement dwelling, cellar dwelling, garage, house, or other sub-standard structure shall hereafter be occupied, or erected, or moved upon any premises and used for dwelling purposes.

3.13: DWELLING UNIT REQUIREMENTS (See Definition)

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

B. Complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Act 230 of P.A.of 1972, as amended, including minimum heights for habitable rooms.

C. It is firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.

D. In the event that the dwelling is a pre-manufactured unit, as defined herein, such dwelling shall, in addition to the above requirements, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above. In addition, the unit shall be installed with the wheels removed and shall have no exposed towing mechanisms, undercarriage, or chassis and shall be fully skirted with materials similar to the dwelling unit, as determined by the Zoning Administrator.

E. The dwelling shall be connected to a public sewer and public water supply or to a private system approved by the local health department.

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

G. The dwelling shall comply with all pertinent building and fire codes. In the case of a pre-manufactured unit, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "manufactured home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24CFR 3280, and as from time to time such standards may be amended. As assurance of this requirement the unit shall be manufactured after 1975 and shall have the HUD approval sticker prominently displayed.

H. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park, except to the extent required by state or federal law otherwise specifically required in the Ordinance of the County pertaining to such parks.

I. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable state construction code.

3.14: JUNK YARDS, SALVAGE YARDS, REFUSE DUMPS, ANIMAL & GARBAGE DISPOSAL DUMP (See also Articles Two and Ten)

In addition to other applicable State and Local laws, junk yards, salvage yards, transfer stations, public refuse dumps, animal and garbage disposal dumps shall be subject to the following provisions:

A. Junkyards shall be screened by at least three (3) rows of dense evergreen planting. Said rows shall be 10 feet apart; and the evergreens shall be staggered so as to be at 8 foot intervals as to the same row, and 4 foot intervals as to the opposite row. Such planting shall be not less than 4 feet in height at the time of planting, shall be expected to be not less than 6 feet in height within 3 years. Where a proposed junkyard abuts residentially zoned land, the junkyard screening shall be setback at least 200 feet from the property line;

B. an opaque fence or wall, or a smoothed and seeded earthen berm, shall be properly installed and maintained along any major thoroughfare and along any maintained street and where such a use is adjacent to a residential zone. Said fence shall be at least eight (8) feet in height. No car bodies or salvage materials not ordinarily used for fencing may be used for this purpose;

C. stacking shall not be permitted above the height of the fence or the wall and stored materials must be kept at least ten (10) feet from the interior side of the fence; materials shall not be stacked against the fence or berm.

D. no advertising shall be permitted on a fence or wall other than the name of business on the premises. Signs shall not exceed 100 square feet on any one side of such fence or wall;

E. no exterior display or storage of material or salvage parts or wrecked vehicles;

F. shall not be located within 300 feet of any major highway, expressway or freeway, and junk shall not be visible from outside the premises;

G. storage of used tires provided the tires are stored in a roofed bin, constructed for that purpose;

H. maximum number of car bodies to be stored at one time: 200 per acre;

I. no oil, grease, tires, gasoline, or other similar material shall be burned at any time, and all other burning shall be in accordance with applicable State and local regulations;

J. no materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by normal natural causes or forces, nor shall any substance which can contaminate a stream, watercourse, groundwater or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse; and,

K. all materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

3.15: MINING, PROCESSING AND STOCKPILING OF MINERAL RESOURCES (See also Article Ten)

The mining, excavation, processing, stockpiling and removal of gravel, sand, earth, and other mineral resources shall be subject, when permitted by Special Use, to the following provisions:

A. Application Procedures: In addition to fulfilling all requirements of Articles Ten and Eleven of this Ordinance, the applicant must provide:

   1. A detailed proposal as to method of operation, type of machinery or equipment to be used and estimated time that such operation will cover.

2. A detailed statement as to type of deposit proposed for extraction.
3. A map or sketch showing the proposed contours to which each mining area will be finished upon completion of the mining operation.
4. The permit fee established by the fee schedule of this Ordinance.

B. Operational Conditions

1. The entire periphery of operation shall be enclosed by a fence not less than six (6) feet in height, adequate to prevent trespass, and erected not less than fifty (50) feet from the edge of any excavation or slope. The fence shall be gated and locked and equipped with a "no trespass" sign when not attended by personnel. All installations shall be maintained in a neat, orderly condition so as to prevent the creation of any health hazard or injury to any adjacent property, individual, or the neighborhood in general.
2. All operations shall be conducted and maintained to minimize noise, vibration and dust injurious or annoying to persons living in the vicinity. The property owner shall cause all roads and yards under his control to be periodically sprayed or treated, in accord with permit requirements, to reduce dust hazards.
3. Machinery or equipment for processing, not provided for by the permit, shall not be permitted by the Planning Commission.

C. Rehabilitation

1. All areas within operation shall be rehabilitated progressively, as they are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding surface form so as to appear reasonably natural.
2. The floor of all excavations shall be graded to a flat surface, and the redistribution of stockpiled overburden and top soil to the grades prescribed by terms of the mining permit shall all be completed within thirty (30) days after expiration of the permit. Fills shall be laid to provide slopes not greater than one (1) foot vertical to three (3) feet horizontal. The Zoning Administrator shall inspect the area of any permit which has elapsed immediately after expiration of thirty (30) days, and shall issue the owner a release of any performance guarantee upon finding substantial compliance with the provisions of the conditions imposed by the permit for the area.
3. All top soil to a depth of not exceeding twelve (12) inches, as determined by the Zoning Administrator, shall be retained in a separate stockpile for spreading evenly over all fills on rehabilitation. Following spreading it shall be seeded to prevent erosion and aid in retention of moisture. All other overburden shall be stockpiled separately and used as fill.
4. The plane of all excavation slopes shall intersect the plane of the natural ground surface not less than fifty (50) feet from any adjoining property line or from any existing or dedicated right-of-way.
5. The first ten (10) feet of depth of all excavations shall be graded to a slope not to exceed one (1) foot vertical to three (3) feet horizontal. All other excavations shall be graded to slope not to exceed one (I) foot vertical to one (I) foot horizontal.

D. Forfeiture of Performance Guarantee – Upon expiration of any permit and failure of the owner to comply with the provisions of the Ordinance and any conditions imposed under the permit, the Zoning Administrator shall commence proceedings to forfeit a performance guarantee collected.

E. Small Scale Operations – In the event a proposed operation does not exceed ten (10) acres of land, the Planning Commission may, on special petition, modify various requirements of any preceding paragraph commensurate with the proposed operation, and, with due regard for the public interest

F. Non-conforming Operations

1. The owner of any nonconforming mining operation may obtain a certificate as a valid nonconforming use from the Zoning Administrator. Such certificate shall include a description of the property upon which such operation is under conduct Failure to obtain such a certificate within the time limit, or the termination of non-use of a valid nonconforming use for a thirty (30) day period shall constitute abandonment, and such use shall not resume thereafter without compliance with the provisions of this Ordinance.
2. The area of a nonconforming operation may be extended up to ten (10) acres within the limits of contiguous land owned by the property owner on the effective date of this Ordinance on regular permit as hereinbefore provided.

G. Exceptions – The following land uses and/or activities shall be exempt from the provisions of this section of Article Three:

1. Excavation for construction of a building or other structure for which a building permit has been issued.
2. The removal of soil for construction of farm ponds and other earth work approved by the County Soil Conservation District
3. The incidental extraction of gravel, sand stone and earth materials on a farm (as defined in this Ordinance) for use on such farm.

3.16: WATER SUPPLY AND WASTE DISPOSAL

Every building, structure, or manufactured home hereafter erected and used wholly or in part for human occupancy shall be provided with a safe and sanitary water supply and waste disposal system, approved by the County Health Department, and shall require a permit and preliminary plan from the County Health Department before a zoning permit will be issued.

3.17: ESSENTIAL SERVICES (See also Articles Two and Ten)

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wire, cables fire alarm boxes, police call boxes, traffic signals, hydrants towers,poles, electrical sub-stations gas regulator station an other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare, but including buildings, shall be permitted as authorized or regulated by law in any zoning district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance. Privately-owned utilities meeting the general intention of this Section shall also be permitted in any Zoning District, but only after a Special Use Permit has been issued by the Planning Commission in accordance with Article Ten.

3.18: VEHICULAR PARKING REQUIREMENTS

Off-street parking with adequate access to all spaces shall hereafter be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is in general adequate for the parking loading and unloading of vehicles in proportions no less than shown in the following table.

Parking space requirements for property uses not listed in the table shall be determined by the Zoning Administrator as reasonable for the intended use.

Parking for other than residential use shall be either on the same lot or within three hundred (300) feet from the nearest point of the building to the nearest point of the off-street parking lot.

Adequate space shall be included in all parking areas in all zoning districts to facilitate turning around of vehicles so that entry on the highway may be in a forward manner and not be backing thereunto. This provision may be bypassed by the Zoning Administrator where compliance is impractical in Residential and Resort-Residential Districts and still maintain the safety provision intention of the Ordinance.

A minimum of one hundred sixty-two (162) square feet shall comprise vehicular parking space, exclusive of driveway, entrance and exits.

USE	**MINIMUM NUMBER OF PARKING SPACES PER UNIT**
1. Banks, Business offices, studios and professional offices of architects, engineers, lawyers, and similar professions.	One for every 150 square feet of floor area. for each 300 square feet of floor area over 1,000 square feet,
2. Barber shops and beauty parlors.	Two for each barber or beauty shop chair.
3. Bowling alleys.	Four for each bowling lane.
4. Churches, theaters, auditoriums, except schools.	One for each four seats.
5. Community center, library, museum, or art gallery.	Ten, plus one additional for each 200 square feet in excess of 2,000 square feet.
6. Dwelling units.	Two for each unit.
7. Hospitals, clinics and similar establishments.	One for each four beds and one for each two employees and/or staff members.
8. Laundromats	One for each two washing machines.
9. Motels, tourist homes, lodging house.	Two for each sleeping room.
10. Manufacturing or industrial establishment, warehouse, or similar establishment.	Two for each three (3) employees on maximum working shift, plus space to accommodate all vehicles used in connection with the operations.
11. Plumbing, printing and similar shops and businesses.	One and one-half spaces for each person employed.
12. Private clubs, night clubs, dance halls and similar recreational establishments.	One for each one hundred (100) square feet of floor space.
13. Professional offices or doctors, dentists and similar professions.	One for each one hundred and fifty (150) square feet of usable floor space or a minimum of four (4) spaces, whichever is greater.

USE	MINIMUM NUMBER OF PARKING SPACES PER UNIT
14. Restaurants and similar establishments for sale, and service of food and drink, except liquor and drive-ins.	One for each one hundred (100) square feet of floor space.
15. Retail stores.	One for each 150 square feet of usable floor area open to customer use.
16. Apartment houses.	Two for each apartment.
17. Home Occupations and Professional Offices	Four (plus any required for dwelling)

3.19: OUTDOOR ADVERTISING SIGNS, MEDIA AND STRUCTURES

Definitions

1. Billboard - A billboard is an outdoor sign, structure, or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the billboard is located. Billboards are also known.as "off-premise signs" and "outdoor advertising."
2. Canopy Sign - A sign which is incorporated into the fabric or material of a canopy. Said canopy being attached to exterior wall or surface of a building. A canopy sign shall be considered a wall sign for purposes of determining sign area. In determining said area, only that portion of the canopy containing lettering or message shall be used as a basis for computation.
3. Commercial Sign - A sign intended to attract patronage to a specific business establishment or collection of such establishments.
4. Convertible Sign - A sign designed to allow frequent changes to the text. Examples are signs which provide gasoline pricing, limited time sales or changed hours of business.
5. Directional Sign - A sign directing and guiding vehicular or pedestrian traffic or parking, but bearing no advertising matter except for the "logo" of the business for which the directional signs are associated.
6. Flashing sign - Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity or color at all times while in use.
7. Freestanding sign - A sign supported by one or more uprights, braces or pylons located in or upon the ground or to something requiring location on the ground. Freestanding signs are commonly referred to as "pole" signs. Freestanding signs include billboards.
8. Ground Sign - A freestanding sign of limited height firmly attached to the ground throughout it's base or supported by one or more uprights or braces which are typically less than two (2) feet in height when measured from the ground surface to the base of the sign. Ground signs are also commonly referred to as monument signs.
9. Political Sign - Any sign displaying a message and/or image associated with an election, referendum, election campaign, or similar event.
10. Portable Sign - Any sign so construed as to be readily movable from one location to another and not permanently affixed to a building or the ground. Portable signs include "trailer" signs.

11. Real Estate sign - A sign advertising that the premises on which the sign is located is for sale, lease, or rent.
12. Sign - A sign is the use of any words, numerals, figures, devices, designs, or trademarks which constitute a name, identification, description, display, or illustration which is affixed or applied to or represented directly or indirectly upon a building structure, or zoning lot, and which directs attention to an object, product, service, activity, person, institution, organization, or business.
13. Sign Area - The area of a sign shall be computed as the entire area circumscribed by a parallelogram, triangle, circle, or semi-circle, or any combination of these figures, which includes all of the display area of the sign including frames surrounding display areas. For signs which consist of individual letters attached or painted on the wall of a building, with only the wall as background and no added decoration or border, the sign area shall be the geometrical shape formed by an imaginary line along the exterior perimeter of the work, or words as a whole. For purposes of computing sign area, only one side of a sign shall be used.
14. Temporary sign - Any sign which is used to promote or identify a temporary use or event. Examples include real estate signs, garage sale signs and political campaign signs.
15. Wall Sign - A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall, but which may or may not project above the roof or parapet. (See also canopy sign.)

General Regulations for Signs in Any District:

A. No sign shall be located in the public right-of-way or in a position so as to block the view of oncoming pedestrians or motorists.

B. No sign shall be attached to any tree.

C. Any sign placed by a governmental body and deemed necessary for the general health, safety and welfare of the residents of the community shall be exempted from the provisions of this ordinance.

D. No sign shall be designed to exceed in height the height of the primary structure or vegetation of the properties in the vicinity of the sign, whichever is greater.

E. No signs shall be allowed which have flashing lights or intermittent illumination. (See also Commercial Sign regulations in this section.)

Additional Regulations for Signs in Residential Areas:

A. An on-premise identification sign advertising Home Occupations or Home Professional Offices shall not exceed six (6) square feet in area and shall be mounted flat against the building wall.

B. Signs identifying the entrance to a subdivision shall not exceed a sign area of fifteen (15 square feet.

Additional Regulations for Signs in Agricultural Areas:

Signs advertising the sale of farm products produced on the premises shall be limited to two (2) signs erected on opposite approaches to the roadside stand or main entrance to the property. The maximum sign area shall be six (6) square feet.

Additional Regulations for Signs Associated with Commercial Land Uses:

A. Wall signs pertaining exclusively to the business carried on within a building and not exceeding twenty (20) percent of the building height, nor twenty (20) percent of the area of the wall whereon located, shall be mounted flat against the main building and facing the public street or highway or parking area constituting a part of the business or commercial premises.

B. Such signs may be illuminated, provided that where movable illumination is employed, such illumination shall be approved in advance by the County Zoning Administrator which shall make certain that light-intensity, color and movement are not distracting to motor vehicle operators so as to constitute a traffic hazard.

C. Gasoline service stations shall be limited to one permanent sign on each highway frontage not exceeding twenty-five (25) feet in height or fifty (50) square feet in area, and so installed as to not obstruct vision of traffic to a height of sixteen (16) feet. All temporary signs shall be firmly attached to the main building and mounted parallel to the wall.

D. Billboards (Off-Premise Signs): Billboards and outdoor advertising signboards and structures not exceeding one hundred sixty (160) square feet in area, not less than three (3) clear feet above ground and not less than five (5) feet from the public right-of-way line and less than ten (10) feet from the side lot line shall be permitted. Illumination shall be approved by the County Zoning Administrator. Not more than one (1) sign shall be permitted for each 500 feet of road frontage and shall be limited to those areas which are not zoned Residential. Before any off-premise sign is placed, written permission must be obtained from the property owner.

E. Churches, schools, institutions, clubs and similar organizations may erect one (1) wall sign to serve as identification, not to exceed twenty (20) square feet in area. One free-standing sign or bulletin board not attached fiat to the wail of the main building shall also be permitted when located not less than twenty-five (25) feet from any property line.

Temporary Signs

A. Maximum sign area of any temporary sign shall not exceed six (6) square feet, except as waived with written permission of the County Zoning Administrator.

3.20: TEMPORARY USES

The Zoning Administrator is authorized to issue a zoning permit for the following temporary uses upon a finding that a requesting temporary use meets the standards stated below for each permitted temporary use as well as the standards in this Section.

1. No garage or other accessory building, recreational vehicle, or basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a temporary use permit.
2. Occupancy of a Manufactured Home during construction of a Dwelling:
    a. The owner of any lot in a zoning district which meets requirements for a dwelling, may erect not more than one (1) manufactured home upon the premises and occupy the same during the actual construction of a dwelling thereon, but not exceeding One (1) year from date of issuance of a special permit therefore.
    b. Application for such permit shall be made to the Zoning Administrator, granting of which shall be contingent, among other things, with agreement of the applicant to the following conditions.
        i. The location of the manufactured home on the premises shall be in conformity with the setback of the Zoning District.
        ii. The water, sewage and waste disposal facilities shall be approved by the County Health Officer, installation and confirmation of which shall precede occupancy of the house or permanent manufactured home.

iii. On delivery of the permit, the owner shall certify in a space allotted for that purpose on the copy retained for filing by the Zoning Administrator that he has full knowledge of all limitations of the permit and the penalties that may be imposed upon violation. No permit shall be transferable to any other person.

iv. A building permit for the permanent dwelling shall be obtained at the same time as the temporary permit is issued.

3. Temporary buildings for a use incidental to construction work such as an equipment shed shall be permitted provided that all debris shall be removed within fifteen (15) days after the completion or abandonment of work.
4. One recreational vehicle not falling under the provision in Subsection 5 which follows, may be temporarily located and occupied for recreational purposes on a lot in a Forest-Recreational, F-R, District only, provided that; (1) the owner of the lot is also the owner of the recreational unit, (2) the recreational unit is not rented or leased to the occupants, and (3) there are no violations of health or sanitary codes. The recreational unit may be marked and used for recreational purposes, as stipulated herein, up to fourteen (14) consecutive days.
5. Carnival, circus, fair, outdoor musical or similar festival for a period not to exceed seven (7) days.
6. Open lot sale of Christmas trees, for a period not to exceed November 15 to December 25th.
7. Real estate sales office and/or model home, when in conjunction with a subdivision or PUD.

Issuance Standards

A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following standards is met by the proposed use.

1. The proposed use is clearly of a temporary nature.
2. The temporary use shall not endanger the public health, safety or welfare of the County, adjacent residents or the inhabitants of the structures of the temporary use.
3. Structures of temporary uses shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes approved by County Health Department.
4. The proposed use will cause no traffic congestion.
5. The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance.
6. The proposed temporary use is not included in the list of permitted special uses for the that zoning district.
7. The proposed temporary use, if proposed to construct a conforming building or project, meets all requirements for a building permit for the conforming building or project.

Renewal, Revocation and Appeal

1. Zoning permits for the temporary uses listed in this Section may be renewed in the same manner as issuance of the original temporary permit.
2. Upon expiration or revocation of a zoning permit for a temporary use, the temporary use shall cease and all temporary structures, dwellings, or buildings shall be forthwith removed from the parcel of land.
3. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this section and those of this Section. The

Zoning Administrator may revoke a permit at any time for non-conformance with the requirements of this section and a permit issued thereunder.

4. An appeal of a decision by the Zoning Administrator relative to denial of a zoning permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Article 8 of this Ordinance.

3.21: MANUFACTURED HOME SETUP SPECIFICATIONS (See Definition)

The following regulations shall apply to ail manufactured homes intended for either permanent or seasonal housing:

1. All manufactured homes shall be placed upon a permanent foundation, the foundation may be in the form of piers of concrete blocks or poured concrete; blocks shall be 8"x16" and poured concrete piers shall be not less than 8"x8" reinforced concrete, each pier on a concrete footing not less than 4 square feet in area and 6 inches thick, or a concrete slab 3 inches thick, or two concrete ribbons six inches thick and 24 inches wide. both running the length of the unit and extending to the outside perimeter of the unit. In the case of ribbons or slab-type foundations, the foundation shall be equal to the length and width of the unit being placed.
2. Piers shall not be spaced more than ten (10) feet on center and all units shall have tie down facilities installed at each corner of the unit; all units shall be skirted with material such as steel, vinyl, aluminum, masonry, or fiberglass and there shall be provided one square inch of ventilation for each square foot of floor space in the skirting, an access door for inspection and maintenance shall be provided also.

3.22: LIMIT OF ONE MAIN BUILDING OR USE PER PARCEL

Except in the case of approved Planned Unit Developments (PUD), no more than one main building or use may be located on a parcel, except for groups of related industrial, commercial, or multiple family dwellings contained within a single, integrated complex, sharing parking and access.

3.23: NUISANCES, PER SE

The uses of land, dwellings or structures including tents and recreational vehicles, used, erected, altered, raised or converted in violation of this Ordinance or other State Law are declared to be a nuisance per se. Any land use which produces excessive dust, gas, fumes, smoke, noise, glare or other threat to the health and safety of the surrounding community shall also be determined to be a nuisance, per se. The court shall order the nuisance abated and the owner or agent in charge of the dwelling, structure, tent, trailer coach or land guilty of maintaining or creating a nuisance per se.

3.24: WETLAND PROVISIONS

Pursuant to provisions of the state Goemaere-Anderson Wetland Protection Act (P.A. 203 of 1979), as amended, a permit must be acquired from the Michigan Department of Natural Resources to:

* Deposit or permit the placing of fill material in a wetland.

* Dredge, remove, or permit the removal of soil or minerals from a wetland.

* Construct, operate, or maintain any use or development in a wetland.

* Drain surface water from a wetland.

In accordance with the state act, all wetlands that have a permanent or intermittent surface water connection to a lake, pond, river, or stream, or are located within 500 feet of any lake, pond, river, or stream in the County are regulated by the Department of Natural Resources. No activity or development may commence in any regulated wetland in the County prior to the acquisition of a

permit from the Department of Natural Resources which authorizes the activity or development. All newly-created lots in the County must have sufficient upland (i.e.: non-wetland) area to meet minimum size, setback, parking, and accessory use requirements. Maps prepared as part of the U.S. Fish and Wildlife Service National Wetland Inventory which depict the generalized location of wetland within

Wexford County are available for review at the office of the County Zoning Administrator. In cases of conflict between available wetland maps and the definition of wetland contained herein, the definition shall control.

3.25: RECYCLE FACILITY PROVISIONS (See also Articles Two and Ten)

In addition to other applicable State and Local laws, recycle stations shall be subject to the following

provisions:

A. The facility shall be consistent with the County's Act 641 Solid Waste Management Plan and documented as such by the County Solid Waste Management Agency.

B. Facility will accept only clean, source-separated, recyclable materials.

C. Facility must provide a means of controlling access to the site to prevent entry and/or drop off of materials when facility is closed/unattended.

D. No exterior (i.e., outside of the secured area or building) display or storage of material shall be permitted.

3.26: COMMERCIAL ENTERPRISE (See also Articles Two and Ten)

The following provisions shall apply to all commercial enterprises, as defined in this Ordinance:

A. All signs shall comply with the requirements of Section 3.19.

B. On-site parking shall comply with the requirements of Section 3.18.

C. Loading/unloading areas shall be situated in the rear or side of the building. Loading or unloading shall not obstruct the on-site parking areas or pedestrian walkways. Loading and unloading must take place directly into or out of a building, except as provided in Article Four of this Ordinance.

D. Solid waste storage shall be screened from view.

E. All servicing and/or processing shall be conducted within an enclosed building.

F. Access to the property shall be directly provided by a paved street or highway.

3.27: DETERMINATION OF "SIMILAR USES" (as used in Article Four)

In recognition that every potential use cannot be addressed in this zoning ordinance, certain districts include the phrase "Other uses which are determined similar by the Zoning Board of Appeals" at the end of the list of special land Uses. The Zoning Board of Appeals shall make a determination of "similar uses" according to the following:

A. A finding that the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district.

B. If the use is not addressed in the zoning ordinance, the Zoning Board of Appeals shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the County. The Planning commission may determine that there is no similar use and that the use shall be prohibited.

C. One a similar use is determined, the proposed use shall comply with an special conditions or special Land Use Standard that apply to the similar use.

D. The Zoning Board of Appeals or applicant shall the have the option to request an amendment of the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.

E. The determination as to whether a proposed use is similar in nature and class to other Principal Uses permitted or Special Land Uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Board of Appeals to be a Similar Use shall be recorded on the office of the Zoning Administrator and considered thusly thereafter.

ARTICLE 3A: WIRELESS COMMUNICATION TOWERS

3A.1: Purpose

The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the ordinance are to:

1) protect residential zoning districts from potential adverse impacts of towers and antennas;
2) encourage the location of towers in non-residential areas;
3) minimize the total number of towers throughout the community;
4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single use towers;
5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics is minimal;
6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact on the towers and antennas through careful design, siting, landscaping screening, and innovative camouflaging techniques;
7) enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
8) consider the public health and safety of communication towers;
9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, due consideration shall be given to the Wexford County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

3A.2: Definitions.

As used in this ordinance, the following terms shall have the meanings set forth below:

A. Alternative tower structures means man-made trees, clock towers, water towers, bell steeples, light poles and similar alternative - design mounting structures that camouflage or conceal the presence of antennas or towers.

B. Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals) wireless telecommunication signals or other communication signals.

C. Backhaul network means the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

D. FAA means the Federal Aviation Administration.

E. FCC means the Federal Communications Commission.

F. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

G. Preexisting towers and preexisting antennas means any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

H. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

I. Tower Park means an area where multiple towers may be approved, by the Planning Commission, to be clustered, subject to engineering limitations.

3A.3: Applicability

A. New Towers and Antennas. All new towers or antennas in Wexford County shall be subject to these regulations, except as provided in Sec. 3A-3 B through D inclusive.

B. Amateur Radio Station Operators/Receive only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

C. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Section 3A.4F and G.

D. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

3A.4: General Requirements

A. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either in Wexford County, or within three (3) miles of the border thereof, including specific information about the location, height, design, and occupancy of each tower. The Zoning Administrator may share such information with other applicants applying under this ordinance or other organizations seeking to locate antennas within the County, provided however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics. Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Neutral shall be defined as a color lacking hue such as white or gray.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use conventional materials, colors, textures, screening, and landscaping that will blend them in the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Whenever possible, towers shall be located away from and out of view from arterial roads to preserve the aesthetics of the County.

E. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Lighting required for maintenance must be shielded and directed downward, and only used when necessary.

F. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate towers and antennas.

G. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the original standards under which the tower was designed in compliance with the Electronic Industries Association (EIA), as amended from time to time. If upon inspection, the County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or-property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower and antenna at the owners expense.

H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located anywhere in the County irrespective of jurisdictional boundaries.

I. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the County have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

K. Public Notice. For purposes of this ordinance, any special land use request, variance request, or appeal of an administrative decision shall require public notice to all property owners within three hundred (300) feet of the subject property in accordance with Article X, Section 10.2 (6).

L. Signs. Signs and advertising other than warning or equipment information signs are prohibited.

M. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Sec. 3A.8.

N. Multiple Antenna/Tower Plan. The County encourages the users of towers and antennas to submit a single application for approval of multiple towers or tower parks and/or antenna sites. Applications for approval of multiple sites or tower parks shall be given priority in the review process.

O. Grounding. Antennas and metal towers shall be grounded for protection against a direct strike by lighting according to EIA Standards.

3A.5: Permitted Uses.

A. General. The uses listed in this section are deemed to be permitted uses and may be installed without formal approval

B. Permitted Uses. Antennas located on public property provided a license or lease authorizing such-antenna has been approved by the County and/or the legislative body having jurisdiction over the location.

3A.6: Administratively Approved Uses.

A. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas:

1. The Zoning Administrator may approve the uses listed in this section.
2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Section 3A.7B1 and 3A.7B3 of this ordinance and a nonrefundable fee as established by the Board of Commissioners to reimburse the County for the costs of reviewing the application.
3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Section 3A.4, 3A.7B4 and 5.
4. The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within sixty (60) days, then the application shall be deemed approved.
5. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Sec.3A.7B4 or separation distances between towers in Section 3A.7B5 by up to fifty (50) percent.
6. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of mono poles, administratively allow the reconstruction of an existing tower to monopole construction.
7. If an administrative approval is denied, the applicant shall file an application for a special land use permit hearing by the Planning Commission, pursuant to Sec. 3A.7, prior to filing any other appeal that may be available under the Zoning Ordinance.

B. List of Administratively Approved Uses. The following uses may be administratively approved by the Zoning Administrator or reviewed by the Planning Commission at the discretion of the Zoning Administrator:

1. Locating antennas on existing structures or towers consistent with the terms of subsections "a." and "b." below.

a) Antennas on Existing Structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial or institutional structure, provided:

(1) The antenna does not extend more than thirty feet above the highest point of the structure;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes.

b) Antennas on Existing Towers. An antenna which is to be attached to an existing tower may be administratively approved by the Zoning Administrator. Co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(2) Height

(a) An existing tower may be modified or rebuilt to accommodate the Co-location of an additional antenna to a taller height, not to exceed thirty (30) feet over the towers existing height and not to exceed a total height of one hundred ninety nine (199) feet

(b) The height change referred to in subsection (2a.) may only occur one time per communications tower.

(c) The additional height referred to in subsection (2a.) Shall not require an additional distance separation as set forth in Sec. 3A.7. The tower's pre-modification height shall be used to calculate such distance separations.

(3) Onsite location

(a) A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

(b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 3A.7B5. The relocation of a tower hereunder shall in no way be deemed to cause a violation of sec, 3A.7B5.

(d) The onsite relocation of a tower which comes within the separation distances to residential structures or residentially zoned districts as established in Sec. 3A.7B5 shall only be permitted when approved by the Zoning Administrator.

2. New Towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Sec. 3A.1 and the requirements of Sec. 3A.4; the tower meets the setback requirements in Sec. 3A.7B4 and separation distances in Sec.3A.7B5 and the tower meets the following height and usage criteria:

a) For a monopole 100 feet in height;

3. Installing a cable micro cell network through the use of multiple low powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

3A.7: Special Land Use Permits.

A. General. The following provisions shall govern the issuance of special land permits for towers or antennas by the Planning Commission:

1. If the tower antenna is not a permitted use under Sec. 3A.5 of this ordinance or permitted to be approved administratively pursuant to Sec. 3A.6 of this ordinance, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
2. Applications under special land use permits under this section shall be subject to the procedures and requirements in accordance with Article Ten of the Wexford County Zoning Ordinance, as amended, except as modified in this Section.
3. In granting a special land use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
5. An applicant for a special land use permit shall submit the information described in this section and a non-refundable fee as established by the Board of Commissioners to reimburse the County for the costs of reviewing the application.

B. Towers.

1. Information Required. In addition to any information required for applications for special land use permits pursuant to Article Ten of this Ordinance, applicants for a special use permit for a tower shall submit the following information:

a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (Including when adjacent to municipalities), all properties within the applicable separation distances set forth in Sec.3A.7B5, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and other structures, topography, parking, utilities and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Ordinance.

b) Legal description and parcel number of the parent tract and leased parcel (if applicable).

c) The setback distance between the proposed tower and the nearest residential structure or platted or un-platted residentially zoned properties.

d) The separation distance from other towers described in the inventory of the existing sites submitted pursuant to Sec 3A.4C shall be shown on an updated site plan or map.

e) A landscape plan showing specific landscape materials.

f) Method of fencing, finished color and if applicable, the method of Screening and/or illumination.

g) A description of compliance with Section 3A.4C, D, E, F, G, J, L, and M and 3A.7B4 and 5.

h) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional 'antennas for future users and specify the number of co-locators.

i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the County or within three (3) mile of the border thereof.

j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

k) A description of the feasible location (s) of future towers or antennas within the County based upon the existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

2. Factors considered in granting special land use permits for towers. In addition to any standards for consideration of special land use applications pursuant to Article Ten of this ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

a) Height of the proposed tower;

b) Proximity of the tower to residential structures and residential district boundaries;

c) Nature of uses on adjacent and nearby properties;

d) Surrounding topography;

e) Surrounding tree coverage and foliage;

f) Design of the tower with particular reference to design characteristics that have the effect to reducing or eliminating visual obtrusiveness.

g) Proposed ingress and egress; and

h) Availability of suitable existing towers other structures, or alternative technologies not requiring the use of roof towers or structures, as discussed in Sec. 3A.7B3 of this Ordinance.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna; An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a) No existing towers or structures are located within the geographic area which meets the applicant's engineering requirements.

b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

c) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e) The fees, costs, or contractual provisions required by the owner in order to share. an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f) The applicant demonstrates that there are other limiting factors that render towers and structures unsuitable

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

4. Setbacks. The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

   a) Towers must be setback a distance equal to at least the height of the tower from any adjoining lot line of the parent parcel.

   b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

5. Separation. The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided however, that the Planning Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.

   a) Separation from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the nearest off-site residential structure and/or designated areas as specified in Table 1.

Table 1: Off-site Use/Designated Area Separation Distance:

Single-family or two (2) family residential units[1]	200 feet or 300% height of tower whichever is greater
Vacant single-family or two(2) family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired[2]	200 feet or 300% height of tower, whichever is greater
Vacant un-platted residential zoned lands[3]	100 feet or 100% height of tower plus the required setback of the district of location, whichever is greater.
Existing multi-family residential units	200 feet or 300% height of tower, whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

1) Includes modular homes and mobile homes for living purposes.
2) Separation measured from base of tower to the nearest lot line.
3) Includes any un-platted residential properties without a valid preliminary subdivision plan or valid development plan approval and an multi-family residentially zoned land.

a) Except as provided for in Sec. 3A.2I and Sec, 3A.4N separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2, except where engineering studies show incompatibility.

Table 2: Existing Towers - Types

	Lattice	Guyed	Monopole 75 ft. in height or greater	Monopole less than 75 ft. in height
Lattice	10,000'	10,000'	1,500'	750'
Guyed	10,000'	10,000'	1,500'	750'
Monopole 75 ft. in height or greater	1,500'	1,500'	1,500'	750'
Monopole less than 75 ft. in height	750'	750'	750'	750'

6. Security Fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special land use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

   a) Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen the view of the tower compound from property used for residences.

   b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

   c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be .a sufficient buffer.

3A.8: Buildings and Other Equipment Storage.

A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply to the following:

1. The cabinet or structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than forty (40) feet in height, the related unmanned equipment shelter, if over one hundred (100) square feet of gross floor area or nine (9) feet in height, shall be located on the ground and shall not be located on the roof of the structure. Where antennas are collected on a single tower, the size of the structure may be increased by fifty (50) per cent of the basic size allowed for each additional antenna.

2. If the equipment shelter is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than twenty five (25) percent of the roof area.

3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

   a) In a front or side yard provided the cabinet or structure is no greater than nine (9) feet in height or two hundred (200) square feet of gross floor area and the cabinet/structure meets the minimum setback requirements from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with the ultimate height of at least six (6) feet and a planted height of at least three (3) feet.

   b) In a rear yard, provided the cabinet or structure is no greater than ten (10) feet in height or three hundred (300) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least three (3) feet.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten (10) feet in height or four hundred (400) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with the ultimate height of eight (8) feet and a

planted height of at least three (3) feet. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least three (3) feet.

C. Antennas Located on Towers. The related unmanned equipment structure, shall not contain more than three hundred (300) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which it is located.

D. Modification of Building Size Requirements. The requirements of Section 3A.8A through C may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special land use to encourage co-location.

3A.9: Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the property owner's or lessee's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

A. Performance Guarantee. In accordance with Section 10.3 (3), in authorizing a special use permit, the County Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the property owner or lessee to ensure compliance with the approved site plan and the special use permit requirements.

3A.10: Nonconforming Uses.

A. Not Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers- New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.

C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Sec. 3A.9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Section 3A.7B4 and 5. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred and eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 3A.9.

ARTICLE FOUR - ZONING DISTRICT REGULATIONS

4.1: Intents and Permitted Land Uses

It is the intention of this Ordinance that the development of county-zoned land shall be limited to the following uses. The location of the Zoning Districts in the County may be found on the Official Zoning District Map.

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
R-RESIDENTIAL The intent of this District is to establish lots for single-family residential homes with enough space to provide adequate well and septic facilities, as well as safe access and exit. Special uses shall be limited to uses which are compatible with The residential character.	A. Single-family residences B. Accessory structures C. Family day care D. State Licensed Residential Facility for 6 or less Persons	A. Home Occupation (10.16.6) B. Home Business (10.16.7) C. State Licensed Residential Facility for 7 to 12 Persons (10.16.8)	A. Home occupations/Home professional offices B. Public parks/ playgrounds C. Duplex and multiple family dwellings D. Churches E. Hospitals, clinics for human care F. Group day care G. Assisted Living Facilities H. Additional Dwelling Unit on a Parcel (10.16.5)

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
RR-RESORT/RESIDENTIAL The intent of this District is to promote the proper use and conservation of the lakeside and resort areas of the county while allowing for the development of low to medium density residential projects and selected outdoor recreational facilities (under 10 acres in size).	A. Same as R-RESIDENTIAL, plus; B. Public parks/ playgrounds C. Accessory structures D. Family day care E. State Licensed Residential Facility for 6 or less Persons	A. Home Occupation (10.16.6) B. Home Business (10.16.7) C. State Licensed Residential Facility for 7 or More Persons (10.16.8)	A. Home Occupations/Home professional offices B. Duplex and multiple family dwellings C. Assisted Living Facilities D. Other uses which support and serve both the resort and residential character of the area, including, but not necessarily limited to the following: 1. Public and private recreation facilities 2. Motels and resorts 3. Restaurants 4. New merchandise retailers 5. Boat and canoe launching and rentals 6. Retail Bait and Tackle Shops E. Additional Dwelling Unit on a Parcel (10.16.5)

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
OFFICE/SERVICE This District is designed to provide lands for personal and professional offices which, for reasons of size or practicality, are not appropriately suited for Special Use consideration in other Districts. (Properties within the Clam Lake Corridor area are also subject to the requirements found in Article Fourteen of this Ordinance.) Because of the limited public utilities available in the County, many uses in this zone will require a special use permit and all will require site plan approval by the County Planning Commission.	A. Professional Offices (e.g. dentists, doctors, attorneys) which are less than 2,000 sq. ft. in area B. Personal Service Establishments (eg. financial establishments, insurance, realties) which are less than 2,000 sq. ft. in area C. State Licensed Residential Facility for 6 or Less Persons.	A. Home Occupation (10.16.6) B. Home Business (10.16.7) C. State Licensed Residential Facility for 7 or More Persons (10.16.8)	A. Professional Offices (eg. dentists, doctors, attorneys) which are greater than 2,000 sq. ft. in area B. Personal Service Establishments (eg. financial establishments, insurance, realties) which are greater than 2,000 sq. ft. in area C. Restaurants (excluding drive-through windows) D. Other retail establishments (excluding drive through businesses) which support the Office/Service community, such as office suppliers, medical supply facilities and print shops. E. Schools F. Motels/Hotels

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
AR – AGRICULTURAL/RESIDENTIAL It is the intent of this District is to protect the rural character and open spaces of certain areas of the County while also recognizing the need for quality development.	A. One and two family dwellings B. Farms and general agricultural operations C. Greenhouses and nurseries D. Publicly owned parks and playgrounds E. accessory structures F. Family day care G. State Licensed Residential Facility for 6 or less Persons	A. Mini Cabins and Cottages (10.16.2) B. Residential Accessory Buildings as a Principal Use (10.16.3) C. Gasoline Stations and Convenience Stores (10.16.4) D. Additional Dwelling Unit per Parcel (10.16.5) E. Home Occupation (10.16.6) F. Home Business (10.16.7) G. State Licensed Residential Facility for 7 or More Persons (10.16.8)	A. Agricultural processing and intense animal raising operations B. Assisted Living Facilities C. Farm stands D. Doctor's office E. Group day care F. Cemeteries G. Civic, social and fraternal buildings H. Schools I. Churches J. Privately owned utilities K. Private landing strips L. Riding and/or boarding stables M. Veterinary clinics, kennels and boarding N. Home occupations/Home professional offices O. Mining, processing, stockpiling, and removal of gravel, sand, earth, and other mineral resources P. Other uses which are determined similar by the Zoning Board of Appeals and which support the agricultural community may also be permitted.

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
FR-FOREST/RECREATIONAL This District is provided to promote the proper use of the county's resources and enjoyment of the natural features of the County while providing 'space for larger (10 acres +) outdoor recreational facilities, forestry and low density residential development.	A. Single family dwellings B. Hobby farms C. Tree farms D. Public parks and playgrounds E. State Licensed Residential Facility for 6 or less Persons F. Accessory structures	A. Mini Cabins and Cottages (10.16.2) B. Residential Accessory Buildings as a Principal Use (10.16.3) C. Gasoline Stations and Convenience Stores (10.16.4) D. Additional Dwelling Unit per Parcel (10.16.5) E. Home Occupation (10.16.6) F. Home Business (10.16.7) G. State Licensed Residential Facility for 7 or More Persons (10.16.8)	A. Campgrounds and cabin resorts B. Church C. Saw mills or other forest industry/processing D. Outdoor recreation facilities E. Private landing strips F. Two-family dwellings G. Publicly owned buildings H. Riding and/or boarding stables I. Greenhouses and nurseries J. Motels and lodging K. Restaurants L. Home occupations/Home professional offices M. Group day care N. Launching facilities and boat and canoe livery O. Retail stores selling new merchandise P. Pet boarding kennel Q. Mining, processing, stockpiling, and removal of gravel, sand, earth, and other mineral resources
C-1- LIGHT COMMERCIAL This District is provided to establish areas in the County where general commercial and retail services are appropriate. Uses normally associated with local business and service districts will be considered in this Zone. Areas which have public sewer and water available will be given priority consideration as locations for this zone and the respective uses. Because of the limited public utilities available in the County, most uses in this zone will require a special use permit	A. Retail establishments, professional and business offices and restaurants with less than 2000 square feet of floor area and without outdoor storage of materials.	*[None]*	A. Retail establishments, professional and business offices and restaurants with greater than 2000 square feet of floor area, with or without outdoor storage of materials. B. Lodging and motels C. Hospitals, clinics for human care D. Commercial recreation facilities (indoor and outdoor) E. Automobile service stations. F. Mini storage facilities

ZONING DISTRICT (and District Intent)	PERMITTED USES	CONDITIONAL USES	SPECIAL USES
C-2 - HEAVY COMMERCIAL This Zone is intended for commercial uses which are likely to produce noise, smoke, dust or traffic which may be of an intensity harmful to neighboring properties. As with the Commercial Zone, areas which have public sewer and water available will be given priority consideration as locations for this zone and respective uses. Outdoor storage within fenced areas will be permitted in this district Because of the limited public utilities available in the County, most uses In this zone will require a special use permit	A. Warehousing and mini-storage buildings B. Gas stations, including automotive service stations	*[None]*	A. Production, processing, assembly and/or manufacture of goods and materials. B. Contractors storage yards C. Recycle, salvage and transfer stations D. Vehicle sales E. *Automobile service stations* with/without repair and body shops F. Manufactured housing sales G. Sexually Oriented Businesses. (10.16.1) Sexually Oriented Businesses include any of the following or any combination of the following: 1. Adult book and/or video store 2. Adult motion picture theater 3. Adult mini-motion picture theater 4. Adult paraphernalia/novelty store 5. Massage parlor 6. Host or hostess establishments 7. Open dance hall 8. Adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served 9. Adult panorams
PUD-PLANNED UNIT DEVELOPMENT This zone Is intended to provide zoning flexibility for large developments which may propose more than one primary use. All developments proposed for this zone must be approved by the Planning Commission as provided in Article Six of this Ordinance.	None	None	All uses allowed by the provisions of Article Six of this Ordinance.

4.2: Minimum Zoning District Dimensional Requirements

ZONE	LOT AREA (sq. ft.)		BLDG SIZE (sq. ft.)[1]/MAX LOT COVERAGE	HEIGHT MAX.[2]	FRONT SETBACK	LOT WIDTH[3]	SIDE YARD	REAR YARD
	1-FAM	2-FAM						
R	20,000	32,000	900[4]	35 FEET	40	100	15	25
RR	20,000	32,000	900[5]	35 FEET	40	100	15	35
AR	43,560	65,340	800	35 FEET	50	165	30	50
FR	43,560	65,340	800	35 FEET	50	165	30	50
0/S	22,500		35 COV.	35 FEET	75	150	30	60
C-1	25,000		50 COV.	35 FEET	30	150	20	60
C-2	43,560		50 COV.	40 FEET	100	150	20	60
PUD	10 ACRES		FLEXIBLE	FLEXIBLE	FLEXIBLE	FLEXIBLE	FLEXIBLE	FLEXIBLE
Plats or lots w/ public sewer and water	12,000	18,000	Depends on zoning district	35 FEET	40	100	15	25

1) The minimum floor area per unit for multiple family units in any District shall be 530 sq. feet. There shall also be lot area equal to 9000 sq. ft. per unit. "Multi-Family Dwelling", and "State Licensed Residential Facilities" located in the Residential and Resort-Residential zones, shall have a minimum lot width requirement of 100 feet and a minimum parcel size requirement of 32,000 square feet. The minimum side yard setback requirement, shall be 25 feet or the height of the building as measured from the mid point of the peak to eave to the ground whichever is greater". "In areas served by municipal sewer, there shall be a maximum lot coverage allowance of 20%. In areas where municipal sewer is not available and where on-site septic systems are planned, there shall also be a lot area equal to 9,000 square feet per unit".
"State Licensed Residential Facilities in the Agricultural Residential zone shall have a minimum lot width requirement of 165 feet and a minimum parcel size of 65,340 square feet. The minimum side yard setback requirement shall be 30 feet. The maximum building height shall be 35 feet. The minimum front yard setback shall be 50 feet. The minimum rear yard setback shall be 50 feet. In areas served by municipal sewer, there shall be a maximum lot coverage allowance of 20%. In areas where municipal sewer is not available and where on-site septic systems are planned, there shall also be a lot area equal to 9,000 square feet per unit".

2) Residential accessory structures in the R, AR, FR, PUD and RR Districts shall not exceed one (1) story or fourteen (14) feet in height (grade to eave). Non-residential accessory structures in any district shall not exceed 35 feet or the height of the principal structure, whichever is less.

3) The depth of lots in residential zoned areas shall not be more than four (4) times the width.

4) All dwellings in this District shall be a minimum of 20 feet on all four building faces at the time of manufacture or placement.

5) Refer to Footnote #4.

ARTICLE FIVE: LAKE MITCHELL OVERLAY ZONE

(Amendment #07-2)

5.1 Purpose

The Lake Mitchell Overlay Zone is established for the purpose of achieving specific land management objectives and to avert specific land use problems as identified in the Lake Mitchell Environmental Development Plan. It is, furthermore, the purpose of this Overlay Zone to:

A. Protect wetlands and other sensitive environmental areas important to the maintenance of Lake Mitchell's water quality.

B. To protect existing and natural drainage ways, waterways, and drains running into the lake.

C. Control development in areas where unhealthful conditions and damages to structures, buildings and land uses may occur.

D. Protect the property investments and value of present and future property owners.

5.2 Area Affected

The area affected by this Lake Mitchell Overlay Zone is depicted on the official zoning map known as the "Zoning District Map of Wexford County, Michigan." Within this area, underlying zoning districts establish the pattern of permitted uses of land and buildings. In addition, special "Environmental Framework Maps" and "Development Plan Maps" are adopted for use in determining the density limitations and environmental factors affecting the use of land and buildings within this zone in accord with the standards of this Ordinance.

5.3 Map Interpretation

In determining the environmental constraints and maximum allowable density permitted on a lot within the affected area, the Planning Commission or Zoning Administrator as provided in this Article, shall review a proposed site plan in comparison with the information depicted on the Environmental Framework Map and the Development Map. Where the site plan is consistent with the standard of this Ordinance and with the Environmental Framework Map and the Development Map, it shall be approved. However, where a property owner alleges the environmental information or a boundary line depicted on these maps is inaccurate and the owner (or his representative) provides competent information such as soil borings, or topographic studies which show that the line as depicted is in error and/or that the land has different characteristics, and after a site inspection and other analysis, a majority of the commission agrees, then the land shall be classified into the appropriate category(ies) based on the new information. The map shall be so corrected and future decisions concerning compliance with Ordinance requirements shall be based upon this corrected classification.

5.4 Property Uses

The use of all land and premises, and the erection and use of all buildings and structures within the area affected by this Overlay Zone shall comply with all regulations of this zone in addition to all other regulations of this Ordinance not in conflict with those of this zone.

5.5 Zoning Permit Procedures

Zoning permits or special land use permits within this Overlay Zone shall be granted as described below:

A. One-family dwelling, two-family dwelling, and related accessory structures which are wholly located within A, B-1 or B-2 Land Unit and if served by sanitary sewer shall be allowed by zoning

permit from the zoning administrator upon determination that the proposed use fully complies with other applicable sections of this Ordinance.

B. In areas located within Land Unit C affected by this Overlay Zone, all uses of land, buildings and structures permitted as either primary or special uses in the underlying district in which a property is located are permitted, provided the procedures and requirements for obtaining a special use permit pursuant to Article Ten of this Ordinance have been complied with and a special use permit is granted.

5.6 General Site Plan Requirements

A. Compliance with each of the following minimum site plan standards are required to ensure the development and use of land consistent with the purposes of the Lake Mitchell Environmental Development Plan and the Lake Mitchell Overlay Zone. In applying the following standards, the Planning Commission may impose setback, yard, and other requirements which allow for reasonable use of property while protecting and maintaining the integrity and quality of the area. Property owners are encouraged to consult with the zoning administrator and to review pages 37-50 of the Lake Mitchell Environmental Development Plan prior to submitting development plans.

B. Upon the submittal of a site plan and upon inspection of the proposed site, the Planning Commission as described above shall make findings whether or not the proposed location of land uses and structure comply with the following required general standards:

1. Minimum setback, yard, and lot width requirements of the underlying district shall be met. If the Zoning Board of Appeals considers any reduction of these setbacks the following conditions must be met:

   a) insure the protection of sensitive environmental areas;

   b) under no circumstances result in a structure or use of land being located closer than fifteen (15) feet from a side yard lot line, closer than thirty-five (35) feet from the lot line from which principal access is derived or no less than twenty-five (25) feet from a rear lot line.
   All structures and uses of land shall also be set back from any water body as required in Section 3.4 of this ordinance. Non conforming lots of record shall be granted some relief from this provision as included in Section 3.11of this Ordinance.

2. Structures and land uses shall be located on that part of any lot which has the highest elevation.

3. The development and use of any land within the Lake Mitchell Overlay Zone shall further;

   a) be undertaken in a manner which insures retention of existing vegetation, especially trees wherever possible;

   b) provide a greenbelt zone of no less than twenty (20) feet of natural vegetation between the structure or use and any stream, drainage way, or wetland; and be subject to the following definitions and standards for development:

   c) “Impervious Surface” means surface material incapable of being penetrated by water and includes the foundation lines of buildings, paved parking and drives, sidewalks, bricks, pavers, patio blocks, or any other surface which does not allow water to penetrate.

   d) prior to any new construction, reconstruction, remodeling or other construction activity including paved parking, drives, sidewalks or any impervious surface, the lot owner be required to obtain a grading and drainage permit showing that drainage as a result of the construction activity, is not directed toward or directly into Lake Mitchell or onto

adjacent properties. Rain gutters, directing runoff into french drains, collection crocks, reverse crowns for paved driveways, or other acceptable methods of controlling run-off from the building site shall be used. The most effective method of control to be determined by the Wexford County Soil Erosion and Sedimentation Control Officer.

e) In the case of demolition and reconstruction, allowance for the vesting of lot coverage for impervious areas erected or constructed prior to the effective date of the zoning ordinance, provided, however, reconstruction begins and is completed within 30 months of demolition.

f) Ground level platform decks that have open ground underneath and are not covered by a roof structure, and that have sufficient spacing between deck material to allow water to penetrate the deck surface, shall not be counted as a impervious surface.

g) Cantilevered decks or other cantilevered construction one (1) story or more in height, with or without a roof structure, shall not be counted as impervious surface provided, however, there are no ground support poles and the area below the structure is maintained in open ground allowing for the absorption of run-off.

h) Comply with all other state and local laws and statues.

5.7 General Standard on Filling in the Lake Mitchell Overlay Zone

All filling within the Lake Mitchell Overlay Zone shall be conducted in a manner consistent with the Lake Mitchell Environmental Development Plan and with the following standards:

A. Any filling shall be the minimum necessary to allow reasonable use of property. Fill should not be used when an alternate site of higher elevation is available on a lot or parcel.

B. Filling shall not occur in drainage ways or encroach on wetland areas or streams.

C. Filling or dredging shall not take place in this zone without the owner securing a permit or waiver of permit from the State pursuant to Part 301of P.A. 451 of 1994, as amended (being the inland lakes and streams part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.30101 et seq.), and may also require a permit under Part 303 of P.A. 451 of 1994, as amended (being the wetland protection part of the Michigan Natural Resources and Environmental Protection Act, M.C.L. 324.30301 et seq.).

D. Fill material shall be devoid of pollutants, shall not be made up of impervious materials (clays), but shall include soils of sufficient quality to sustain natural vegetation.

E. Fill shall not be placed where it will have a significant and harmful effect on existing vegetation.

5.8 Specific Standards for Site Development

All permitted and special land uses and structures within the A, B-1, B-2, and C Land Units shall comply with the requirements of this Article and shall further comply with the following standards.

A. Land Unit A: These units can generally be developed without problems but because of their proximity to sensitive environmental areas, special care must be given to insure the proper location and type of development which occurs in these areas. The following standard shall be complied with:

   1. Impervious areas including building, paved parking, and drives shall not exceed 33 percent of the total site.

B. Land Unit B-1: These units may have environmental limitations which can create serious problems for development. Problems of unstable soils, poor drainage, shallow water tables, and

even occasional flooding may be experienced in this Land Unit. The following shall be complied with:

1. Impervious areas including building, paved parking, and drives shall not exceed 33 percent of the total site.
2. Basements should not be constructed unless it can be demonstrated that the depth of the water table is consistently greater than six (6) feet from grade.

C. Land Unit B-2.- These units have environmental limitations which can cause problems for development. The B-2 Land units have moderate development potential with some poorly drained soils and other problems, although the site limitations are less severe than those of the B-1 Land Unit. The following shall be complied with:

1. Impervious areas including building, paved parking, and drives shall not exceed 33 percent of the total site.

D. Land Unit C.- these units have severe environmental limitations which make them unsuitable for development unless extensive site modifications occur. The following conditions and standards shall be complied with.

1. Development in the C Land unit shall occur in areas where sanitary sewer service is available, where road frontage and access is available, and where organic soils are no deeper than six (6) to eight (8) feet on the site.
2. Construction activities shall be planned to minimize the disruption of a site. Structures and buildings shall further be planned and located on areas of a site with the shallowest organic soils. No basements shall be permitted.
3. Impervious areas within Land Unit C shall be the minimal necessary and shall not exceed 20 percent of the total site. Parking areas, driveways, and other on-site service areas shall not be surfaced with impervious materials. Special attention should be given to stabilize erosion prone areas during and after construction.

5.9 Lot Area-Density Requirements

A. The following maximum densities shall be observed unless an individual lot existing prior to the effective date of this Overlay Zone lacks sufficient size to merit structural development in accord with these standards, in which case the lot area and width requirements of the underlying district shall govern, except that where two or more contiguous lots are under the same ownership, they shall be considered together as a single lot in whatever combination is necessary to meet minimum area/density requirements of this Overlay Zone.

B. The land units in the chart below refer to those depicted on the Development Plan Map. Where a single lot falls in more than one land unit, that land unit occupying the majority of the buildable area of the lot which meets all other development standards, shall be the land unit classification used for density purposes.

	In Critical Land Management Unit (Units 1,3,5, & 8)	Not in Critical Land Management Unit
Land Unit-A		
With Sewer Service	12,100 sq. ft./principal use	8,712 sq. ft./principal use
Without Sewer Service	21,780 sq. ft./principal use	21,780 sq. ft./principal use
Land Units-B-1 & B-2		

	In Critical Land Management Unit (Units 1,3,5, & 8)	Not in Critical Land Management Unit
With Sewer Service	18,939 sq. ft./principal use	12,100 sq. ft./principal use
Without Sewer Service	43,560 sq. ft./principal use	43,560 sq. ft./principal use
Land Unit-C		
With Sewer Service	87,120 sq. ft./principal use	21,780 sq. ft./principal use
Without Sewer Service	no development	no development

5.10 Site Plan Application Requirements

In addition to the site plan application requirements of this Ordinance, the following information shall be submitted for consideration of a special approval use within the area affected by the Overlay Zone.

A. Existing vegetative cover and any area where trees and shrubs are proposed to be removed or added. All trees over three (3) inches in diameter at breast height must be individually shown and indicated as either coniferous or deciduous.

B. Elevation and slope of the property where each lot line intersects the legal lake level, and three points equidistant along each side of the lot.

C. Location of: wetlands and drainage ways, rock outcrops, and other natural features which create either a constraint or opportunity for development consistent with the purpose of this Overlay Zone and the natural characteristics of the site.

D. Copies of all other required federal, state and local permits (except for a building permit.)

E. Other information the administrator may require due to special conditions of the site or the complexity of the proposed development that will insure the intent and requirements of this Ordinance are fulfilled.

5.11 Approval or Denial

Upon approval of a site plan by the Planning Commission, one (1) copy of the site plan shall be returned to the applicant along with a special use permit with all the conditions attached, if any. Failure to comply with a special use permit and all conditions is a violation of this Ordinance. The administrator shall keep on file all applications received for site plan review, a copy of the site plan, the action taken and the reasons for the action. Any application for a permit that is denied shall be done in writing with the findings and reasons specified and one (1) copy returned to the applicant.

5.12 Preliminary Plat Review

In the preliminary plat review required under terms of this Ordinance, the County shall request review and comment from the Zoning Administrator and Planning Commission when the proposed plat falls within the area of the Lake Mitchell Overlay Zone as described in this Ordinance. The County's comment shall be received within thirty (30) days and shall verify whether the proposed plat fully complies with County zoning regulations and that the plat has been planned, laid out and designed to maintain and protect the values and integrity of the Lake Mitchell environmental area.

ARTICLE SIX: PUD - PLANNED UNIT DEVELOPMENT.

6.1: PURPOSE

The purpose of this district is to permit flexibility in the regulation of land development on parcels of land of ten (10) acres or more; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public service and utilities; encourage provision of useful open space; provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the County; and encourage the use, reuse and improvement of existing site and buildings when the uniform regulations contained in other zoning districts do not provide adequate protection and safeguards of the site or surrounding area.

This district is intended to accommodate development with mixed or varied uses, sites with unusual topography or unique settings within the county, or on land which exhibits difficult or costly development problems but shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes above.

6.2: PERMITTED USES

All residential uses, including Mobile Home Parks; all business, service and professional offices; all light manufacturing, research uses, and all commercial uses or any combination of uses may be permitted in a planned unit development.

6.3: PERMITTED ACCESSORY USES

Any accessory use permitted in this Ordinance shall be permitted as part of a Planned Unit Development Site Plan.

6.4: DEVELOPMENT REGULATIONS AND STANDARDS

1. Ownership. The entire parcel for which application is made must be under one ownership or the application must be made with the written authorization of all property owners.
2. Establishment. Amendment Procedure. A PUD zoning classification shall be established, amended or removed pursuant to the procedure set forth in this Article provided, however, that a PUD zoning classification may be initiated only by petitioner.
3. Standards for Approval. Based upon the following standards, the Planning Commission may recommend denial or approval, and Board of Commissioners may deny or approve the proposed Planned Unit Development.
    a) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare or convenience or any combination thereof, on present and potential surrounding land uses. The uses proposed "will not adversely affect the public utility and circulation systems, surrounding properties, or the environment; This beneficial effect for the County (not the developer) shall be one which could not be achieved under any other single zoning classification.
    b) The uses proposed shall be consistent with the land use plans adopted by the Wexford County Planning Commission.
    c) The zoning is warranted by the design and amenities incorporated in the development proposal.
    d) Usable open space shall be provided at least equal to the total of the minimum usable open space which would be required for each of the component uses of the development.

e) Off-street parking sufficient to meet the minimum required by Article Three. Planning Commissioners may, if deemed appropriate, require for Planned Unit Developments more or less parking than that required by this Ordinance.

f) Landscaping shall be provided so as to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

g) Vehicular and pedestrian circulation, allowing safe, convenient, uncongested, and well-defined circulation within and to the district shall be provided.

h) Major natural, historical and architectural features of the district shall be preserved.

i) Use and dimension regulations shall receive some flexibility in the PUD classification, provided the intent and minimum lot size requirements found in Article Four, Sections 4.1 and 4.2 are met.

j) Such other requirements applicable to uses of a more intense nature as set forth in Article Three and Section 10.3 of this Ordinance.

4. Approval Procedure. The PUD zoning approval shall involve two phases. The preliminary phase shall involve a review of the conceptual PUD development plan to determine suitability for inclusion in the land use and zoning plan of the County and adoption by the Wexford County Board of Commissioners as part of the Zoning Ordinance. The final phase shall require detailed site plans for any part of the conceptual PUD development plan prior to the issuance of building permits.

5. Material to be Submitted. The applicant for any PUD zoning classification shall submit the following technical and/or graphic materials together with the application for a PUD classification preliminary phase approval as further specified by Section 10.2(2) of this Ordinance:

a) A complete amendment petition as required by this Article, together with a PUD development plan showing all uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units, floor area per habitable space, and total open space.

b) The PUD development plan shall indicate the entire contiguous holdings of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed, which plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership; said plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or the land development regulation.

c) The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the County; impact on public schools utilities, and circulation facilities; impact on natural resources; impact on the general area and adjacent property; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan.

d) All applications shall include photographs of all existing buildings. Any additional graphics or written materials requested by Planning Commission to assist the- County in visualizing and understanding the proposal shall be submitted.

6. PUD Development Plan Review.

a) The petitioner shall submit to the County Planning and Zoning Department sufficient copies of the PUD development plan together with appropriate review fees. Copies of the plan as submitted shall be distributed promptly by the staff to the members of the Planning

Commission and the appropriate County agencies for review to determine if the development concept can be accommodated by the existing public utility, street, and general County service facilities, or if any additions to, or extension of facilities are necessary for the project.

b) The Planning Director shall notify the petitioner of any questions raised by the County agencies during said review and shall submit like information to the Planning Commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the County in which it is located.

c) Within forty-five (45) days of the submittal of the plan from the applicant to the Planning and Zoning Department, the Planning Commission shall hold a public hearing advertised in accordance with Section 12.3 (4), at which time the petitioner shall present the proposed PUD development plan and the Planning Commission shall provide the petitioner with its comments within thirty (30) days after holding such a hearing. Fee for this review and hearing shall be the same as that charged for a typical re-zoning.

d) The Planning Commission shall, after holding public hearings on said PUD development plan and reviewing said reports, make its recommendation to the Board of Commissioners on said plan within sixty (60) days of the public hearing unless said time is agreed to be extended by the petitioner in writing; provided that the Planning Commission may extend this time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

e) If the PUD development plan is recommended for rejection by the Planning Commission to the County Board, the reasons therefore shall be specified in a formal Finding of Fact Statement, prepared by the Staff, and approved by the Planning Commission.

f) The Planning Commission's recommendations and--all related reports shall be submitted to the Board of Commissioners for its consideration. The Board of Commissioners shall either approve, approve with conditions (Sec. 10.3 [2]) or deny the request (Sec. 12.3 [5]) within ninety (90) days of the date it receives the recommendation from the Planning Commission or such reasonable extension of time as may be necessary for adequate review. The County Board of Commissioners shall prepare a report stating it's conclusions regarding the request for a P.U.D-, including the basis for it's decision, the decision and any conditions relating to an affirmative decision. The decision of the Board of Commissioners shall be final with appeals available through the Circuit Court.

g) Any conditions recommended by the Planning Commission and required by the Board of Commissioners shall be satisfied by the petitioner or owner prior to subsequent final phase site plan approval and prior to the issuance of any building permits. The County Clerk shall keep a special record of all approved PUD development plans and approval conditions.

7. Effect of Preliminary Phase Approval of PUD Development Plans. Approval of the PUD development plan by the Board of Commissioners shall rezone the property to a "PUD" zoning classification for uses as shown on the PUD development plan and shall confer upon the owner the right to proceed through the subsequent planning phases in accordance with regulations and ordinances in effect at the time of Board's approval for a period not to exceed three (3) years from date of approval, unless subsequent regulations or ordinances are specifically made applicable to developments which have been so approved. If final phase site plans have not been submitted for approval before the termination of said three (3) year period, said subsequent site planning must conform to the regulations, ordinances and laws in effect at the time said site plan is submitted.

8. Final Phase PUD Site Plan Approval. Before any building permits shall be issued, the petitioner shall submit to the Planning Director sufficient copies of the final PUD site plan for all or any part of the development, in accordance with the uses and concepts as shown on the preliminary approved PUD development plan. The final site plan shall comply with all requirements of Section 11.3 of this Ordinance as well as the following:
   a) A detailed site drawing which includes all items listed in Article Eleven of this Ordinance.
   b) A detailed listing of existing and/or proposed exterior materials shall be provided and will become part of the PUD site plan.
   c) Approval of the final PUD site plan, as provided in Section 11.5 of this Ordinance, shall entitle the owner to apply for building permits.
9. Time for Completion of Development. The proposed Planned Unit Development District and all proposed buildings, parking spaces, landscaping, usable open space, and amenities must be started within three (3) years of the establishment of the district and work must be continued in a reasonable diligent manner and completed within five (5) years of the establishment of the district. Said five (5) year period may be extended if applied for by'the petitioner and granted by the Planning Commission in writing. Failure on the part of the owner to secure the written extension shall result in stoppage of all construction.
10. Deviations from Approved PUD Site Plan.
   a) Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or Board of Commission action thereon if the Planning Department staff and any relevant county agency or department certify in writing that the proposed revision constitutes an acceptable level of alteration and does not alter the basic design nor any specific conditions of the plan as agreed upon by Planning Commission and Board of Commissioners. The Planning Director shall record all such changes on the original PUD site plan and shall advise Planning Commission and Board of Commissioners of all said minor revisions at their next scheduled meeting(s) of said administrative approval. Minor changes under this section shall be limited to:
      (1) Addition or relocation of all fire escapes.
      (2) Shifting of building heights and elevations, providing such shifting does not exceed ten (10) percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan.
      (3) Construction of additional or alteration of approved sidewalks, provided that the full intent of pedestrian movement through and around the site is not inhibited thereby.
      (4) Shifting of, additions to, or changes in species of landscape materials, provided that such change does not reduce the minimum landscape requirements.
      (5) Relocation of refuse collection stations.
      (6) Internal rearrangement of parking lots and curb cut locations provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further provided that such rearrangement does not inhibit good traffic flow or circulation.
      (7) Any decrease in building size or changes in bedroom counts per dwelling unit in no more than ten (10) percent of the total number of units.
      (8) Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.

(9) Such other alterations or revisions which do not alter the basic design nor any specific condition of the plan as agreed by the Planning Commission and the County Board of Commissioners (Sec. 11.6).

b) A PUD final phase PUD site plan approval shall be assigned only after the Board of Commissioners approval of the preliminary phase PUD development plan and rezoning of the property as required by this Section. Any deviation from the approved PUD site plan, except as authorized above, shall be considered a violation of this Article and subject to the penalties stated in Article Seven, of this Ordinance. Further, any such deviation shall result in notice of the owner that rezoning procedures will be initiated by the Board of Commissioners.

ARTICLE SEVEN: ADMINISTRATION

7.1: ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the County Board of Commissioners for such term and subject to such conditions as said Board deems desirable to carry out the provisions of the Ordinance. He shall hold office at the pleasure of the Board and receive such compensation as shall be determined by the Board. The Board may also appoint deputy administrators under such conditions and for such term, and for such compensations as the Zoning Administrator in the discharge of the duties of the office.

7.2: DUTIES AND POWERS OF ZONING ADMINISTRATOR

The Zoning Administrator shall enforce this ordinance and:

1. Issue all Zoning Certificates and Certificates of Compliance and maintain records thereof.
2. Conduct inspections as outlined elsewhere in this Ordinance.
3. Maintain permanent and correct records of this Ordinance, including, but not limited to, maps, amendments, special use permits, variations and appeals.
4. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
5. Investigate all applications for variances and special use permits and report his findings to the jurisdictional agency.
6. Initiate appropriate action to prevent restrain, correct or abate any illegal act or violation of this Ordinance.

7.3: ZONING PERMITS

Application

Before proceeding with the use, erection, alteration, enlargement, rebuilding, location or moving of any building or structure subject to the provisions of this ordinance, the owner of the premises shall first apply for a permit from the Zoning Administrator. Application shall be made upon forms provided by the planning and zoning office, and shall be accompanied by a tax description of the premises and a permit number from the local Health District. In addition, applications for one and two-family dwellings shall be accompanied by a blueprint, or neat pen and ink drawing, showing the following:

1. The shape, area, and dimensions of the premises.
2. The kind, dimensions, height and location of all buildings and structures 'to be erected or moved on the premises, including all yard dimensions and accessory buildings, if any.
3. On examination of any site, the Zoning Administrator may require a boundary survey and staking of the premises by a registered surveyor, of if site is located in any area having severe soil conditions, low strength, severe slope or humus or peat, as indicated by the soil survey map of Wexford County, additional information may be required by the Zoning Administrator, including engineering specifications to overcome soil deficiency,

Zoning requests for uses other than one and two-family dwellings shall include a site plan which complies with the requirements of ARTICLE ELEVEN of this Ordinance. Site Plan Review by the Planning Commission is also required for those requests.

Issuance of Permit

1. If the Zoning Administrator finds the application conforms with the requirements of the Ordinance and other applicable law, he shall so mark the copies over his signature, including the date. One copy shall be filed in his office, and one returned together with a Zoning Certificate No permit shall be valid until the required fee has been paid to the Zoning Administrator. All fees shall be transferred to the County Treasurer on a monthly basis.
2. Any permit under which no work has been actively pursued within one (I) year of issuance shall expire by limitation.
3. The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with the provisions of this Ordinance, or in case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing of liability to voiding action before revocation.
4. Any builder or contractor who proceeds with the erection, alteration, enlargements, rebuilding location or moving of any building or structure subject to the provisions of this Ordinance without the necessary permits for said property having been issued may be subject to the same penalties as the property owner.

Inspections

Every property, building or structure for which a zoning permit has been issued shall be subject to inspections at the discretion of the Zoning Administrator to verify set-back or use in compliance with this Ordinance.

Zoning Certificate

Where a building permit is not required for the use of land or premises the Zoning Administrator shall issue the property a Zoning Certificate, on application therefore, certifying the use of such land complies with all provisions of this Ordinance.

7.5: FEE SCHEDULE

To assist in defraying cost of investigation and administration, the County Board of Commissioners may from time to time adopt by resolution a fee schedule governing the issuance of building and use permits and other actions taken under the provisions of the Ordinance, including specifically the following:

1. Building Permits
2. Special Use Permits
3. Appeals addressed to the County Zoning Board of Appeals
4. Classification of Unlisted Property Uses
5. Request for amendment to Ordinance by property owner

7.6: VIOLATIONS AND ENFORCEMENT

VIOLATIONS AND PENALTIES *(Amendment #00-1)*:

Any use of land or premises, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates any provision of this Ordinance or any permit, license or exception granted hereunder or any lawful order of the Zoning Administrator or Zoning Board of Appeals issued under this Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan Law.

A. INSPECTION OF VIOLATION, NOTICE: The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of through a written complaint and shall order abatement, in writing, of all conditions found to be in violation of this Ordinance. Notice of violations and orders to abate shall be served by registered or certified mail to the land owner at their last known address.

B. ABATEMENT PERIOD: All violations shall be abated within 30 days following the mailing of the written Notice of Violation and order to abate. At the discretion of the Zoning Administrator, the period for abatement may be extended twice in increments of 30 days, upon a showing that the landowner has made and continues to make substantial efforts to come into compliance with the Ordinance.

C. FINES, COSTS: An adjudication or admission of responsibility shall subject the violator to a fine of not less than $50 for the first offense and not less than $125 nor more than $500 for subsequent offenses in the discretion of the Court. In addition, all other costs, damages and expenses provided by law shall be assessed. For purposes of this section, "subsequent offense" means a violation of a provision of this Ordinance committed by the same person within 36 months of a previous violation of the same provision of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation or notice for a first offense shall all be considered separate, first offenses.

D. MISCELLANEOUS PROVISIONS: Each day during which any violation continues shall be deemed a separate offense. The imposition of any fine hereunder shall not exempt or excuse an offender from compliance with this Ordinance. The remedies provided in this section are cumulative, not exclusive. Accordingly, nothing herein shall bar the Zoning Administrator from seeking relief in the Wexford County Circuit Court for abatement of nuisance or such other relief or remedies as may be provided by law or in equity.

ARTICLE EIGHT: ZONING BOARD OF APPEALS

8.1: CREATION AND MEMBERSHIP

There is, hereby created a County Zoning Board of Appeals, the members of which shall be appointed by the County Board of Commissioners, appointment shall include not less than three (3) members nor more than seven (7) members elected for staggered terms, as provided by Section 18 of the County Rural Zoning Act. All members shall be chosen from electors residing in the unincorporated area of Wexford County, provided that one member shall be a member of the County Planning Commission for the term of his/her membership. No elected officer of the County, nor any employees of the Board of Commissioners, shall serve simultaneously as a member nor as an employee of the Board of Appeals.

8.2: MEETINGS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in its rule of procedures. A majority of the total membership shall comprise a quorum The Board shall maintain a record of its proceedings, which record shall be filed in the office of the County Clerk and shall be a public record.

8.3: DUTIES AND POWERS

The duties and powers of the Board of Appeals shall include the following:

A. Hear and Decide Appeals. Hear and decide upon appeals from determinations of the County Zoning Administrator, County Planning Commission, or other administrative agent acting under the terms of the Ordinance.

B. Interpret Ordinance. Hear and decide upon requests for interpretation of the provisions of the Ordinance.

C. Grant Variances. Grant variances on appeal respecting any provision of this Ordinance, if the same cause practical difficulties or undue hardship in conforming to the strict letter of the Ordinance to the end that the spirit of the Ordinance is observed, equity achieved, and substantial justice done, provided however that this provision shall not be construed as permitting the Board of Appeals to amend the Ordinance or to change any use of property under the guises of a variance.

   1. Basis of Determination: The Zoning Board of Appeals must ensure that any variance granted from this Ordinance:

      a) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

      b) Shall not permit the establishment within a district any use which is not permitted by right within the zone district, or any use or dimensional variance for which a special permit is required.

      c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.

      d) Is not where the specific condition relating to the property are so general or recurrent in nature as to make the formation of a general regulation for such conditions reasonably practical.

      e) Will relate to property only that is under control of the applicant.

   2. Special Situations: When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special situations can be clearly demonstrated:

a) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or use in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the applicant subsequent to the adoption of this Ordinance.

b) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance, these hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

c) Where the lot or parcel of land was of legal record or has been laid out by a surveyor prior to the date of this Ordinance.

d) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

D. Unlisted Property Uses: The County Zoning Appeal Board shall have the power on written request of any property owner to classify a use not listed with a comparable permitted primary or approved use giving due consideration to the purpose of this Ordinance and the following determination standards:
In recognition that every potential use cannot be addressed in this Zoning Ordinance, each district includes the phrase "uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Zoning Board of Appeals based on the standards of Article Eight, Section 8.3 at the end of the list of Special Land Uses. The Zoning Board of Appeals shall make a determination of "Uses of the same nature and class" according to the following:

a) A finding that the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district. "

b) If the use is not addressed in the Zoning Ordinance, the Zoning Board of'Appeals shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the County. The ZBA may determine that there is no similar use and that the use should be prohibited.

c) Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.

d) The Zoning Board of Appeals or applicant shall have the option to request an amendment to the Zoning Ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.

e) The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Board of Appeals to be a "use of the same nature or class as uses listed" shall thereafter be considered to be included in the enumeration of the uses.

8.4: PROCEDURES

The Board of Appeals shall fix rules and regulations (BYLAWS) to govern its procedures in accordance with the provisions of Sections 21 to 23 inclusive of the County Rural Zoning Act, as amended.

A. Written Requests. All appeals and request for variances, over which the Board has jurisdiction, shall be filed in writing, accompanied by such fee as provided in the fee schedule of this Ordinance.

B. Limitations. All appeals shall be made within thirty (30) days from the date of any decision constituting the basis for appeal. Upon hearing of such appeals, the Board may affirm, change or modify the ruling, decision, or determination, or in lieu thereof make such other or additional determination as it shall deem proper under the circumstances. The Board shall return its decision in writing within thirty (30) days after a request or appeal has been heard unless additional time is agreed upon by all parties concerned.

C. Resubmission. No application for variances, which have been denied, shall be resubmitted within ninety (90) days from the last date of denial, except on grounds of newly discovered evidence of proof of changed conditions found to be valid.

ARTICLE NINE: COUNTY PLANNING COMMISSION

9.1: ORGANIZATION

Membership

The Planning Commission, as organized under PA 282 of 1945, Section 6, shall consist of not less than 5 or more than 9 members, who shall be representative of major interests as they exist in the County, such as agriculture, recreation, public health, government, commerce, transportation and industry. All members of the Planning Commission shall be appointed by the Board of Commissioners. Members may be removed by the Board of Commissioners of the County. The term of each member shall be for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

Compensation

Members of the Planning Commission may be compensated for their services as provided by the County Board. The Planning Commission shall prepare a detailed budget and submit same to the Board of Commissioners for approval or disapproval. The Board of Commissioners annually may appropriate and make available funds for carrying out the purposes and functions permitted under this Ordinance and may match County funds with federal, state, or other local government or private grants.

Gifts and Grants

The Board of Commissioners may accept and use gifts and grants for Planning Commission purposes.

Money so accepted shall be deposited with the County Treasurer in a special nonreverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Board of Commissioners.

9.2: MEETINGS

The Planning Commission shall hold a minimum of four (4) regular meetings annually giving notice of the time and place by publication in a newspaper of general circulation in such County not more than fifteen (15) days nor less than eight (8) days prior thereto at which meeting any person having interests in the County of their duly appointed representatives, shall be heard relative to any matters that should properly come before the Planning Commission. The Planning Commission shall elect from its members a chairman and vice-chairman and such other officers or committees as it may deem necessary. The election of officers shall be held at least once every year.

9.3: RULES OF PROCEDURE

The Rules of Procedure shall be included as a section of the Wexford County Planning Commission Bylaws.

9.4: RESPONSIBILITIES OF THE COMMISSION

It shall be the responsibility of the Planning Commission to develop, maintain and implement the County Master Land Use Plan, hear and decide Special Use requests, complete Site Plan Review (as required in Article Eleven of this Ordinance), hold public hearings and make recommendation to the County Board of Commissioners regarding proposed amendments to the zoning ordinance or map, and any other tasks assigned by the County Board or the Commission Bylaws.

9.5: CONDITIONS ON DISCRETIONARY DECISIONS

Whenever a discretionary decision is authorized .in this Ordinance, conditions may be imposed provided they are:

1) Designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2) Related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
3) Necessary to meet the intent and purpose of the Zoning Ordinance, be related to standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a and use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner, such record of any changed condition shall also be maintained.

ARTICLE 10: SPECIAL AND CONDITIONAL USES

10.01. Purpose

This Ordinance divides the County into districts in which specific uses are permitted that are mutually compatible. In addition, there may be certain other uses that may be appropriate to include in a district due to specific circumstances surrounding the use and the impact on neighboring uses and public facilities. Such uses, because of their particular location, or the particular nature of the service offered, may be established in a district through a Special or Conditional Use Permit.

10.02. Authority to Grant Permits

The Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. The Administrator has the authority to approve or disapprove Conditional Use Permits in accordance with this Ordinance. If approved by the appropriate officials, the Administrator shall issue these permits.

10.03. Application and Fee

Application for any special or conditional use permit permissible under the provisions of this Ordinance shall be made to the Administrator by filling in the official special and conditional use permit application form, submitting required data, exhibits, and information, and depositing the required minimum fee. The minimum fee is established from time to time by the County Board. No part of such minimum fee shall be returnable to the applicant.

A. When the Commission receives an application that because of its complexity or nature will require more involved review so that additional fees may be required, the Commission shall act to declare that is the case. The Commission shall act by motion indicating that the application requires the assistance of experts to review specified aspects or issues of the application. Additional costs are incurred when:
    1. The complexity of reviewing the application, in the judgment of the Commission, requires hiring expertise beyond that of the Commission or Administrator, such as, but not limited to, hiring the services of such advisor(s) or expert(s) as attorneys, professional planners, engineers, architects, land surveyors, environmental experts, traffic experts, marketing experts, economic development experts or other experts and advisors.
    2. The complexity of reviewing the application requires an abnormal amount of additional time by the Administrator.
    3. The complexity or controversy of the application cause the Commission being in session (holding meetings, reconvened meetings, hearings) more than twice on the application, or holding any special meeting on the application.
    4. The additional review of the application is exclusively for the proposed development, and, if not, then the additional fee shall reflect the proportional amount for the proposed development and other items.

B. Upon adoption of the motion requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of not less than one thousand ($1,000) dollars. The County shall deposit the additional fee with the County Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice under Section 10.07 of this Ordinance.

C. The Commission shall use the additional fee to contact and select necessary experts and advisors, receive a work proposal and estimate from the experts and advisors on their fees and costs for the application, and for the services of the experts and advisors.

D. At the next meeting of the Commission, (or prior to the next meeting of the Commission if done by the Administrator in consultation with the Chair of the Commission), the Commission or Administrator shall:
   1. establish a budget for the services of the expert(s), and/or advisors, and meeting costs, and zoning administration expenses;
   2. send an invoice to the applicant, with an explanation that the applicant must notify the County within ten (10) days, in writing, that the applicant
      a) will withdraw the application, or
      b) will proceed and pay the balance of the additional fees based on the budget.
   3. The County shall deposit the additional fees with the County Treasurer who shall keep an accurate accounting of the funds. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice under Section 10.07 of this Ordinance.
   4. The Commission shall use the additional fee to pay the services of the expert(s), advisor(s), meeting costs, or other additional expenses.

E. Any additional actual costs incurred in processing the application shall be paid before a permit is issued, and incremental payments may be required as review of the application progresses. The additional costs shall be for no more than the actual additional costs incurred (so no additional revenue is generated) to process the application. NO part of collected fees up to the actual costs shall be returned to the applicant. Any remaining monies, beyond the actual costs, upon conclusion of the application, shall be returned to the applicant.

F. The deposit required by this Section is in addition to any security required elsewhere in this Ordinance.

10.04. Information Required in Application

An application for a special or conditional use permit shall include the following information:

A. An Application form which includes, at a minimum:
   1. The applicant's name and address.
   2. A signed affidavit that the applicant is the property owner, or has an ownership interest, or is acting on the owner's behalf.
   3. The address and legal description of the property.
   4. A specific statement and supporting information regarding the required findings for the Special Use Permit, as stated in Section 10.08.
   5. A complete description of the proposed development including: The number of lots or units; The number and characteristics of the resident and/or impacted population such as density of persons, family size, number of elderly persons and school children, effect on tourism, temporary residents and related material as applicable.
   6. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
   7. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment.

B. A site plan which includes, at a minimum:
   1. A detailed site plan as specified in Section 11. 6 of this Ordinance.

2. Evidence of having received, or having an agreement for, or concurrent approval for, any other permits required pursuant to the site plan prior to issuance of a Construction Code Permit.

C. In addition, the applicant may be required to furnish:
   1. Elevations on all buildings, including Accessory buildings.
   2. An Environmental Assessment.
   3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
   4. A detailed cost analysis of all site improvements, including, but not limited to, buildings, parking structures, landscaping or buffers, retention/detention areas, road improvements, etc.

D. The applicant shall certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion once the Special Use Permit is approved.

10.05. Review for Completeness

Upon receipt of the Special or Conditional Use Permit application, the Administrator will review the application to ensure it is complete.

A. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.

B. If the application is complete, the Administrator and chairman of the Commission shall establish a date to hold a public hearing on the Special Use Permit application.

C. The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which the application will be considered.

10.06. Notice of Public Hearing for Special Uses

A. If the application is complete, the Administrator shall give written notice to the following persons by prepaid First Class U.S. mail not less than 15 days before the date that the application will be considered:
   1. The applicant.
   2. The owner of the property, if different.
   3. The owners of all parcels having a boundary within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, whether or not the owner and property are located in the County. For Commercial Wind Energy Systems, owners of all parcels having a boundary within thirteen-hundred twenty (1320) feet of the boundary for the lease boundary for which the approval has been requested.
   4. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, whether or not the owner or property are located in the County. For Commercial Wind Energy Systems, occupants of any structures within thirteen-hundred twenty (1320) feet of the boundary for the lease boundary for which the approval has been requested.
   5. The general public by publication in a newspaper which circulates in the County.
   6. The members of the Commission.
   7. The clerk and supervisor of the township board(s) where the property is located.
   8. The clerk and chief elected official or manager of a township(s), village(s), city(ies), and county(ies) which is within one (1) mile of where the property is located.
   9. The manager or operator of any public utility(ies) (water, sewer, storm drain), and the road agency(ies) which have infrastructure within 300 feet of the property boundary.
   10. Utility providers;
   11. Michigan Department of Transportation if within one half (½) mile of a state highway;

12. Michigan DEQ, if the proposed special use is on property with surface water, wetlands, sand dunes, etc.
13. The Notice shall also be posted at the property that is subject to the special use permit application in a manner visible to passers-by.

B. The notice shall include:
   1. The nature of the Special Use Permit being requested.
   2. The property(ies) for which the request has been made.
   3. A listing of all existing street addresses within the property(ies) which is(are) the subject of the special use. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
   4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
   5. The date, time and location of when the hearing on the application will take place.
   6. The address to which written comments should be directed prior to the hearing.
   7. For members of the Commission only, a complete copy of the special use permit application and supporting documents in the record.

C. A township, village, city, county, utility, and road agency which receives notice pursuant to this Section of this Ordinance may choose to submit material to the Commission. Such submissions shall be delivered to the Commission at or before the hearing on the issue. Such submissions shall be considered advice to the Commission. The Commission may give extra deference to those comments as long as it does not abdicate the Commission's authority. The applicant may wish to present his application to the township, village, city, county, utility, and road agency which receives notice pursuant to this Section prior to the hearing, or prior to submitting the application to the Commission.

10.07. Hearing and Decision for Special Use Permits

The Commission shall hold a public hearing to receive input on the Special Use Permit application.

A. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and Commission), the Commission shall either grant, grant with conditions, or deny, the application. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:
   1. A summary of public comments made at the hearing,
   2. Formal determination of the facts,
   3. The conclusions derived from the facts (reasons for the decision), and
   4. The decision which shall be one of the following:
      a) grant the Special Use Permit,
      b) grant with conditions the Special Use Permit (including a written list of all conditions upon which issuing a permit is issued or occupancy is allowed),
      c) deny the Special Use Permit,

B. A special or conditional use permit and site plan shall be approved simultaneously, or a special or conditional use permit may be conditionally issued prior to approval of a site plan and conditioned upon final approval of the site plan.

10.08. Special and Conditional Use Permit Standards

In reviewing all requests for Conditional or Special Uses, the Planning Commission or Zoning Administrator shall use the following standards:

A. Is the use reasonable
B. Is the use designed to protect the health, safety and welfare of the community?

C. Is the use consistent with the intent and purpose of the district?
D. Is the use compatible with adjacent land uses?
E. Are public services and facilities capable of accommodating increased loads caused by the land use or activity?
F. Does the use comply with other general and specific standards in Section 10.01 and 4.01 of this Ordinance if applicable, and the respective district, and general provisions Section 3.01 of this ordinance?

10.09. Special or Conditional Use Permit Conditions

A. Special or Conditional Use Permits may be granted with conditions, limitations, or additional requirements imposed by the Commission. Any conditions, limitations or requirements upon which approval is based shall be:
   1. Reasonable and designed to protect natural resources, the health, safety, and welfare of the public;
   2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the adjacent area, and of the community as a whole;
   3. A valid exercise of the police power;
   4. Related to the purposes which are affected by the proposed use or activity;
   5. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
   6. Designed to ensure compatibility with adjacent uses of land and the natural environment;
   7. Designed to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
B. The Planning Commission or Zoning Administrator shall have the right to limit the duration of a Special or Conditional Land use where the same is for mining or sweetening plant operation.

10.10. Record of Special or Conditional Use Permit

The application and all other information relating to the Special or Conditional Use Permit shall be filed in the County Zoning Administrator's office.

10.11. Security Requirement

A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the Administrator or Commission, the Administrator, upon advice and consent of the Commission, may require
   1. a cash deposit,
   2. certified check,
   3. irrevocable bank letter of credit or
   4. surety bond, in an amount and under the conditions permitted by law.
B. Such security shall be deposited with the Wexford County Treasurer at the time of the issuance of the permit authorizing the commencement of the project. Where the project will take more than ninety (90) days to be completed, the Administrator or Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
C. The amount of such security shall not exceed the estimated cost of the required conditions, limitations, or requirements.

10.12. Amendment of Special or Conditional Use Permits

Amendments to Special or Conditional Use Permits shall be handled in the same manner as the initial Special or Conditional Use Permit application. However, minor non-substantive changes may be made to an existing Special or Conditional Use Permit by mutual agreement between the Administrator and applicant, if done prior to the issuance of an occupancy permit.

10.13. Continuation of Special or Conditional Use Permit

A Special or Conditional Use Permit, with any and all associated benefits, conditions, and required security, may be transferred to a new owner.

10.14. Construction Code Permit

A Special or Conditional Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 et seq.)

10.15. Expiration of Special or Conditional Use Permits

A Special or Conditional Use Permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special or Conditional Use Permit will expire on the first to occur of the following conditions:

A. If replaced or superseded by a subsequent Special or Conditional Use Permit.
B. If replaced or superseded by a permitted use.
C. If the applicant requests rescission of the Special or Conditional Use Permit.
D. If the use, or component thereof, is not used for a period of one year or the use, or component thereof, is moved, or vacated. Notice of the expiration shall be given to the property owner in writing.
E. If the special or conditional use permit was issued conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, pursuant to Section 10.04.A.2 of this ordinance and the site plan or evidence was not submitted and approved after one year.

10.16. Special and Conditional Use Standards for Particular Uses

In addition to general special use standards, there are specific standards for some Special and Conditional Uses. The specific standards for determining if the following types of Special or Conditional Use Permits are to be granted are provided in this Section.

10.16.1. SEXUALLY ORIENTED BUSINESSES

For sexually oriented businesses:

A. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial zone of the County to minimize their adverse impact to the best extent possible on any other permitted use.
B. Conditions. In order to obtain and retain a Special Use Permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards for Special Use permits:

1. A Special Use permit must be acquired through the Special Use procedures as described in Section 10.01.
2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as specified in the respective zoning district shall not be located within 300 feet of any other such regulated uses as defined by this Section, nor within 1,000 feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, daycare center, church, or other religious institution, public park, or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
3. The regulated uses, as specified in the respective zoning district, shall only operate between the hours of 8 a.m. and 10 p.m.;
4. There shall be a manager on the premises at all times;
5. No one under the age of 18 shall be allowed onto the premises by the on-site manager of the regulated use;
6. No alcohol shall be served on the premises.
7. No product or service for sale or gift, or any picture or other representation, that relates in any way to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the Building of the regulated use;
8. Once a Special Use permit has been issued for a sexually oriented business, the regulated use shall only be expanded, and/or otherwise amended, in the manner required by Section 10.01 of this Ordinance;
9. A Special Use Permit for a sexually oriented business is subject to the terms and conditions of validity set forth in Section 10.01 of this Ordinance.
10. Signs: It shall be unlawful to erect, construct, or maintain any sign for an adult sexually oriented business other than one “primary sign” and one “secondary sign” as follows:
    a) The primary sign shall have no more than two (2) display surfaces. In addition to the requirements found in Section 3.19 of this Ordinance, Each display surface shall:
        (1) Not contain any flashing lights, moving parts or be constructed to simulate movement.
        (2) Be a flat plane rectangular in shape.
    b) Secondary signs shall have only one (1) display surface. Such display surface shall:
        (1) Not contain any flashing lights, moving parts, or be constructed to simulate movement.
        (2) Be a flat plane, rectangular in shape.
11. Building Exterior: Buildings and structures shall not be painted or surfaced with colors or textures or any design that would simulate a sign or advertising message. Upon order of the Administrator, graffiti appearing on any exterior surface of the Building or structure shall be removed and that surface restored within seventy-two (72) hours of notification of the owner or person in charge of the premises.
12. Lighting: All adult or sexually-oriented businesses shall be required to install outdoor low intensity lighting that illuminates the entire parking and vehicular use area. The lighting shall be installed on structures which do not exceed sixteen (16) feet in height from finished grade. The lighting shall be adjusted and shielded to direct, focus, and point all illumination from the lighting onto the parking and vehicular area, and to avoid any spillage of illumination onto surrounding properties in accordance with Section 3.33 of this Ordinance.

C. Exceptions to Conditions. The Commission may waive the foregoing spacing requirements found in B(2) of this section if it finds all of the following conditions exist:

1. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
3. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
4. Where all other applicable regulations within the County Zoning Ordinance or other pertinent County ordinances will be observed.

10.16.2: MINI-CABINS AND COTTAGES

One Mini-cabin or cottage per parcel shall be permitted as a conditional use in certain districts upon meeting the following conditions, in addition to all other standards for Special or Conditional Use permits:

A. Must be setback at least one-hundred (100) feet from all property lines,
B. Must be placed on a permanent foundation,
C. Must contain a minimum of four-hundred fifty (450) square feet of living area per unit,
D. Must meet sanitation standards of the local health department,

10.16.3: RESIDENTIAL ACCESSORY BUILDINGS AS A PRINCIPAL USE

Residential accessory buildings without a principal dwelling shall be permitted as a conditional use in certain districts upon meeting the following conditions, in addition to all other standards for Special or Conditional Use permits:

F. Must be setback at least one-hundred (100) feet from all property lines,
E. Maximum allowable building size is fifteen-hundred (1,500) square feet,
F. Must be screened from view of neighboring properties by means of a natural or man-made buffer meeting the requirements of Section 3.8 of this Ordinance.

10.16.4: GASOLINE STATIONS AND/OR CONVENIENCE STORES

Gasoline Stations and Convenience Stores shall meet the following standards, in addition to all other standards in this ordinance:

A. Gasoline Stations and Convenience Stores in non-commercial districts may only be permitted along major roadways, including State or Federal Highways, County Primary Roads, and major city streets and must be located around unincorporated population centers (i.e.: Boon, Meauwataka, Hoxeyville, Sherman, Yuma, etc.) .
B. Gasoline Stations in non-commercial districts shall be limited to a total of six (6) gasoline or diesel pumps. A pump shall be one unit regardless of the number of hoses.
C. The hours of operation may be restricted by the Planning Commission by Special Use Permit.
D. The Planning Commission may relax any of the requirements found in A-C above by Special Use Permit in instances where the requirements are found to be unnecessarily burdensome.

10.16.5: ADDITIONAL DWELLING UNITS ON A PARCEL

Additional dwelling units on a parcel shall meet the following standards, in addition to all other standards in this Ordinance:

A. Not more than one (1) one-family dwelling meeting the minimum district dwelling requirements shall be permitted in addition to the primary dwelling on the same parcel in a zoning district zoned

for residential use, provided however that the minimum lot size is at least two (2) times the district minimum lot size per Article 5 of this Ordinance.

B. Property owners must prepare a site plan for the parcel depicting the theoretical property lines for the individual lots in compliance with the district lot dimensional requirements in Article 5 of this Ordinance. The site plan shall also be prepared in accordance with the Land Division Act, and shall locate the additional dwelling(s) as if the property were divided into individual lots. In locating the additional dwelling(s), the site plan shall ensure compliance with the dimensional requirements of Article 5 for the Zoning District in which the property is located. The site plan shall be approved by the Zoning Administrator prior to issuance of a Zoning Permit. No such plan shall be approved unless the Zoning Administrator determines compliance with district lot dimensional requirements in Article 5 of this Ordinance.

C. Additional dwellings are encouraged to share driveway access with the primary dwelling; however, if an additional driveway access is requested, the property owner, notwithstanding any provisions to the contrary contained in this Ordinance, shall receive approval of the additional driveway location and cross-section specifications from the County Road Commission if the additional driveway will connect to a County road or to a private street, or from the Michigan Department of Transportation if the additional driveway will connect to a State Highway. Additional driveways shall be approved by the appropriate road agency prior to receiving approval by the Zoning Administrator.

D. Regardless of whether access is shared or separate, the property owner must obtain an address for any additional dwelling.

E. This section is not applicable to any land within a platted subdivision.

F. Travel trailers, motor homes, or recreational vehicles are not allowed to be used as accessory dwellings.

G. No short-term rentals (for periods less than one month) of additional dwellings on a parcel are allowed.

ARTICLE ELEVEN: SITE PLAN REVIEW

11.1: INTENT

It is the intent of this Article to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development This Site Plan Review is a necessary step in obtaining compliance permits for all uses, whether permitted By right or by Special Use Permit, except for one - and two-family dwellings.

11.2: USES SUBJECT TO SITE PLAN REVIEW

Site plan review by the Planning Commission is required for the following:

1. Special land uses in all districts
2. Off-premise signs
3. Planned Unit Developments
4. Developments under Open Space Preservation Options.

Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning Administrator. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements and standards used by the Planning Commission.

11.3: SITE PLAN REVIEW PROCEDURES

Applications for site plan approval shall be submitted to the County Planning Department on a special form for that purpose. Applications for preliminary site plan approval shall consist of the following:

1. An application form supplied by the Zoning Administrator.
2. A reproducible copy of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
   a) Property dimensions.
   b) Topographic elevations at intervals determined by the zoning administrator.
   c) Significant vegetation.
   d) Water courses and water bodies, including man-made surface drainage ways and wetlands.
   e) Existing public right of way, pavements, and/or private easements.
   f) Existing and proposed uses, buildings and structures and distances from each other as well as from property lines.
   g) Zoning classification of abutting properties.
   h) The name and address of the person and firm who drafted the plan and the date on which the plan was prepared.
   i) North arrow.
   j) Location of existing and planned wells and septic systems.
   k) Scale

The Commission or Zoning Administrator may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, or natural features. The Planning Commission or Zoning Administrator shall review the preliminary site plan and approve, approve with conditions, or deny the plan.

Approval of the site plan is valid for a period of one (1) year. If construction of the development, or any phase of the development, has not been initiated during that period, the approval of the site plan shall be null and void.

Upon written application, filed prior, to the termination of the one (1) year review period, the Planning Commission or Zoning Administrator may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

11.4: SPECIAL LAND USES

For special land uses, the County Planning Commission shall also review a site plan to be submitted with the application. The Planning Commission shall then shall approve, approve with conditions or deny the submitted site plan. Reasons for denial shall be set forth in writing. The applicant shall be provided with a copy of the Planning Commission action concerning the site plan review. Although a rejected site plan will not void a special use approval, construction permits may be denied until the site plan meets the requirements of this Article and approved.

11.5: STANDARDS FOR SITE PLAN APPROVAL

Prior to approving a site plan, the Planning Commission, where applicable, shall require that the following standards be satisfied: If these standards and the other requirements noted in this Article or in other county ordinances are met, the site plan shall be approved.

1. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those, alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
3. The site plan shall provide for reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.
4. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
5. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
6. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.

8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

11.6: AMENDMENTS TO APPROVED SITE PLANS

Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:

1. the addition of land to the legal description of the original site plan approval;
2. the establishment of another use or uses;
3. the addition of more sales or service area, or the addition of dwelling units;
4. an expansion or increase in intensity of use;

A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning Administrator.

11.7: APPEALS OF FINAL SITE PLANS

Any person aggrieved by the decision of the Planning Commission in granting or denial of a final site plan approval shall have the right to appeal the decision to the County Zoning Board of Appeals. The aggrieved party must allege and prove to the satisfaction of the County Zoning Board of Appeals that he/she has suffered some special damages not common to other property owners similarly situated. The mere increase in traffic in the area, proof of general economic and aesthetic losses or the mere fact that the appellant owns adjacent property are not sufficient to show special damages. The appeal shall state the aggrieved parties' grounds for appeal and shall be filed with the County Zoning Administrator within five (5) days of the decision of the Planning Commission.

On hearing such appeal, the County Zoning Board of Appeals shall review the record before the Planning Commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the Planning Commission. The Appeal Board shall determine if there exists significant reason to have the Planning Commission re-examine the site plan. If the Board sends the application back to the Planning Commission, they shall also send a detailed record of their findings and reasons for their action.

ARTICLE TWELVE: AMENDMENTS

12.1: POWER TO AMEND

The regulations and provisions incorporated within the text f this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented, or changed by Ordinance of the County Board of Commissioners, following public hearing and recommendation of the County Planning Commission.

12.2: WHO MAY INITIATE

Proposals for amendments, supplements, or changes may be initiated by the Board of Commissioners on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

12.3: PROCEDURE FOR INITIATING AND PROCESSING AN AMENDMENT

1. Each petition by one or more persons for an amendment shall be submitted in application to the County Planning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee pursuant to Article Seven of this Ordinance to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner.
2. When a request for amendment is initiated, the Zoning Administrator shall notify the County Board of Commission of the request for an amendment at the same time he transmits the zoning amendment request to the Planning Commission.
3. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
4. After deliberation on any proposal the Planning Commission shall conduct at least one public hearing, notice of the time and place of which shall be given by two publications in a newspaper of general circulation in the County; the first to be printed not more than thirty (30) days nor less than twenty (20) days, and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such shall also be given by mail to each public utility company and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined. The County Planning Commission shall maintain a file of each affidavit of mailing for each mailing made under this section. If an individual property, or several adjacent properties are proposed for rezoning, notice of the proposed zoning and hearing shall be given to the owners of the property in question at least twenty (20) days prior to the hearing.
5. After the hearing, the County Planning Commission shall submit a summary of the comments received at the public hearing, along with the proposed amendment and any zoning maps, to the County Board of Commissioners. After receiving the recommended zoning plan, the County Board of Commissioners, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of the proposed amendment. Any amendments shall be approved only by a roll call vote of the majority of the members of the County Board of Commissioners. The County Board of Commissioners shall not make a change or departure from a proposed text amendment as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have thirty (30) days from and after receipt of the proposed change or departure to send its report to the County Board of Commissioners.

6. No application for a rezoning which has been denied by the County Board of Commissioners shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the County Planning Commissioners to be valid.
7. Amendment(s) to this Ordinance and/or to the district zoning maps of Wexford County shall become effective on the day following the date of their approval by the Michigan Department of Commerce.

ARTICLE THIRTEEN: CLAM LAKE CORRIDOR OVERLAY ZONE

13.1: PURPOSE

The Clam Lake corridor Overlay Zone is established for the purpose of allowing a planned office and commercial area to develop. The planned nature of this area is intended to promote uses that are not only compatible but beneficial to one another. Additionally, the Overlay Zone is intended to:

1. Minimize impacts to natural resources.
2. Protect the property values and investments made by present and future property owners.
3. Regulate site and building development to ensure compatibility between adjacent and neighboring sites and buildings.
4. Provide regulations that supplement existing ordinances by creating additional standards and site plan requirements.

13.2: APPLICABILITY

The regulations set forth in this Article are applicable to lands which are within the Clam Lake Overlay Zone as depicted on the Zoning District Map of Wexford County, Michigan, as amended.

13.3: ADDITIONAL SITE DEVELOPMENT REGULATIONS

In addition to the dimensional requirements found in Section 4.2 of this Ordinance, the following requirements shall apply to the Office/Service and commercial Zoning Districts.

13.4: OFFICE/SERVICE DISTRICT

1. Minimum Lot Area: 22,500 square feet.
2. Maximum Percentage of Lot Coverage by Buildings: 35.
3. Maximum Building Height: 35 feet.
4. Front Setback: 75 feet or 25 feet from a lot that fronts on an internal access road system.
5. Side Yard: 30 feet, unless adjacent to residentially zoned area, in which case the side yard shall be 50 feet.
6. Rear Yard: 60 feet.
7. Minimum Lot Width: 150 feet.
8. Parking Areas: In addition to the required parking requirements et forth in Section 3.18, the following shall apply.
    a) All required parking spaces shall have an asphalt or concrete surface.
    b) No more than 35 of the total number of parking spaces required may be placed in a front yard.
    c) Parking areas shall be located at least 15 feet from any road or street right of way or easement.
    d) Parking areas shall be located at least 10 feet from any property line. Access drives linking parking areas on separate properties are permissible, and are not subject to the 10 foot separation requirement.
    e) Landscape islands shall be placed in all parking areas that exceed 30 total spaces Islands shall be provided on the basis of 200 square feet of landscape material for each ten (10) parking spaces.
9. Buffer Areas: Where a rear yard or side yard is adjacent to a residentially zoned area, a 20 feet wide buffer shall be provided. No buildings, structures, signs, or parking areas shall be placed or

located within the buffer area. Fences, walls, or screens, if in accordance with other provisions of this Ordinance, are permissible The buffer area may be landscaped, and may be used to satisfy dimensional yard requirements.

10. Signs: In addition to the requirements set forth in Section 3.19, the following shall also apply:
    a) All signs shall be located at least 15 feet from all property lines.
    b) The maximum display area of any sign face shall not exceed 75 feet.
    c) One (1) free-standing sign shall be permitted per parcel, lot, or site.
    d) One (1) wall mounted sign shall be permitted, provided, that it is attached flat against the building
    e) The maximum height of free-standing signs including support structures is fifteen (15) feet.

13.5: COMMERCIAL DISTRICT

1. Minimum Lot Area: 43,560 square feet.
2. Maximum Percentage of Lot Coverage by Buildings: 50.
3. Maximum Building Height: 35 feet.
4. Front Setback: 75 feet or 25 feet from a lot that fronts on an internal access road system.
5. Side Yard: 25 feet, unless adjacent to residentially zoned area, in which case the side yard shall be 75 feet.
6. Rear Yard; 60 feet, unless adjacent to residentially zoned area, in which case the rear yard shall be 75 feet.
7. Minimum Lot Width: 150 feet
8. Parking Areas; In addition to the required parking requirements set forth in Section 3.18, the following shall apply:
    a) All required parking spaces shall have an asphalt or concrete surface.
    b) No more than 50 of the total number of parking spaces required may be placed in a front yard.
    c) Parking areas shall be located at least 15 feet from any road or street right of way or easement.
    d) Parking areas shall be located at least 10 feet from any property line. Access drives linking parking areas on separate properties are permissible, and are not subject to the 10 foot separation requirement.
    e) Landscape islands shall be placed in all parking areas that exceed 30 total spaces. Islands shall be provided on the basis of 200 square feet of landscape material for each ten (10) parking spaces.
9. Buffer Areas: Where a rear yard or side yard is adjacent to a residentially zoned area, a 30 feet wide buffer shall be provided. No buildings, structures, signs, or parking areas shall be placed or located within the buffer area. Fences, walls, or screens, if in accordance with other provisions of this Ordinance, are permissible. The buffer area may be landscaped, and may be used to satisfy dimensional yard requirements.
10. Signs: In addition to the requirements set forth in Section 3.19, the following shall also apply:
    a) All signs shall be located at least 15 feet from all property lines.
    b) The maximum display area of any sign face shall not exceed 100 square feet.
    c) One (1) free-standing sign shall be permitted per parcel, lot, or site.

d) One (1) wall mounted sign shall be permitted, provided that it is attached flat against the building face.

e) The maximum height of free-standing signs including support structures shall be fifty (50) feet.

13.6: LANDSCAPING AND LANDSCAPE PLANS

1. As part of site development landscaping shall be required. All landscape material shall be at a minimum hardy in Zone 5 in accordance with U.S.D.A. Zones of Plant Hardiness.
2. Minimum Landscape Material Size:
   a) Deciduous Canopy Trees shall be at least 2 1/2" in caliper.
   b) Evergreen Trees shall be at least six (6) feet in height.
   c) Ornamental Trees shall be at least 2" in caliper.
   d) Upright Shrubs shall be at least 18" in height.
   e) Spreading Shrubs shall have at least an 18" spread.
3. A Landscape Plan showing the location, variety, and size of all plant material shall be submitted for review as part of the submission for site plan review, as required by Articles 11 and 14.
4. All landscaped areas shall be maintained and replaced as necessary.

13.7: SITE PLAN REVIEW

In addition to the requirements set forth in Article Eleven, and the standards for approval in Section 11.5, the following standards and requirements shall apply:

1. Site development shall take place in areas of the site where impacts to mature trees, hill tops, and scenic vistas will be minimized.
2. Driveways/Curb Cuts:
   a) At least 150 feet, measured from centerline to centerline, shall separate driveways or curb cuts located on the same side of the street or road, regardless of property ownership.
   b) No more than two (2) driveways or curb cuts shall be allowed per site or development that access the same street or road. Additional driveways or curb cuts are permissible, provided that they access a different street or road.
   c) Insofar as possible, curb cuts shall be aligned with those occurring on the opposite side of the street.
3. Utilities: All utilities, including electric, telephone, and cable television shall be installed underground.. All utility installations shall be carried out in accordance with rules and standards promulgated by the Michigan Public Service commission. In the event that utilities can not be installed underground they shall be located along the base of hill sides and long tree lines, all transformers or mechanical structure associated with the utilities that are ground mounted, shall be landscaped.
4. Buildings and site Amenities: Insofar as possible, building material sand site amenity materials that blend with the natural surroundings shall be used. Buildings and site amenities shall be harmonious with surrounding developments.
5. Mechanical Equipment: all mechanical equipment structures including those on building roofs shall be screened from grade view.

ARTICLE FOURTEEN: VALIDATION AND ENACTMENT

14.1: VALIDITY

Should any article, section, or provision of this Ordinance be found unconstitutional or invalid by the courts, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so determined to be unconstitutional or invalid

14.2: ENACTMENT

This Ordinance is hereby declared necessary for the preservation of the peace, health, safety, and welfare of the inhabitants of Wexford County, Michigan.

14.3: REPEAL OF PRIOR ORDINANCES

The Interim Wexford County Zoning Ordinance, adopted by the Wexford County Board of Supervisors, effective October 15, 1968, and all subsequent amendments hereof, are hereby repealed effective coincident with the approval of this Ordinance by the Office of Economic Development Michigan Department of Commerce.

14.4: EFFECTIVE DATE

This Ordinance shall take affect on the date following its approval by the Michigan Department of Commerce. Enacted by the County Board of Commissioners of Wexford County Michigan on the 14th day of June, I971. (Amended 2/15/95)