ARTICLE 17
SPECIAL LAND USE REGULATIONS

SECTION 17.1: PURPOSE

17.1.1 Purpose: Special land uses are those uses of land which are not essentially incompatible with uses permitted in a zoning district, but may possess characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent land uses. The purpose of this chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses. The criteria for decision and the requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this Ordinance, which are applicable to the special approval land use under consideration.

SECTION 17.2: SPECIAL LAND USE

17.2.1 Special Land Use: A use that meets the intent and purpose of the zoning district but which requires the review and approval of the Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated.

SECTION 17.3: REVIEW PROCESS

17.3.1 Application Procedures: The Planning Commission may, by resolution, grant permits for special land uses which are authorized in this Ordinance. Such permits may contain conditions or restrictions consistent with the terms of this Ordinance. An application for permission to establish or expand a special land use shall be submitted and acted upon in accordance with the following procedures:

A. Applications for a Special Land Use Permit shall be submitted to the Zoning Administrator at least thirty (30) calendar days prior to the next Planning Commission meeting. The Zoning Administrator shall review the application for completeness. If the application is complete, it shall be transmitted to the Planning Commission.

17.3.2 Required Information:

A. The application shall describe the nature of the request and the property which is the subject of the request.
B. Every application involving the construction of or addition to a building or structure shall be accompanied by a minimum of four (4) copies of a site plan prepared pursuant to Article 16 “Site Plan Requirements.” The Zoning Administrator may require additional copies of a site plan.

C. An application for a special land use permit shall be accompanied by the following documents and information:
   1. A Special Land Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the applicant.
   2. A final site plan, as specified in Article 16 "Site Plan Requirements."
   3. A statement with regard to compliance with the criteria required for approval in Section 17.4 and other criteria imposed by this Ordinance affecting the special approval use under consideration.

E. The Zoning Administrator may require such additional information as may be reasonably required to determine compliance with this Ordinance. The Zoning Administrator shall review the application and documentation as to form and content. If the application is complete, it shall be presented to the Village Planning Commission at its next regular meeting or at a special meeting called for that purpose.

17.3.3 Public Hearing: Upon receipt of an application for a Special Land Use Permit, the Zoning Administrator shall schedule at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 4.11 of this Ordinance.

17.3.4 Review and Approval: Within thirty (30) days following the public hearing, provided all materials are complete, the Village Planning Commission shall review the application for a Special Land Use Permit, comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and make a determination on the Special Land Use Permit application in accordance with the criteria for the approval stated in Section 17.4 and such standards contained in this Ordinance which relate to the special land use under consideration. It may deny, approve, or approve with conditions the application for a Special Land Use Permit. Its decision shall be incorporated in a statement of conclusions relative to the special approval use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable Ordinances, and state and federal statutes shall be approved. Upon the approval, or approval with conditions by the Village Planning Commission, the applicant may apply for a building permit.

SECTION 17.4: BASIS FOR DETERMINATION

17.4.1 Basis for Determination: Prior to approval of a Special Land Use Permit application, 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 by the completion and operation of the special land use under consideration.

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

A. The special land use is consistent with the intent of the Village of Port Sanilac Master Plan.
B. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
C. The special land use shall not change the essential character of the surrounding area.
D. The special land use shall not be hazardous to the adjacent property, property values, or involve uses, activities, processes, 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, fumes, ground vibration, water runoff, odors, light, glare or other nuisance.
E. The special land use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.
F. The special land use shall meet the site plan review requirements of Article 10.
G. The special land use shall conform to all applicable state and federal requirements for that use.
H. The special land use shall conform with all standards in this Ordinance and other applicable Village Ordinances, and standards particular to the special land use found in the district provisions, Schedule of Regulations, or elsewhere.

17.4.3 Conditions: The Planning Commission may impose conditions with approval of a Special Land Use Permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use permit and shall be enforced by the Zoning Administrator.

17.4.4 Previously Approved Special Land Uses and Conditional Uses: Uses of land and/or development projects granted conditional use approval or special land use status by the Village prior to the adoption or amendment of this Zoning Ordinance may continue this status as permitted uses, provided the rules, regulations, requirements, and conditions of the permit issued for the conditional use or special approval use are met. Any changes to a previously approved conditional use or special approval use shall be processed according to the procedures and standards of this Ordinance for special approval uses, if the use is listed as a special land use in this Ordinance.

SECTION 17.5: FEES

17.5.1 Fees: The applicant shall submit a formal application to the Zoning Administrator, along with a fee as specified in Section 4.8.

SECTION 17.6: APPEAL TO CIRCUIT COURT

17.6.1 Appeal to Circuit Court: An appeal on a Special Land Use Permit decision may be taken to the Circuit Court, as provided by law.

SECTION 17.7: PERMITS

17.7.1 Validity of Permit: A Special Land Use Permit issued under Article 17 shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or revocation of said permit, provided however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if: a) it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction; b) no significant changes to applicable regulations have occurred; or c) there have been no significant changes in the condition or abutting property or services. This determination of the Planning Commission shall be forwarded to the applicant with a recommended action.

17.7.2 Permit Revocation: The Planning Commission shall have the authority to revoke any Special Land Use Permit following a hearing, after it has been demonstrated that the holder of the permit has failed to comply with one or more of the applicable conditions specified in the permit. The reasons for any revocation shall be documented in writing and shall accompany the motion to terminate. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance. See Article 23.

17.7.3 Termination of a Special Land Use Permit if the Use Changes: If the use of a property for which a conditional use or a Special Land Use Permit was issued is no longer for the land use authorized by either of those permits, the Planning Commission shall hold a hearing to consider whether to terminate the conditional use or special land use authorization. Discontinuance of a seasonal use for which a Special Land Use Permit was issued is also subject to termination of the Special Land Use Permit following a hearing before the Planning Commission if the season passes in which the permit would normally apply and a different use is in place instead.

17.7.4 Recording with County Register of Deeds: A Special Land Use Permit and all conditions attendant thereto, may be recorded by the Village of Port Sanilac with the Sanilac County Register of Deeds and attached to the property record of the property for which it was issued, as may a notice that such permit no longer is valid.

SECTION 17.8: REAPPLICATION

17.8.1 Reapplication: No application for a Special Land Use Permit for the same or a very similar use which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence of proof of changed conditions. A reapplication shall require a new fee and the process will have to begin all over again.

SECTION 17.9: SITE PLAN AMENDMENT

17.9.1 Site Plan Amendment: The site plan, as approved, shall become part of the record of approval, and subsequent actions relative to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission.

SECTION 17.10 SPECIAL LAND USE AND CONDITIONAL USE STANDARDS

The following standards apply to the uses of land permitted by Special Land Use Permit in this Ordinance. The regulations contained in this Section shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance (such as for site plans in Article 16), unless specifically noted.

17.10.1 Airplane Landing Strips and Helicopter Landing Pads (Non-Commercial):

A. Airplane landing strips and helicopter landing pads are permitted by Special Land Use Permit in the A-R district.
B. All landing strips for aircraft or helicopter landing pads shall be so designed and the runways and facilities so oriented, that the incidence of aircraft passing directly over dwellings during their landing or take-off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights. New landing strips and heliports shall not be construed to be permitted in any district established by this Ordinance, unless and until a Special Land Use Permit shall first have been secured.

17.10.2 Bars and Restaurants that Serve Alcoholic Beverages:

A. Bars and restaurants that serve alcoholic beverages are permitted by Special Approval Use Permit in the C zoning district.
B. At all times, bars and restaurants that serve alcohol shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission.
C. Such establishments shall apply for and receive site plan review and approval from the Village of Port Sanilac Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.
D. Brewpubs shall only be allowed in conjunction with and as part of a restaurant.
E. Designated outdoor dining areas, such as in a courtyard or on a roof, deck, or patio, may be provided in the C and CBD districts provided the following conditions are met:
    1. The outdoor dining area must be immediately adjacent to the indoor dining area and not adjacent to a residence.
    2. The outdoor dining area shall be physically separated from the surrounding outdoor area. Such separators must be approved by the Zoning Administrator and can be a fence, elevated deck, planters, movable gating or theater type posts with ropes, etc. Indicate if outdoor consumption of alcohol will be involved.
    3. It shall not be located in any required front, rear, or side yard setback area.
    4. The location and volume of seating, as well as the location and dimensions of the restaurant/food service building, property boundaries, existing and proposed surfaced areas, and access and separation shall be indicated on a site plan.
    5. Depictions of non-permanently sited tables, chairs, umbrellas, awnings, trash receptacle(s), and the physical separator(s) should be provided, as well as corresponding information regarding materials, flooring, and the proposed schedule of operation and maintenance of the area.
    6. Any live or recorded music played or noise projected outside the restaurant/food service establishment cannot be a nuisance. The Zoning Administrator is empowered to interpret a nuisance for a minimal level of noise unacceptable to the surrounding area.
    7. For an outdoor dining area with more than sixteen (16) seats, food service shall be provided by wait staff.
    8. Designated outdoor eating areas shall be added to the gross floor area of the building for purposes of computing off-street parking requirements.
F. When a commercial district abuts a residential district, a greenbelt shall be established on the commercial property to serve as a buffer between the Commercial District and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained

with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

17.10.3 Bed and Breakfasts:

A. Bed and Breakfasts are permitted by Special Land Use Permit in the R-1, R-2, C, and CBD districts.
B. Property must be suitable for use as a guest lodging facility.
C. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.
D. Guests may rent sleeping rooms for a period not to exceed fourteen (14) consecutive days. Seven (7) additional consecutive days may be allowed upon approval by the Zoning Administrator.
E. A smoke detector in proper working order shall be provided in every sleeping room and in additional locations within the structure as determined by the Village Building Official. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
F. The structure shall have at least two (2) exit doors to the outside.
G. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
H. The Bed and Breakfast shall not alter the residential character of the structure.
I. Rental sleeping rooms shall have a minimum of 100 square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
J. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast at a ratio of one (1) per floor, and shall be designated for the exclusive use of guests of the Bed and Breakfast.
K. There shall be no separate cooking facilities for the Bed and Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises.
L. A site plan shall be provided including a floor plan of the structure, drawn to scale not less than 1/8” = 1’, providing the following information:
    1. Owner/resident manager and guest on-site parking
    2. Guest entrance to the structure
    3. Outdoor areas for use by guests
    4. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
    5. Additional information as may be deemed necessary by the Planning Commission.

M. All on-site parking shall be paved and constructed in accordance with the parking requirements of Section 3.20.
N. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.
O. All required state and local permits must be secured, maintained and displayed within an area of the Bed and Breakfast available to guests.
P. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Land Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.
Q. All requirements and conditions imposed upon the Special Land Use approval shall be implemented prior to the Bed and Breakfast establishment becoming operational.

17.10.4 Campgrounds:

A. Campgrounds are permitted by Special Land Use Permit in the C and CBD zoning districts.
B. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, existing primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing public or private road to a road which is paved, blacktop, or to a primary road.
C. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities or the developer shall agree to extend public sewer and water lines from the existing lines to the campground facilities. If no public water and sewer exists, an acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department of Health, as shown by an issued permit.
D. The campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of Part 125 of the Michigan Public Health Code (Public Act 368 of 1978), as amended.
E. The application for a Special Land Use Permit for a campground shall contain all the elements and parts which are required by the Michigan Department of Health for a campground license under authority of Sections 12501 to 12516 of the Michigan Public Health Code (Public Act 368 of 1978), as amended, in addition to the Special Land Use Permit application requirements presented in this Zoning Ordinance.
F. The minimum parcel area shall not be less than X square feet, where X equals 2,000 times the number of proposed campsites. (For example, if 100 campsites are proposed, multiplied by 2,000 – the minimum parcel area would have to be 200,000 square feet, or 4.59 acres).

G. Spaces in the campground shall be only rented on a daily, weekly, or monthly basis.
H. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:
   1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the campground.
   2. Such establishments shall be restricted in their use to occupants of the campground.
   3. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground.
   4. No space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to ensure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

17.10.5 Cemeteries, Crematories, and/or Mausoleums

A. Cemeteries, crematories, and/or mausoleums are permitted by Special Land Use Permit in the A-R and C districts.
B. The minimum development site for cemeteries, crematories, and/or mausoleums shall be ten (10) acres.
C. No more than five (5) percent of the site area may be occupied by enclosed structures.
D. All burial plots and all structures shall be set back no less than twenty (20) feet from a street right-of-way or property line.
E. Adequate stacking and travel lanes shall be provided on the site and shall be located at least fifty (50) feet from any lot line.
F. A ten (10) foot buffer containing screening plant materials is to be retained or provided adjacent to all interior lot lines.
G. All ingress and egress to the site shall be from a paved street.
H. Adequate off-street vehicle stacking shall be provided for funeral processions to discourage parking and idling in the public road right-of-way.
I. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Sanilac County Health Department and the State of Michigan.

17.10.6 Churches and other Places of Worship

A. Churches and other places of worship are permitted by Special Land Use Permit in the R-1, R-2, MFR, A-R, C, and CBD districts.
B. All structures for purposes of assembly, education or gathering shall be set back no less than forty (40) feet from any side or rear yard.
C. All ingress and egress to the site shall be from a paved street.
D. In the event that education facilities and/or programs are offered, student and participant drop-off shall occur on site and be located in designated areas exclusive of travel lanes.

17.10.7 Commercial Operations Ancillary to the Operation of a Mobile Home Park:

A. Commercial operations ancillary to the operation of a mobile home park are permitted by Special Land Use Permit in the MHS district.
B. Service buildings to be provided shall be of permanent construction, be conveniently located and well lighted and ventilated and maintained in a sanitary manner.
C. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a mobile home park are permitted by Special Land Use Permit provided:
    1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the mobile home park.
    2. Such establishments shall be restricted in their use to residents of the mobile home park.
    3. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than residents of the mobile home park.

17.10.8 Community Residential Care Facilities:

A. Community residential care facilities are permitted by Special Approval Use Permit in the A-R, R-1, and R-2 zoning districts.
B. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets.
C. Adult day care centers shall be in full compliance with all applicable requirements of the Americans with Disabilities Act of 1990, as amended.
D. Adequate provisions shall be made for access by emergency medical and fire vehicles.
E. Facilities shall have an appearance that is non-intrusive and consistent in color, materials, roofline and architecture with the district and neighborhood in which it is located.
F. Proof of licensing by the State of Michigan Department of Licensing and Regulatory Affairs (LARA) shall be required prior to the operation of any child care center. Additionally, there shall be provided and maintained an outdoor play area suitable for play activity and containing a minimum of two thousand square feet (2000 sq. ft.). The outdoor play area shall be immediately

contiguous to the facility it is intended to serve and shall be enclosed by a protective wall or fence.

G. In residential zoning districts, state-licensed residential facilities for six (6) or fewer persons, as provided in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, are governed by the provisions of that Act.

17.10.9 Convalescent Homes and Nursing Homes:

A. Convalescent homes and nursing homes are permitted by Special Land Use Permit in the A-R and C districts.
B. There shall be provided at least 1,000 square feet of lot area per bed.
C. No principal structure shall be closer than forty (40) feet to any lot line unless a greater setback is required by the underlying zoning district.
D. No more than fifty (50) percent of the site area shall be covered by principal and accessory structures.
E. Parking areas shall not be located within twenty (20) feet of any property zoned or used for residential purposes.
F. All ingress and egress to the site shall be from a paved street.
G. Recreational facilities shall be provided appropriate to the needs of the resident population.
H. All licenses required by the State of Michigan shall be maintained and a copy provided annually to the Zoning Administrator.
I. The interior layout and provision for community gathering spaces shall be provided so as to allow a resident of the facility the opportunity to spend the majority of non-sleeping hours outside of the residents' bedroom.
J. The structure shall have an identified area designed to provide privacy for visiting family, friends and/or agents of the resident.
K. Appropriate areas shall be provided for access by emergency vehicles.

17.10.10 Food Processing Facilities:

A. Food processing facilities are permitted by Special Land Use Permit in the C district.
B. Example food processing facilities: livestock feed production, fruit juice & cider pasteurization and packaging, seed drying, sorting, & packaging, preserved fruits and vegetable manufacturing.
C. Slaughter houses, meat packing plants, and other similar uses shall be specifically excluded.
D. These uses may only be located upon a site where abutting lands are zoned for industrial or non-residential purposes on all sides. For a site zoned for agricultural or industrial purposes all processing buildings, fixed equipment, machinery, and stored raw materials and product shall be located at least five hundred (500') feet from said site lot line(s).
E. The classification of the road from which access is sought shall be determined by the Planning Commission to be appropriate to the scale and nature of the operation proposed. The proposed operation shall be determined not to generate excessive car and/or truck traffic through residential areas.

F. The operator may be required to file with the Sanilac County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site. A truck route may also be designated if determined necessary.
G. Ingress/egress. There shall be not more than one (1) entrance way to the facility property for each five hundred (500') feet of road frontage.
H. Parking. All parking shall be provided as off-street parking within the boundaries of the development.
I. Truck standing/loading. No vehicle shall be permitted to wait or to stand within a dedicated road right-of-way.
J. Such food processing or storage shall not be conducted as to cause the pollution by any material of any subsurface, water course, or waterbody outside the lines of the property on which such use shall be located.

17.10.11 Funeral Homes and Mortuaries:

A. Funeral homes and mortuaries are permitted by Special Land Use Permit in the C and CBD districts.
B. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
C. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
D. A mortuary that houses a crematorium shall be located at least one hundred (100) feet from any residential use.
E. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

17.10.12 Gasoline Service Stations:

A. Gasoline service stations are permitted by special land use permit in the C and CBD zoning districts.
B. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
C. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
D. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
E. Inoperative or unlicensed vehicles shall not be stored outside for more than seven days. Such storage shall not occur in front of the building front line.
F. Vehicle sales shall not be permitted on the premises of any automobile service station or wash.
G. Gas station/Convenience Stores shall follow all of the provisions as established in C and CBD zoning districts and are required to apply for and secure a Special Land Use Permit.

H. Gas stations/Convenience Stores are required to follow the State of Michigan Standards - MDEQ regarding underground tanks, wiring, leak protection, venting any and/or all requirements as established by the Department of Environmental Quality.
I. Any/all merchandise within the Convenience Store shall be subject to the licensing and approval of the State of Michigan.
J. The location shall be kept clean and orderly and shall follow all of the zoning provisions as established in this Ordinance. These provisions include, but are not limited to; parking, lighting, signage, storage and outdoor display of goods for sale.

17.10.13 Hospitals:

A. Hospitals are permitted by Special Land Use Permit on major thoroughfares in the A-R and C zoning districts.
B. The minimum area for a hospital shall be ten (10) acres.
C. Ingress and egress to the site shall be only from a paved major thoroughfare.
D. The minimum distance of any building from bounding lot lines or streets shall be at least one-hundred feet (100') for front, rear, and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty feet (20'). Buildings less than two (2) stories shall be no closer than forty feet (40') from any lot line or right-of-way.
E. Access to and from any delivery or ambulance areas shall be directly from a major thoroughfare.
F. Noise producing activities, such as ambulance and delivery areas, laundry, or power plant, shall not be located closer than three hundred feet (300') from any residential area.
G. Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall five feet (5') in height.
H. When a Commercial district abuts a residential or agricultural-residential district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.
I. All lighting shall be shielded away from public right-of-way and neighboring residential lots.
J. All hospitals shall be licensed by the State of Michigan.
K. Hospitals shall conform to applicable state and federal laws.

17.10.15 Hotels and Motels:

A. Hotels/motels are permitted by Special Land Use Permit in the C and CBD zoning districts
B. Ingress and egress to the lodging establishment shall be only from a paved major thoroughfare.

C. The minimum lot size shall be two (2) acres with a minimum width of one hundred sixty five feet (165'), provided that there shall be at least eight hundred square feet (800 sq. ft.) of lot area for each guest.
D. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty five percent (25%) of the area within the lot lines of land developed at any one time.
E. Off-street parking is as required in accordance with Article 3, General Provisions.
F. The front twenty-five feet (25') of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.
G. The outdoor storage of trash or rubbish shall be screened in accordance with Article 3, General Provisions.
H. No kitchen or cooking facilities shall be provided in guest rooms.
I. The minimum floor area of each guest unit shall be two hundred-fifty square feet (250 sq. ft.).
J. No guest shall establish permanent residence at the lodging establishment.

17.10.16 Junkyards:

A. Junkyards are permitted by Special Land Use Permit in the I district.
B. The planning commission may establish hours of operation for junkyards to protect the character of the land uses in the vicinity.
C. The applicant shall demonstrate to the planning commission proper design and licensing measures as required by state and federal statutory and regulatory authority.
D. Dismantled, wrecked, or immobile vehicles, or other junk stored shall not be kept outdoors unless completely screened from any adjoining parcel or right-of-way and located in the rear or side yard.
E. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
F. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with Section 3.21 hereof, and any applicable state or federal requirements.
G. All materials stored on site shall be located in the side or rear yards.
H. No portion of the storage area shall be located within two hundred (200) feet of any residential district or residential lot line.
I. All materials shall be screened with an eight-foot-tall opaque fence.
J. Stored materials shall not be stacked higher than eight (8) feet, and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way.
K. A management office shall be provided on site. A residence may be permitted for security personnel or an on-site operator.
L. The minimum size for all junkyard facilities shall be two (2) acres, maximum lot size shall be eight (8) acres.

17.10.16 Libraries:

A. Libraries are permitted by Special Land Use Permit in the A-R district.
B. The proposed site shall front upon, and all ingress and egress shall be from an arterial or collector road.
C. Unless greater setbacks are required by the district in which the use is located, buildings and structures shall be setback at least fifty (50) feet from the front lot line and twenty-five (25) feet from the side and rear lot lines.

17.10.17 Marinas or Boat Liveries:

A. Marinas or boat liveries are permitted by special use permit in the C and CBD zoning districts.
B. The marina site shall be physically separated from any adjacent industrial uses by fencing a minimum six (6) feet in height.
C. A separate entry/egress drive shall be provided, which shall not cross through any property used or intended for industrial uses.
D. On-site restroom facilities shall be provided per code for all marinas.
E. Any marina that permits boaters to overnight in their moored or docked boats must provide shower/washing facilities as prescribed by the Planning Commission.
F. On-site parking and landscaping shall be provided in accordance with the requirements of this Ordinance.
G. Docks and mooring shall be physically separated from adjacent industrial/commercial waterfront uses and shipping channels.
H. Proposed docks and moorings shall not interfere with the passage of boats into or out of adjacent or nearby marinas, and will not be so located as to be a hazard or obstacle to the normal movement of boats in the Thunder Bay River or the adjacent waters of Lake Huron.
I. The Planning Commission may modify or waive those site requirements listed in B – E above upon a demonstration of hardship or a compelling need or justification.

17.10.18 Medical Clinics or Offices:

A. Medical clinics or offices are permitted by Special Land Use Permit in the C and CBD districts.
B. Any dumpsters used by a medical office shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with state and local requirements.
C. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the planning commission.
D. Where the planning commission determines that a proposed medical office shall primarily provide secondary care services the number of parking spaces required may be reduced to provide one space for each three hundred fifty (350) square feet of gross floor area. For purposes of this subsection, "secondary care services" shall mean services provided by human medical

specialists who generally do not initially diagnosis or have first contact with a patient and who typically generate less vehicle traffic, including optometrists, podiatrists, chiropractors, and similar medical professionals."

E. The applicant must provide an interior floor plan to demonstrate the proposed layout of the medical office.

17.10.19 Migrant Worker Camps:

A. Migrant worker camps are permitted by Special Land Use Permit in the A-R district.
B. Migrant housing may be occupied for no more than ten (10) months during one calendar year.
C. Seasonal dwellings may not be used for the housing of persons not at some time employed by the owner of the dwelling.
D. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to the Village of Port Sanilac where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one (1) or more such migrant workers notwithstanding that such State regulations may have a greater housing unit or migrant worker threshold.
E. Seasonal dwellings shall be located at least two hundred (200) feet from any public street, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
F. No seasonal dwelling shall have more than one (1) story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises.
G. No seasonal dwelling shall be closer than thirty (30) feet to the private drive or private roadway serving said dwelling.
H. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving said other dwelling.
I. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state, and federal building codes, health codes, and other such codes and Ordinances.
J. The applicant shall submit a Site Development Plan approved by the Planning Commission which shall signify the applicant’s agreement to comply with said plan and all the conditions placed upon the use and requirements at all times and shall further agree to the following:
    1. The premises and all seasonal dwellings shall be available for the inspection of the Zoning Administrator and Building Inspector.
    2. All premises and structures shall be regularly maintained.
    3. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a village, county, state, or federal agent or official.

4. Any seasonal dwelling which is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within six (6) months of the close of the second season following.

K. Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a zoning permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall state any special conditions of use imposed by the Planning Commission.

L. Revocation of Permit: If a violation of any of the above conditions, regulations, or special conditions if found to exist, the Zoning Administrator shall notify the owner of migrant housing and the Planning Commission that such violation exists and that the temporary occupancy permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within said fifteen (15) days, the Zoning Administrator shall revoke said permit. All migrant housing shall be vacated within fifteen (15) days of the date of revocation.

17.10.20 Motor Vehicle and/or Boat Sales and Service Shops:

A. Motor vehicle and/or boat sales and service establishments are permitted by Special Approval Use Permit in the C and I zoning districts.

B. Gasoline Filling and Gasoline Service Stations:

1. No steam cleaning or undercoating shall be permitted.
2. All ingress and egress to the site shall be directly from a hard surfaced road.
3. No drive or curb opening shall be located nearer than twenty-five feet (25') to any intersection or adjacent residential property line. No drive shall be located nearer than thirty feet (30'), as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
4. No more than one (1) curb opening shall be permitted for every seventy five feet (75') of frontage (or major fraction thereof) along any road.
5. Ingress and egress drives shall not be more than thirty feet (30') in width.
6. Minimum lot area shall be twenty thousand square feet (20,000 sq. ft.) for automobile service and filling stations.
7. Minimum lot width shall be not less than one hundred fifty feet (150') for automobile service and filling stations.
8. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
9. No gasoline service stations shall be located nor property used as such nearer than four hundred feet (400'), in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, or post office.
10. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline

pumps shall be located not less than twenty feet (20') from any lot line, and shall not be arranged so that motor vehicles being supplied with gasoline or serviced will be parked upon or overhanging any public sidewalk, street or right-of-way.

11. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six foot (6') masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.

C. Motor Vehicle and/or Boat Sales:
   1. All ingress and egress to the site shall be directly from a hard surfaced road.
   2. Minimum lot area shall be two (2) acres.
   3. The minimum frontage shall be two hundred feet (200').
   4. No loading activities shall be permitted within seventy five feet (75') of any lot line abutting a residential land use.
   5. All buildings shall be set back a minimum of fifty feet (50') from any lot line.
   6. The lot or area shall be graded and drained as to dispose of all surface water accumulated within the area.
   7. The lot or area upon which new and/or used automobiles, recreation vehicles, trucks, boats, and trailers are placed shall be hard surfaced.

17.10.21 Multiple-Family Dwellings:

A. Multiple-family dwellings are permitted by Special Land Use Permit in the R-1 and R-2 districts.
B. Multiple-family dwellings shall contain an equivalent minimum floor area per unit as required in the MFR district.
C. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
D. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
E. Buildings shall not be constructed closer than a distance equal to one and one-half times the height of the taller building.
F. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

17.10.22 Open Air Markets:

A. Open air markets are permitted by Special Land Use Permit in the C and CBD districts.
B. Minimum lot area shall be one (1) acre.
C. Minimum lot width shall be two hundred (200) feet.
D. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

E. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
F. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of special land use approval, require the permittee to furnish a Performance Bond in accordance with Section 4.9 of this Ordinance.
G. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
H. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
I. All lighting shall be shielded from adjacent residential areas.
J. In the case of a plant materials nursery:
    1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
    2. All loading activities and parking areas shall be provided on the same premises (off-street).
    3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
K. No display area shall be located within ten (10) feet of a road right-of-way line.

17.10.23 Open Storage Yards:

A. Open storage yards are permitted by Special Land Use Permit in the C district.
B. As a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment.
C. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
D. All outdoor storage areas shall be paved and include a storm water drainage system.
E. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
F. The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the approved use.
G. The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose storm water without negatively impacting adjacent property.

H. All loading and truck maneuvering shall be accommodated on-site.
I. All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in Section 3.13.1.

17.10.24 Parks and Grounds for Outdoor Activities and Recreation:

A. Parks and grounds for outdoor activities and recreation are permitted by Special Land Use permit in the A-R district.
B. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
C. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the Planning Commission. The applicant shall provide documentation that the site area is adequate using national facility standards.
D. The site shall be located on a paved street or road.
E. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
F. No building or spectator seating facility shall be located within 100 feet of a property line.
G. The site shall be periodically cleared of debris.
M. Facilities shall provide off-street parking and passenger loading areas.
N. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
O. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the Village of Port Sanilac Department of Public Safety with respect to the proposed project.
P. Exterior lighting shall be installed in such a manner that so that it does not impede the vision of traffic along adjacent streets.
Q. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas. In the event of a complaint or dispute over lighting levels, testing shall be paid for by the owner of the subject premises.
R. Outside storage shall be screened.
S. Central loudspeakers/paging systems are prohibited.
T. No temporary sanitary facility or trash receptacle shall be located within two hundred feet (200') of an existing dwelling.
U. All sanitary facilities shall be designed and constructed in strict conformance with Sanilac County Health Department regulations.

V. Adequate trash receptacles shall be provided as needed throughout the site.
W. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners

17.10.25 Private Schools:

A. Private schools are permitted by Special Land Use in the R-1, R-2, MFR, A-R, and C districts.
B. Public schools are not subject to local zoning.
C. The minimum lot or parcel size for private schools shall be one (1) acre.
D. No more than forty (40) percent of the site area shall be covered by structures.
E. No more than sixty (60) percent of the site shall be covered with impervious surface.
F. Service structures and facilities shall not be located within one hundred (100) feet of a residentially zoned property.
G. Parking areas and travel lanes shall not be located within thirty (30) feet of a residentially zoned property.
H. No parking shall be allowed within the twenty five (25) feet of the right-of-way.
I. The principal structure shall be no closer than fifty (50) feet from any lot line or right-of-way.
J. All ingress and egress to the site shall be from a paved street.
K. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
L. Appropriate buffering and screening shall be necessary where improvements, such as structures and recreation areas, are within close proximity to residential development.

17.10.26 Public or Community Assembly Buildings:

A. Public or Community Assembly buildings are permitted by Special Land Use Permit in the R-1, R-2, MFR, and MHS districts.
B. Minimum lot size for freestanding places of public assembly: two (2) acres.
C. Maximum lot size for freestanding places of public assembly: ten (10) acres.
D. Minimum distance requirement: No freestanding place of public assembly shall be located closer than two thousand five hundred (2,500) feet from any other freestanding place of public assembly, measured from the nearest point on the nearest property line of one (1) place of public assembly to the nearest point of the nearest property line of another place of public assembly in a straight line.
E. Maximum area for attached places of public assembly: Attached places of public assembly shall be limited to eight thousand five hundred (8,500) square feet of gross floor area and shall make up no more than twenty-five (25) percent of any mixed-use building.
F. Accessory uses permitted for a freestanding place of public assembly. The following accessory uses shall be permitted as part of a freestanding place of

public assembly if the use is incidental to and serves to support the functions of such public assembly use:

1. Meeting rooms and educational classrooms.
2. Day-care centers.
3. Offices.
4. Indoor or outdoor recreational facilities incidental to the public assembly use, not used for commercial purposes, of a size appropriate to the scale of the public assembly use.

G. Accessory uses permitted for an attached place of public assembly. The following accessory uses shall be permitted as part of an attached place of public assembly if the use is incidental to and serves to support the functions of such public assembly use:

1. Meeting rooms and educational classrooms, excluding K-12 schools.
2. Offices.
3. Indoor recreational facilities incidental to the public assembly use, not used for commercial purposes, of a size appropriate to the scale of the public assembly use.

17.10.27 Recreation and Amusement Facilities:

A. Recreation and Amusement Facilities are permitted by Special Land Use Permit in the C district.

B. It is the intent and purpose of this section to establish standards for a broad category of principal uses, such as arcades, billiard/pool halls, where persons, most often minors, congregate for purposes of recreation. Due to the potential of these uses to attract activities, such as loitering, vandalism and truancy, standards are set below to avoid or mitigate potential nuisances. It is not the intent of this section to regulate such uses that are accessory to a principal use, such as a pool table in a bar or skill machines in a restaurant.

C. Amusement facilities shall not be located closer than two hundred (200) feet from an adjacent property that is zoned for single-family residential purposes or from the property line of another amusement facility or any school, public or private.

D. All ingress and egress to the site shall be from a paved street.

E. The amusement center shall have available access to a pedestrian sidewalk, as well provide accommodations for bicycle racks for non-motorists.

F. No organized betting or gambling shall be allowed on the premises.

G. Children under the age of sixteen (16) may not remain on the premises after 10:00 P.M. nor during normal school hours. The petitioner shall outline process and procedure for addressing truancy issues.

H. The operator shall demonstrate the ability to prevent problems related to potential noise, litter, loitering, crowds or similar types of issues that could potentially create a need for law enforcement. The applicant shall outline process and procedure for addressing such operational issues.

17.10.28 Repair Shops, Finishing Shops, Alteration Shops, Small Assembling and Fabrication Shops:

A. Repair services are permitted by Special Land Use Permit in the C and I zoning districts.
B. Site shall comply with the minimum lot size of the district.
C. Establishments shall be in a fully enclosed facility and all services and activities shall take place indoors.
D. Storage of all machinery and equipment being repaired shall be inside an enclosed building.
E. The outdoor storage of trash or rubbish shall be screened in accordance with Article 3 of this Ordinance.
F. The facility shall be in conformance with all local, county, state and federal regulations at all times.
G. All flammable liquids, solvents, cleaners and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and properly maintained.
H. When a commercial or industrial district abuts a residential district, a greenbelt shall be established on the commercial property to serve as a buffer between the commercial district and the non-commercial district. Layout and design, including width and depth and type of plantings shall be specified by the Planning Commission during site plan review. Greenbelts shall be maintained with healthy trees and shrubs. Dead trees or shrubs shall be replaced with healthy specimens.

17.10.29 Roadside Stands:

A. Roadside stands that do not meet the permitted use requirements in the A-R district are permitted by Special Land Use Permit.
B. All permitted farm markets shall comply with the Michigan Department of Agriculture and Rural Development's Generally Accepted Agricultural and Management Practices (GAAMPS) for Farm Markets.
C. All such uses shall be limited to one open-air type temporary structure (not to exceed 500 square feet in floor area) to include, but not limited to lean-to structures, tents, wagons and similar structures, as determined by the Planning Commission.
D. All structures and sale areas shall be set back a minimum of 25 feet from the road right-of-way.
E. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a manner that they can be safely and conveniently used by the customers. The Commission shall determine the number of additional parking spaces necessary based on each individual use and the anticipated traffic that will be generated.
F. All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two roads measured from the right-of-way lines.
G. There shall be no more than one temporary sign permitted for a roadside stand. The sign area shall not exceed sixteen (16) square feet or eight (8) feet in total height from established grade.

17.10.30 Rooming and Boarding Houses:

A. Rooming and boarding houses are permitted by Special Land Use Permit in the R-1 and R-2 districts.
B. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.
C. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
D. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.
E. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
F. Board shall not be provided to other than those rooming in the residence.
G. Off-street parking shall be required in accord with Section 3.20.
H. The establishment shall have at least two (2) exits to the outdoors.
I. The boarding house shall not alter the residential character of the building or structure.

17.10.31 Sexually-Oriented Businesses:

A. Sexually-oriented businesses are permitted by Special Land Use Permit in the C and CBD commercial districts.
B. Sexually-oriented businesses must meet all requirements of all applicable state, county, and local laws.
C. All sexually-oriented businesses shall be contained in a freestanding building. Enclosed malls, commercial strip buildings, common wall structures, and a mixture of non-sexually oriented businesses and other businesses within the same structure do not constitute a freestanding building.
D. No such uses may be permitted in the C or CBD commercial districts within one thousand five hundred feet (1,500') of any district zoned R1, R2, MFR, AR, or MHS, measured from the lot line of the locations of the proposed use.
E. No such uses may be permitted in the C or CBD commercial districts within one thousand five hundred feet (1,500') of any church or school measured from the lot line of the location of the proposed use.
F. A sexually-oriented business shall not be located within a one thousand five hundred foot (1,500') radius of any other such use.
G. 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.
H. The sexually-oriented business shall conform to all regulations of the zoning district in which it is located unless those regulations conflict with the standards of any other state, county or local law(s), in which case those standards shall control.

I. All off-street parking areas shall be illuminated during all hours of operation of the sexually-oriented business and until one hour after the business closes.
J. No person shall reside in or permit a person to reside in the premises of a sexually-oriented business.
K. All sexually-oriented businesses shall conform with the following regulations concerning:
   1. Disorderly persons, see section 167 of the Michigan Penal Code (Public Act 328 of 1931), as amended;
   2. Drugs and medicines, and controlled substances, see the Michigan Public Health Code (Public Act 368 of 1978), as amended;
   3. Gambling, see Section 301 of the Michigan Penal Code (Public Act 328 of 1931), as amended;
   4. Indecency and immorality, see Section 335a of the Michigan Penal Code (Public Act 328 of 1931), as amended.
   5. Intoxicating liquor, generally see the Michigan Liquor Control Code (Public Act 58 of 1998), as amended;
   6. Nuisance abatement, see Section 2940 of the Revised Judicature Act (Public Act 236 of 1961), as amended;
   7. Prostitution, see Section 448 of the Michigan Penal Code (Public Act 328 of 1931), as amended.
L. All sexually-oriented businesses which serve alcohol shall comply with the following additional standards:
   1. At all times shall remain in conformance with all rules, regulations, license conditions, permits, approvals, sanctions or other requirements of the Michigan Liquor Control Commission;
   2. Apply for and receive site plan review and approval from the Village of Port Sanilac Planning Commission before any change of use that requires a new or modified license or permit from the Michigan Liquor Control Commission before such a license or permit has been obtained from the Michigan Liquor Control Commission.

17.10.32 Short-Term Rental:

A. Short-term rentals shall be permitted by special use permit in the R-1 and R-2 districts.
B. Intent. It is the intent to establish reasonable standards for short-term rentals as special uses in residential districts to ensure that:
   1. The property is suitable for temporary lodging.
   2. The use is not incompatible with other allowed uses in the vicinity.
   3. Impacts on the neighboring properties are minimized to the extent reasonably possible.
C. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, the Planning Commission may determine that the short-term rental use is not suitable, or it may condition approval on measures that mitigate potential adverse effects of operating a short-term rental on the lot.

D. If an outdoor area intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc.) is provided, it shall be sufficiently setback from the property lines or screened or buffered with a fence, wall, or landscape screen to minimize sounds and light, so as not to disturb neighbors. All existing and proposed fire pits shall meet the Village's fire code.
E. Accessory structures constructed or expanded after the effective date of this section shall not be used as sleeping rooms for short-term rentals, and shall not be counted for purposes of determining the maximum occupancy of a short-term rental use.
F. A smoke detector in proper working order shall be provided in every sleeping room and in additional locations within the structure as determined by the Village Building Official. A fire extinguisher in proper working order shall be located on every floor in the immediate vicinity of the sleeping rooms.
G. Short-term rental uses shall comply with the parking requirements of Section 3.20 of this zoning Ordinance.
H. The driveway and off-street parking areas shall be laid out in a manner so as to minimize on-street traffic congestion to the extent reasonably possible.
I. The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity. By way of example, the subject property shall not: (i) appear to be a commercial, multi-family, or institutional use; (ii) be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood; or (ii) be illuminated or signed in a manner that is out of character with other homes in the vicinity.
J. The applicant shall submit a site plan of the structure or proposed structure drawn to a scale of not less than 1/8 " = 1' that shows the specific layout of the facility in accord with the provisions of this zoning Ordinance.
K. The special use permit holder shall secure, maintain, and furnish proof of all required federal, state and local permits.
L. No separate cooking facilities shall be allowed in sleeping rooms.
M. Interior features (bedrooms, bathrooms, kitchens, dwelling units, means of ingress and egress, etc.) must be in conformance with the Michigan Construction Code, and all open permits must be finalized prior to occupancy as a short-term rental.

17.10.33 Theaters, Stadiums, or Arenas:

A. Theaters, stadiums, or arenas are permitted by Special Land Use Permit in the C and CBD districts.
B. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
C. Main buildings shall be set back a minimum of 100 feet from any residential property line.
D. For uses exceeding a seating capacity of 250 persons, a traffic impact study shall be required to be submitted by the applicant which describes internal

circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.

E. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.

17.10.34 Veterinary Clinics/Animal Hospital:

A. Animal Clinics/Veterinary Clinics shall be subject to the following requirements:

1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Sanilac County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
2. The operator of the veterinary hospital shall maintain at all times, all required State and local licenses and permits for the operation of the hospital. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary hospital.
3. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
4. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any property in the R-1, R-2, C, or CBD district.
5. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
6. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

17.10.35 Communication Towers

A. Communication towers are permitted by Special Land Use Permit in all zoning districts.

B. Minimum Development Standards:

1. A minimum site of point seven five acres (.75) and one hundred twenty feet (120') of road frontage. In the event that a parcel does not have road frontage, a sixty six foot (66') registered easement and an access driveway must be installed per the private road and driveway requirements of Sections 3.20 and 3.34.
2. The use of guide wires is strictly prohibited within Residential districts.
3. The base of the tower and the auxiliary buildings will be surrounded by a six foot (6’) high chain link fence with a locked gate.
4. All cable guides will be surrounded with a minimum six foot (6') high chain link fence.

C. Minimum Design Standards

1. The tower must setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Village that the structural integrity of the tower will withstand high wind and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with Village engineering cost.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to the property line than thirty feet (30').
3. Accessory structures shall not exceed six hundred square feet (600 sq. ft.) of gross building area.
4. All greenbelt requirements from Section 3.13 shall be met.
5. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
6. A registered structural engineer at applicant's expense shall certify the plans of the tower construction.
7. The applicant shall provide verification that the antenna-mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
8. All towers must meet the standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
9. No part of any tower antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon required set back area for the district in which the antenna or tower is to be located. In no case shall the tower or antenna be located within thirty feet (30') of a property line.
10. Metal towers shall be constructed of, or treated with, corrosive resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulation and standards.
12. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet (8') above the ground at all points, unless buried underground.
14. Towers shall be located so that they do not interfere with the reception in nearby areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant. The site shall also have adequate off-street parking.
16. The base of the tower shall occupy no more than five hundred square feet (500 sq. ft.).

17. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
18. Height of the tower shall not exceed one hundred and seventy five feet (175') from grade within a residential district.
19. Towers will not be artificially lighted unless required by the Federal Aviation Administration. If lighting is required, clear strobe lights are permissible during day light hours only. Red lights are required to take over for the clear strobe light from dusk to daylight hours.
20. Existing on site vegetation shall be preserved to the maximum extent practical.
21. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
22. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off site visibility of the antenna.
23. Structures shall be subject to any state or federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state and federal standards are adopted in the future, the antenna shall be made to conform to extent required by such standard or the Special Use approval will be subject to revocation by the Village Council following a hearing. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
24. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
25. All parking and drive areas must meet specifications and requirements for private roads and driveways, detailed in Section 3.20 of this Ordinance.
26. Where the property adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreens trees with the minimum height of five feet (5') on twenty foot (20') centers along the entire perimeter of the tower and any related structures. In no case shall the evergreens be any closer than ten feet (10') to any structure.
27. Once the tower is no longer in use for its original intent, the property owner or lessee shall remove the tower within three (3) months. Under unusual circumstances (i.e., long period of bad weather as might occur in the winter or spring months) the applicant may apply to the Planning Commission for one (1) extension of three (3) months.
28. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety of emergency repairs at that particular utility transmission structure site.

D. Requirements for Collocation:
   1. A Special Land Use Permit for construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that collocation is not feasible.

2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
3. The policy of the Village of Port Sanilac is "pro collocation." If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and or use of a new wireless communication facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Village for a period of five (5) years from the date of the failure or refusal to permit the collocation. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five (5) year prohibition would unreasonably discriminate among the providers of functionally equivalent wireless communication service, or would have effect of prohibiting the provision of personal wireless communication services