

*Work Copy*

**Keweenaw County  
Michigan**

# **ZONING ORDINANCE**

1975

**G.R. JUSTUS AND ASSOCIATES  
1032 COLLEGE STREET  
BOWLING GREEN, KY 42101**

*Adopted Sept 10, 1975*

## P R E F A C E

The primary purpose of this report is to point out the need for writing a Zoning Ordinance for Keweenaw County. Many new zoning techniques and improved procedures have been developed over the past years, and Keweenaw County's citizens should be allowed to benefit from this modern technology. The report discusses the definition of zoning, history, relationship to planning, objective, constitutionality, and local responsibility.

This material strongly indicates that zoning will have a profound effect upon the future desirability of Keweenaw County.

A secondary purpose of this report is to provide a draft of a proposed ZONING ORDINANCE that will allow the kind of quality land development and construction desired by Keweenaw County. The proposed ordinance incorporates technical provisions that reflect the goals and the objectives desirable for citizens of the County in the development of Keweenaw County's COMPREHENSIVE PLAN.

# ZONING CONTROL

Zoning is an invaluable tool for controlling and guiding the physical (development of a county. However, the ramifications of zoning are far-reaching, and if zoning is to be used to its full potential it must be understood and intelligently applied. The right to zone arises from the ability of government to protect its citizens — POLICE POWER. The need to zone occurs because of the congestion and conflicts caused by assembling many people together within a relatively small area. Zoning is thus the subordination of personal rights to protect the rights of the majority. In turn, the individual is protected from the encroachment by others or from undesirable neighboring uses.

## DEFINITION OF ZONING

Zoning is the enactment of an ordinance by the County government which controls and regulates private property within the area of jurisdiction of the County. A more complete definition of the zoning process is given in "Local Planning Administration," and is as follows:

"Zoning consists of dividing the County into districts or zones and regulating within such districts the use of land, heights, and area of buildings for the purpose of conserving and promoting the health, safety, morals, convenience and general welfare of the people of the County. Zoning is the instrument for giving effect to that part of the comprehensive County Plan or master plan which is concerned with the private uses and the private developments on privately-owned land—as distinguished from that part which is concerned with public uses and facilities. The zoning map or zoning plan along with the regulations pertaining thereto are thus a part of the master plan—in essence, the comprehensive land use plan of the County—while the enactment of the Zoning Resolution and its administration are the legislative and administrative acts or processes for giving effect to or carrying out this part of the comprehensive plan."\*

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\*Beuscher, J., H. and others

## HISTORY

It is difficult to determine exactly when zoning started, since it was a gradual evolvement brought about by an attempt to protect individual property rights. Early California records show law cases preventing objectionable uses from occurring in residential neighborhoods. The locations of stills and tanneries were controlled in Massachusetts as early as 1692. Boston enacted height regulations, and fire districts were established in early ordinances which excluded wooden buildings.

In the twentieth century, a movement for CIVIC IMPROVEMENT hastened the development of more formalized zoning controls. In 1916, the first comprehensive zoning ordinance in this country was enacted in the city of New York. For the first time in history, a variety of protective restrictions were incorporated into one ordinance, including regulating the use of land and buildings, prohibiting industrial and business uses in residential areas, regulating the density of population, and controlling the bulk and height of buildings.

Refinement of zoning methods continued until today there exists an accepted technical procedure for the formulation and enactment of a zoning ordinance. A part of this procedure is the development of a comprehensive plan upon which to base the zoning recommendations.

## RELATIONSHIP TO PLANNING

Planning is the process used to develop LONG-RANGE plans and programs for the development of the County. The planning process is composed of (1) establishing accepted or agreed upon County goals and objectives; (2) gathering basic information about the County; (3) analyzing local considerations; and (4) making recommendations for future development. The comprehensive plan adopted from this process is the guide which suggests

how various facilities should be developed within a county, while zoning is essentially the legal instrument and administrative method for effectuating the plan.

Planning must precede the mapped zoning districts to make zoning recommendations truly meaningful. The zoning ordinance becomes the legal instrument which regulates the use of land, and at least partially implements the planning recommendations. Zoning can be considered the transition between the present and the future, and should assure that this transition occurs in an orderly and economic pattern. However, this does not mean that the zoning ordinance should be an exact duplicate of the comprehensive plan. Zoning reflects short-range decisions intended to carry out the longer-range recommendations of the plan.

#### OBJECTIVE

Zoning is the principal means for the County to guide its future growth and achieve a logical pattern of land use development. Land development is thus provided for in a manner that is best for both the entrepreneur and the County. If proper consideration is given to both the economics of land use and physical design characteristics, a desirable county should result.

Some of the generally accepted, specific objectives of zoning are:

1. To secure adequate light, pure air, and safety from fire and other dangers;
2. To conserve the taxable value of land and buildings;
3. To prevent the overcrowding of land and buildings;
4. To lessen or avoid congestion in the public streets; and
5. To preserve and protect the natural resource characteristics of the county.
6. Otherwise to promote the public health, safety, comfort, morals and general welfare.

## CONSTITUTIONALITY

The draft of the zoning ordinance has been carefully written, if for no other reason than to avoid any possible litigation at some future date. A well-drafted ordinance is less likely to be litigated than an ordinance which is poorly drawn. However, it is impossible to foresee all possible legal interpretations, so a clear and understandable ordinance is essential. Proper procedures have been clearly spelled out in the ordinance draft since the majority of litigations concern the procedural aspects of the ordinance rather than the standards or technical aspects.

The right or constitutionality of zoning has long ago been fully accepted by the United States Supreme Court as an appropriate exercise of the police power. The courts have consistently held that a property owner may not use his property in a way harmful to others. The United States Supreme Court, in 1905, in the case of *Jacobson v. Massachusetts*, 197 U.S. 11, p. 26, said:

“ . . . But the liberty secured by the Constitution of the United States to every person within its jurisdiction does not impart an absolute right in each person to be, at all times and in all circumstances, wholly freed from restraint. There are manifold restraints to which every person is necessarily subject for the common good. On any other basis, organized society could not exist with safety to its members. Society based on the rule that each one is a law unto himself would soon be confronted with disorder and anarchy. Real liberty for all could not exist under the operation of a principle which recognizes the right of each individual person to use his own, whether in respect of his person or his property, regardless of the injury that may be done to others . . . ”

## RESPONSIBILITY

Zoning is a responsibility that should be assumed by all levels of local government. Zoning affects each individual in the County and the zoning process should not be too far removed from the scrutiny of the County people. Each citizen should have a voice in zoning decisions.

As zoning shapes the County, it also shapes the immediate environment of the individual. Zoning affects the revenue-producing capacity of the County, the status of the County economy, the provision of County services, the physical pattern of land use, and even the type and number of neighbors that an individual will have. Zoning is important to the development of both the quantity and quality of the County.

Zoning is a part of our democratic process and, if adequately understood and properly administered, will do much to preserve our concept of DEMOCRACY.

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SECTION 1 - INTRODUCTION

1.1 AUTHORITY

WHEREAS, the Board of County Commissioners, County of Keweenaw, Michigan, deems it necessary, in order to conserve the value of property in the county, and to the end that building development may be directed to the best advantage of the entire county; that adequate light, pure air, and safety from fire and other dangers may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, and welfare may otherwise be promoted in accordance with a well-considered plan for the use and development of all property throughout the county, NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF KEWEENAW, MICHIGAN, UNDER AUTHORITY OF MICHIGAN STATE STATUTES.

1.2 PURPOSE

This ordinance is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comforts and general welfare of the people;
2. To divide the county into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business and manufacturing and other specified uses;
3. To protect the character and the stability of the residential, business, and manufacturing areas within the county, and to promote the orderly and beneficial development of such areas in accord with sound natural resource development policies;
4. To provide adequate light, air, privacy, and convenience of access to property;
5. To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings necessary to provide adequate light and air and to protect the public health;
6. To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas;

## Introduction

7. To fix reasonable standards to which buildings or structures shall conform;
8. To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
9. To prevent additions, alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
  - a. To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading of commercial vehicles;
  - b. To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
  - c. To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;
  - d. To conserve the taxable value of land and buildings throughout the County;
  - e. To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
  - f. And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

### 1.3 INTENT

An ordinance dividing the County of Keweenaw, Michigan into districts for the purpose of classifying, regulating and restricting the location of trades, industries and commercial enterprises, and the location of buildings arranged, intended and designed for specified uses; of regulating and limiting the height and bulk of buildings hereafter erected; of classifying, regulating and determining the area of front, rear and side yards, courts, and other open spaces about buildings; and of regulating and limiting the intensity of the use of land and lot areas within such County; creating a Board of Zoning Appeals; defining certain terms used in said

ordinance; providing penalties for its violation; and designating the time when the ordinance shall take effect.

1.4 ABROGATION AND GREATER RESTRICTIONS

1. Where the conditions imposed by any provision of this Zoning Ordinance upon the use of land or buildings, or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
2. This ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.

1.5 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.

1.6 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 TITLE

This ordinance shall be known, cited, and referred to as the "Keweenaw County Zoning Ordinance."

## Section 2 - General Provisions

### SECTION 2 - GENERAL PROVISIONS

#### 2.1 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated areas of Keweenaw County. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

#### 2.2 USE RESTRICTIONS

1. Principal Uses - Only those principal uses specified for a district or on a planned development plat, their essential services, and the following uses shall be permitted in that district.
2. Accessory Uses and Structures - Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
3. Temporary Dwellings — No structure shall be used for dwelling purposes that does not comply with the requirements of this Ordinance or any applicable Building Codes. A building, mobile home, garage, basement, or other structure of fixed or portable construction which does not conform to the general requirements of this ordinance may be used as a temporary dwelling, provided that each of the following requirements is met:
  - a. The use of a structure as a temporary dwelling should not endanger public health, safety or welfare;
  - b. The location of the structure on the parcel of property shall not be detrimental to adjoining uses of land;
  - c. The use of a structure as a temporary dwelling shall only be permitted during the period of time required to construct permanent dwelling facilities conforming to the provisions of this Ordinance.
  - d. A structure used for temporary dwelling purposes shall be provided with a safe, sanitary and effective system for water supply and disposal of wastes in accord with local and State health standards.

- e. A structure shall not be used as a temporary dwelling until a permit is issued by the zoning administrator. The permit shall be valid only for the period required to construct the permanent dwelling, but shall not remain valid for a period exceeding 2 years. The zoning administrator may impose conditions with the issuance of the permit which are designed to ensure compliance with the requirements of this section.
4. Special Uses - Special uses and their accessory uses are permitted in districts as specified, but only according to the special use procedure in Section 10. Also, any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways, and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be special uses. Such development shall be specifically reviewed by the Planning/Zoning Commission as provided in Section 10.
5. Unclassified or Unspecified Uses - In case of uncertainty where the zoning administrator is unable to determine literally whether a use is permitted as a principal or accessory use, he shall consult the Board of Zoning Appeals for an interpretation.
6. Temporary Uses - Temporary uses such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure permitted while sales or construction are in progress.
7. Performance Standards - Performance standards listed in Section 7 shall apply to all uses in all districts.

### 2.3 SITE RESTRICTIONS

1. Soil Conditions - No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Planning/Zoning Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the county. In those areas where percolation tests are deemed questionable, the County Planning/Zoning Commission shall have the option of requiring soils boring

## General Provisions

cores where necessary. The County Planning/Zoning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting such unsuitability, if he so desires. Thereafter, the County Planning/Zoning Commission may affirm, modify, or withdraw its determination of unsuitability.

2. Any lot of record created prior to the effective date of this ordinance without any frontage on a public street or way shall not be occupied unless access to a street be provided by an easement or other right-of-way.
3. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience or damage to adjacent properties will not result. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
4. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a building or premise declared unsafe or unhealthy.
5. Only one principal structure shall be located, erected, or moved onto any lot or parcel of land.
6. Private Sewer and Water - In a district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with the local or Michigan State Board of Health standards. In any district where neither a public water service or public sewerage service is available, the width and area for single-family lots shall be no less than one hundred (100) feet and no less than twenty thousand (20,000) square feet, respectively. In no event shall an open well be permitted for a source of water, nor shall privies or cesspools be permitted as a means of sewage disposal. Any on site sewage disposal system which meets the Michigan State Board of Health standards may be utilized.
7. Reduction of Joint Use - No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this



Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

Substandard Lots - Any lot in a single ownership, which ownership was of record or leased at the time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within twenty-five (25) percent of that required by the terms of this ordinance. The purpose of this provision is to permit utilization or recorded or leased lots which lack adequate width or depth as long as reasonable living standards can be provided.

8. Designated Erosion Areas - In those areas designated by the State of Michigan Department of Natural Resources as High Risk Erosion Areas, all development shall maintain a one hundred (100) foot setback from the bluffline.
9. Open Space Preservation (See also PA 178,2001)
  - a. The purpose of this ordinance is to preserve no less than 50% open space when land is developed. While this open space preservation is not mandatory, it is available to any developer. This ordinance encourages developers to group dwellings on smaller lots on a smaller portion of an undeveloped tract of land in order to preserve the remainder of the tract as open space.
  - b. A developer who invokes open space preservation must comply with all other zoning ordinance and health department regulations. A developer may invoke open space zoning if the land is zoned for residential development at a density of two dwelling units or less per acre unsewered or three or fewer dwelling units per acre sewerred. Golf courses, lakes, streams, wet lands, and commercial areas do not qualify as open spaces but trails, play areas, picnic areas, parks, and areas dedicated to public use may be counted a undeveloped land.
  - c. Land zoned for residential development may be developed, at the option of the land owner, with the same number of dwelling units per acre on a portion of the land specified in the Zoning Ordinance, but not more than 50%, as determined by this Zoning Ordinance, which could otherwise be developed under existing laws, ordinances, and rules on the entire land area, if all of the following apply:

## General Provisions

- 1) The land is zoned at a density equivalent to two or fewer units per acre, or if the land is served by a public sewer system, three or fewer dwelling units per acre;
  - 2) A percentage of the land area specified in the Zoning Ordinance, but not less than 50%, will 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 subsection 3, would also depend upon such an extension; and
  - 4) The open space preservation option has not been previously exercised with respect to this land.
- d. After a landowner exercises the Open Space Preservation Option, the land may be rezoned accordingly.
- e. The development of land under the Open Space Preservation Option is subject to other applicable ordinances; rules, and laws, including rules relating to suitability of groundwater for on-site water supply for land not served by a public water system and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sewers.
- 1) "Conservation easement" means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140
  - 2) "Plat dedication" means the dedication of private property for public use with on the face of an approved plat or by a separate legal instrument.
  - 3) "Restrictive covenant" means a legal written agreement which runs with the land establishing not less than 50% of the land to be developed will remain perpetually in an undeveloped state.
  - 4) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or similar use or condition.

2.4 GENERAL DEVELOPMENT PROCEDURE

Comprehensive Plan including Planning Policies: The Planning/Zoning Commission and the Board of County Commissioners shall continuously develop their Comprehensive Plan, including their planning policies to guide future decision. All adopted comprehensive plan elements, in whatever degree of detail they may embody, shall provide the basis for approval of all development under this Zoning Ordinance, and no development shall be approved under this ordinance which is in conflict with any comprehensive plan elements that have been formally adopted.

This zoning Amendment will apply to property zoned for residential development within the following zoning districts, as specified within this zoning ordinance, and further, these districts will be amended to reference the Open Space Preservation option of the land owner:

## Section 3 - Zoning Districts

### SECTION 3 - ZONING DISTRICTS

#### 3.1 ESTABLISHMENT

For the purpose of this ordinance, the County of Keweenaw is hereby divided into the following zoning districts:

- A AGRICULTURAL DISTRICT
- CD CONSERVATION DISTRICT
- CE COUNTRY ESTATE DISTRICT
- RR RESORT RESIDENTIAL DISTRICT
- RS RESORT SERVICE DISTRICT
- R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
- R-2 TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT
- B-1 BUSINESS DISTRICT
- HS HIGHWAY SERVICE DISTRICT
- M-1 LIMITED MANUFACTURING DISTRICT
- M-2 GENERAL MANUFACTURING DISTRICT
- ED EXTRACTION DISTRICT
- PD PLANNED DEVELOPMENT DISTRICT

#### 3.2 DISTRICT BOUNDARIES

Boundaries of these districts are hereby established as shown on the maps entitled Zoning Atlas, County of Keweenaw, Michigan, dated \_\_\_\_\_, and which accompanies and is hereby declared to be a part of this ordinance. District boundaries shall be construed to follow: corporate limits; county limits; U.S. public highways, alleys, easements, and railroad rights-of-way, or other similar lines extended; and soil mapping unit lines; unless otherwise noted in the Zoning Atlas.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated street or alley adjoins two different zones, the center line of the vacated street or alley shall constitute the zone boundary.

3.3 ZONING ATLAS

The certified copy of the Zoning Atlas will bear on its face the attestation of the Chairman of the Board of County Commissioners and the Registrar of Deeds. It shall be on file and may be viewed in the office of the County Clerk.

3.4 ZONING DISTRICTS & PLANNED DEVELOPMENT AREA

1. A - Agricultural District

a. Purpose - The Agricultural District is established as a zone in which agriculture and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture through preventing the admixture of urban and rural uses which creates incompatibility and conflict, places unbalanced tax loads on agricultural lands to help pay for urban services, and contributes to the premature termination of agricultural pursuits. This zone is also designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

b. Permitted Uses

- 1) Agricultural Uses, including but not limited to horticulture; forestry; crop and tree farming; gardening; dairy, stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding slaughter houses, fertilizer works, plants for the processing of animal skins or hides, and plants for the reduction of animal matter.
- 2) Dwellings, Single-family. \*See Sec. 2.3 (Open Space Preservation)
  - a) Farmsteads.
  - b) Single-family dwellings of relatives when located on same far instead.
- 3) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, and similar uses.
- 4) Signs as permitted in Section 5 of this ordinance.
- 5) Mobile Home Units  
One mobile home unit may be maintained by a farm owner or operator living on the land and for persons not engaged in

agricultural pursuits, provided the mobile home units shall be regulated by the State and local Board of Health standards, and as defined by the ordinance providing:

- a) The mobile home is occupied by a relative standing in the relation of son, daughter, son-in-law, daughter-in-law, aunt, uncle, niece, nephew, father or mother, brother, sister, grandchildren, or grandparents of said owner or tenant or spouse.
  - b) The mobile home is located in close proximity to the farmstead occupied by such owner or tenant.
  - c) Adequate provision is made for the installation and inspection of modern running water and sewage facilities in accordance with State and local health standards.
- 6) One mobile home may be located on a lot while the owner is building a house, providing:
- a) The setback lines of the Agricultural District are complied with.
  - b) A temporary permit for such mobile home shall be issued for only one year and renewable at the discretion of the Planning Commission.
  - c) Reasonable and diligent effort is being made to construct a house.
  - d) At any time the Zoning Administrator determines that reasonable and diligent effort is not being made, he/she may revoke the permit.
  - e) Adequate provision is made for the installation and inspection of modern running water and sewage facilities in accordance with State and local health standards.
- c. Accessory Uses, including the following:
- 1) Home occupations in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.

- 2) Living quarters for hired help such as a tenant house, mobile home, apartment, or room for persons employed on the premises. These quarters shall not be rented or otherwise used as separate dwellings for non-tenants.
- 3) Barns and other bona fide farm buildings or structures.
- 4) Private garages and private greenhouses.
- 5) Roadside stands offering for sale agricultural or other products grown or produced on the premises upon which the stand is located at least twenty-five (25) feet from a property line, and off-street parking as regulated in Section 4 of this Ordinance.
- 6) Kennels.
- 7) Riding Stables.

d. Special Uses

1) Junkyards

Any junkyard, scrap yard or salvage yard for which permission and a permit is granted shall at all times be subject to the performance standards established in this Ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between a thoroughfare and such fence or screen is expressly prohibited.

Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

Such use shall be established and maintained in accordance with all applicable regulations of the Federal government, and State of Michigan.

All activities shall be confined within said enclosure, and no equipment or materials shall be used or stored outside of the fenced-in area.

Such use shall not be conducted within fifty (50) feet of any property line or within one hundred (100) feet of any public street or highway.

Burning of material shall conform to state regulations.

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Permits for such use shall be renewable on an annual basis provided that those requirements stated herein and any additional conditions concerning site development or operation of the use specified by the Planning Commission are satisfied.

- 2) Sanitary Landfills, and Incinerators - A sanitary landfill and/or incinerator, upon a finding that said use will not constitute a nuisance because of traffic, noise, odors, smoke, or physical activity may be permitted provided that all requirements of this ordinance and State standards are complied with. The permit for such use will be subject to annual renewal.
  - 3) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, radio - television-microwave relay towers, water reservoirs, or pumping stations, government buildings (see Section 10, Special Uses), sanitary landfills transportation facilities, and similar uses.
  - 4) Mobile Home Parks - (2 mobile home units or more) Subject to regulations of the Mobile Home Park Regulations found in Appendix B.
- e. Special Regulations
- All permitted uses shall maintain a minimum setback of:
- a) 50 feet from federal highways.
  - b) 50 feet from state highways.
  - c) 35 feet from county roads.

Special uses shall maintain a minimum setback of 100 feet.

### 2. CD - Conservation District

Two districts have been created for land areas designated as CD-LS (Conservation District - Landing Spaces), and CD-EP (Conservation District - Environmental Protection).

- a. The CD-LS (Conservation District - Landing Spaces) have been developed to account for proposed corridor lines of circulation (rights-of-way), landing, stopping, or interchange spaces which are integrally part of the county circulation system and for airfields and associated air traffic safety zones. These areas are to be kept open for the following permitted uses:



- 1) Transportation facility rights-of-way corridors.
- 2) Great Lakes Shipping and Docking facilities.
- 3) Takeoff or landing of aircraft.

- b. The CD-EP (Conservation District - Environmental Protection) has been created to account for lands designated as part of an open space system to preserve total environmental character, particularly in connection with conserving significant natural resource characteristics found within the county and encouraging multiple use forest activities where appropriate. This district, therefore, has been developed for conserving land areas which are:

Subject to periodic flooding. (Also see Section 6, Flood Plain Regulations.)

To be kept open to protect sources of water supplies, i.e., aquifer recharge, discharge, and potential water impoundment areas.

To be kept open from intensive development because of potential mineral resource extraction reserves.

To be kept open from intensive development because of unsuitable and unstable soil conditions.

To be kept open for general conservation purposes such as the preservation of hydrologic functions of adjacent tributary stream land areas and the preservation of timber resource areas.

These designated land areas are to be utilized for the following permitted uses:

- 1) Forestry.
- 2) Public or private low-intensity recreational uses such as parks, golf courses, conservation clubs, and campgrounds.
- 3) Extraction of sand and gravel resources

- c. Special Uses.

- 1) Hunting lodges.
- 2) Sanitary landfills.

3. CE - Country Estate District

- a. Purpose - The Country Estate District is established to provide for areas

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topographically and locationally well suited to meet an increasing market for five (5) acre lots and larger which can potentially be resubdivided (after the installation of community sewer and water services) into smaller lots.

### b. Permitted Uses

- 1) Dwelling, single-family. \*See Sec. 2.3 (Open Space Preservation)
- 2) Agriculture, but not including the commercial breeding or feeding of poultry, horses, cattle, sheep, pigs, goats, and/or similar livestock. There shall be no disposal of garbage on premises.
- 3) Signs as permitted in Section 5 of this ordinance.

### c. Accessory Uses

- 1) Home occupations in a single-family dwelling, provided that such use is incidental to the main use as dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages.
- 3) Private stable, corral, or exercise area which is incidental to the principal use and which provides shelter for horses for the exclusive use of the occupants of the premises, and located not less than one hundred (100) feet from any property line.
- 4) Kennels.
- 5) Private swimming pools provided proper safeguards for children are part of the installation and a security fence of not less than six (6) feet surrounds the pool facility.
- 6) Off-street parking as regulated in Section 4 of this ordinance.

### d. Special Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.
- 2) Public utility and service uses such as electric substations, regular stations, telephone transmission structures, radio-television

microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities, and similar uses. (See Section 10, Special Uses.)

e. Bulk Requirements

1) Lot:

- a) Minimum Area .....5 acres
- b) Minimum Width at Building Line .....200 feet

2) Minimum Yards:

- a) Front .....50 feet
- b) Rear .....50 feet
- c) Side .....50 feet

3) Buildings:

- a) Minimum Total Floor Area .....1, 500 sq. ft.
- b) Maximum Height .....35 feet

4. RR - Resort Residential District

- a. Purpose - The purpose of this district is to accommodate at varying densities of the type and character which would allow possible conversion to year-round dwelling on or near waterfront, woodland or other resort or vacation areas.

When located on or near waterfront areas, the intent is for everyone to have either private or public access and use of the waterfront or water body.

b. Permitted Uses

- 1) Homes and cottages for seasonal occupancy, provided they allow at least four hundred eighty (480) square feet of living space in a one-story home.
- 2) Single-family dwellings.
- 3) Agricultural activity including general farming, truck gardening, fruit orchards, nurseries, and the customary farm buildings, provided that the following conditions are satisfied:
  - a) The lot or parcel of land upon which these activities are

conducted is no less than ten (10) acres in area.

- b) No accumulation of manure or other odor or dust producing materials or activities shall be permitted within one hundred (100) feet of any adjacent property line.
  - c) All farm buildings other than dwellings shall be located a minimum of one hundred (100) feet from any adjacent property line.
- 4) All commercial livestock operations shall be excluded, including but not limited to dairy, stock, and poultry farming.
  - 5) Storage of major recreational equipment: Major recreational equipment may be stored in the open on any lots in this district subject to the following:
    - Dead storage only is allowable and no connection to any permanent power, water or sewer facilities is allowed.
    - Such equipment shall not be used for human occupancy nor used as business, recreational or housekeeping purposes.
    - Such equipment must be in usable and in safe condition for use except for periods when necessary repairs or alterations are being conducted.
    - Said equipment shall be stored in the side or rear yard unless it is stored in an existing garage or carport.
    - No such equipment shall be parked or stored in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.

c. Accessory Uses

- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- 2) Private garages.
- 3) Off-street parking as regulated in Section 4 of this ordinance.
- 4) Roadside stands offering for sale agricultural or other products

grown or produced on the premises upon which the stand is located at least twenty-five (25) feet from the property line.

d. Special Uses

- 1) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. (Also see Section 10 of this ordinance.)
- 2) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, sanitary landfills, transportation facilities and similar uses. (See Section 10, Special Uses.)
- 3) Public and private boat landings or docks for pleasure or fishing boats and buildings for storage of boats.
- 4) Tourist homes.

e. Special Regulations

Channeling: The channeling of public waterways shall comply with the requirements of the Michigan Department of Natural Resources.

f. Bulk Requirements (See Section 2.3, Site Restrictions)

- 1) With public water supply and sewerage facilities: In the RR - Resort Residential District where public water supply and sewerage facilities are provided the Minimum Lot Area, Minimum Lot Width, Maximum Lot Coverage, Minimum Yard Dimensions, Maximum Building Height and Minimum Interior Living Space shall be the same as those required in the R-1 Single-Family Residential District except that no principal building shall be closer than fifty (50) feet to the edge of a lake, river, or stream; however, in special type developments where high banks border lakes or waterways, dwellings may be closer if the soil structure lends itself to load bearing and the type of construction is engineered for such sites.
- 2) Without public water supply and sewerage:
  - a) Minimum Lot Area: In the RR - Resort Residential District where public water supply and sewerage facilities are not

provided, the minimum lot area shall be twenty thousand (20,000) square feet unless otherwise specified herein. No principal building shall be closer than seventy-five (75) feet to the edge of a lake, stream or river; however, in special type developments where high banks border lakes or waterways, dwellings may be closer if the soil structure lends itself to load bearing and the type of construction is engineered for such sites.

- b) **Minimum Lot Width:** All interior and corner lots shall have a minimum lot width of eighty (80) feet along the street upon which such lot principally fronts, except in the case where a curvilinear street pattern results in irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted provided that in no case shall the frontage width be less than thirty (30) feet nor shall the lot width at the building line be less than sixty-five (65) feet.
- c) **Maximum Lot Coverage:** All buildings, including accessory buildings shall not cover more than thirty (30) percent of the total lot area.
- d) **Minimum Yard Dimensions:**

**Front Yard:** There shall be a front yard having a depth of no less than twenty-five (25) feet provided that where established buildings on adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building; provided further that this provision shall not be interpreted to require a front yard of more than forty (40) or less than twenty (20) feet.

**Side Yards:** There shall be a minimum side yard of ten (10) feet or ten percent of lot width, whichever is the greater, except in the case of a corner lot where the street side yard shall be no less than the minimum Resort Residential front yard requirement along such streets.

- e) Maximum Building Height: No building or structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height. Accessory buildings shall not exceed fifteen (15) feet in height.
  - f) Minimum Building Floor Area: Homes and cottages for seasonal occupancy shall not be less than four hundred eighty (480) square feet. Single-family dwellings shall not be less than four hundred eighty (480) square feet.
5. RS - Resort Service District
- a. Purpose - The purpose of this district is to provide recreation or vacation convenience shopping center foods and services for families living in or using the variety or resort or vacation areas. The requirements of this district are established to provide shopping areas for retail types of goods and services at locations which can economically support such centers.
  - b. Permitted Uses
    - 1) Any use which has direct relation with personal or commercial recreation vehicles in terms of products, services, repair, storage and the other needs for personal or commercial recreation vehicles.
    - 2) Public parks, playgrounds, playfields and other public open space for recreational use, provided that no building shall be permitted nearer than fifty (50) feet to any property line.
    - 3) Tourist information centers.
    - 4) Retail sales - Processing of products is permitted only if all products are sold at retail.
    - 5) Consumer services - Processing is permitted only if all such processing is performed as a consumer service for customers.
    - 6) Professional, business, and government offices.
    - 7) Community facilities such as churches, libraries, art museums, hospitals, institutions, government buildings.
    - 8) Motels provided that:
      - a) A minimum lot area of one acre with a minimum lot width of one hundred fifty (150) feet shall be required.

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- b) A minimum of eight hundred (800) square feet of lot area shall be required for each guest unit.
  - c) All buildings, including accessory buildings, shall not occupy more than twenty-five (25) percent of the total lot area.
- 9) Housekeeping cabin park.
  - 10) Public or private travel trailer park.
  - 11) Single Family Dwellings \*See Sec. 2.3 (Open Space Preservation)
  - 12) Ski Resort, including base lodges, lifts, storage and maintenance buildings, restaurants, and related uses.
- c. Accessory Uses
- 1) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
  - 2) Off-street parking and loading as regulated in Section 4 of this ordinance.
  - 3) Signs as regulated in Section 5 of this ordinance.
- d. Special Uses
- 1) See Section 10 of this ordinance.
  - 2) Regional, community, and neighborhood shopping centers.
  - 3) Drive-in and automobile oriented establishments similar in character to drive-in restaurants, banks, and auto washes, but not including drive-in theaters, provided that all activities other than service to vehicles and consumption of food and drink shall be conducted entirely within an enclosed building.
  - 4) Gasoline service stations.
  - 5) Recreational establishments and uses:
    - a) In any RS District, a sports stadium or arena, race track, swimming pool, square dance barn, or other similar recreational establishment of a commercial nature.
    - b) In any RS District, a miniature golf course or a golf or baseball driving range or other similar recreational use of a



commercial nature, provided that the surrounding area is predominately undeveloped.

- c) In any RS District, a riding stable of a commercial nature, subject to the following:

The stable shall be located on a tract of not less than ten (10) acres.

Such use shall be for a five- (5) year period subject to renewal.

No building shall be located less than one hundred (100) feet from the nearest property line.

- d) In any RS District, subject to the provisions of any state or local law, an outdoor archery, rifle, skeet or trap shooting range of either a commercial or private nature for a period of three years subject to renewal.
- e) In any RS District, a golf course, country club, swimming club, and meeting halls of private clubs and organizations, except that land intended for use by a swimming club or association which was so designated at the time of approval of the final subdivision plat and which is not less than one hundred fifty (150) feet from the edge of such subdivision, as approved on the preliminary plat, need not require a special use permit provision for the serving of food, refreshments, or entertainment as an accessory use.

e. Special Regulations

- 1) In addition to meeting the requirements for procuring a special use permit for the development of a shopping center, potential developers of shopping centers must submit a market analysis in order to establish evidence of a need for a change in the comprehensive zoning plan for the county, and to substantiate a finding that such a change will promote the general welfare of the county.
- 2) Site Development: In the RS Resort Service District, no principal building shall be closer than fifty (50) feet to the edge of a lake or a water body (excluding marina facilities).

## Zoning Districts

- 3) Channeling: The channeling of public waterways shall comply with the requirements of the Michigan Department of Natural Resources.

f. Bulk Requirements

- 1) Minimum Yards:
  - a) Front 25 feet
  - b) Side 10 feet
  - c) Rear 20 feet
- 2) Building Height: 35 feet maximum.

6. Urban Residential Districts

Purpose - Urban Residential Districts are established to provide the full range of residential housing types in an urban environment where all of the facilities for urban living, including community sewer and water facilities, are available or can be made available in the future.

a. R-1 Single-Family Residential District.

1) Permitted Uses

Single-family dwellings.

\*See Sec. 2.3 (Open Space Preservation)

2) Accessory Uses

- a) Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling, and further provided that such use is limited to a person actually residing in the dwelling.
- b) Private garages.
- c) Private swimming pools provided proper safeguards for children are part of the installation and a security fence of a height not less than six (6) feet surrounds the pool facility.
- d) Off-street parking as regulated in Section 4 of this ordinance.

3) Special Uses

- a) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10, Special Uses.

- 4) Bulk Requirements
  - a) Lot:
    - Minimum Area.....12, 000 sq. ft.
    - Minimum Width at Building Line.....75 feet
  - b) Minimum Yards:
    - Front.....25 feet
    - Rear.....30 feet
    - Side .....10% of lot width
  - c) Building:
    - Maximum Ground Coverage.....30% of lot area
    - Minimum Total Floor Area.....480 sq. ft.
    - Maximum Height.....35 feet

b. R-2 Two-Family and Multi-Family Residential District

- 1) Permitted Uses
  - Two -family and multi-family dwellings.
- 2) Accessory Uses
  - a) Private Garages.
  - b) Off-street parking as regulated in Section 4 of this ordinance.
- 3) Special Uses
  - a) Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc. Also see Section 10 of this ordinance.
  - b) Public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities and similar uses. (See Section 10, Special Uses.)
- 4) Special Regulations
  - a) Parking - One and one-half spaces shall be provided for each dwelling unit as required by Section 4.

- b) Plat Requirements - All developments proposed in the R-4 Districts containing more than two dwelling units per structure shall be subject to design review by the Planning/Zoning Commission. Portions of the Planned Development Procedures shall be used as follows:

The amendment required by the Planned Development Procedure shall be waived since this district has already been established exclusively for multi-family dwellings according to the standards cited.

Preliminary and final plats shall be required according to the Planned Development Procedure, except that the Planning Commission may waive the preliminary plat in areas already subdivided and served with streets and all required improvements. In this case, the approved final plat shall replace the final plat recorded earlier at the time of subdivision.

Site design flexibility and originality shall be encouraged within the limitations of the use and dimensional standards cited for this district. Preliminary and final plats shall conform to the standards for this district, and any applicable comprehensive plan elements.

The recorded final plat shall provide continuing control over the completed development as specified in the Planned Development Procedure.

5) Bulk Requirements

- a) Lot and Density: (Adequate Water and Sewer Services Mandatory)

Minimum Area: Two-family - 15, 000 sq. ft.

Maximum Area: Multi-family - 15 dwelling units per acre. 30 bedrooms per acre. Maximum density shall be interpolated proportionally where development less than an acre is proposed.

- b) Minimum Yards: Principal Buildings - 20 feet from project boundaries.  
Accessory Buildings - 5 feet from project boundaries.
- c) Building: Minimum total floor area:  
Efficiency .....480 sq. ft.  
1-bedroom apt. ....480 sq. ft.  
2-bedroom apt. ....580 sq. ft.  
Each additional bedroom will require an additional 200 sq. ft. added to minimum total floor area.  
Maximum Heights: .... 45 feet

7. Business Districts

Purpose - The Business Districts are established to provide areas for retail establishments which offer a wide range of goods and services.

a. B-1 Business District

- 1) Purpose - The B-1 Business District is established to provide retail goods and services directly to the consumer.
- 2) Permitted Uses
  - a) Retail sales - Processing of products is permitted only if all products are sold at retail.
  - b) Wholesale activities.
  - c) Consumer services - Processing is permitted only if all such processing is performed as a consumer service for customers.
  - d) Professional, business, and government offices.
  - e) Community facilities such as churches, libraries, art museums, parks, hospitals, institutions, government buildings.
  - f) Signs as regulated in Section 5 of this ordinance.
- 3) Accessory Uses - Off-street parking and loading as regulated in Section 4 of this ordinance.

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- 4) Special Uses
  - a) See Section 10 of this ordinance.
  - b) Regional, community, and neighborhood shopping centers.
  - c) Sales, services, processing and display of goods outdoors.  
Junkyards are not permitted.
- 5) Special Regulations
  - a) All sales, services, processing, storage, and display shall take place within a completely enclosed building.
  - b) All uses of the drive-in types are not permitted. This would include drive-in restaurants, service stations, drive-in theaters, and other similar uses.
  - c) All motels or motor inns are not permitted.
  - d) In addition to meeting the requirements for procuring a special use permit for the development of a shopping center, potential developers of shopping centers must submit a *market analysis* in order to establish evidence of a need for a change in the comprehensive zoning plan for the County, and to substantiate a finding that such a change will promote the general welfare of the County.
- b. HS - Highway Service District
  - 1) Purpose - The Highway Service District is established to provide areas for commercial establishments which cater primarily to the needs of motorists. Typical uses offer accommodations and services to motorists, specialized retail outlets, and commercial amusement enterprises. The requirements of this district are developed to minimize traffic hazards and interference with other related uses in the vicinity.
  - 2) Permitted Uses
    - a) Retail sales - Processing of products is permitted only if all products are sold at retail.
    - b) Sales and service of automotive and farm implement goods.

c) Signs as regulated in Section 5 of this ordinance.

d) Motels and motor inns, provided that:

A minimum lot area of one (1) acre with a minimum lot width of one hundred fifty (150) feet shall be required.

A minimum of eight hundred (800) square feet of lot area shall be required for each guest unit.

All buildings, including accessory buildings, shall not occupy more than twenty-five (25) percent of the total lot area.

e) Motor freight depots and terminals, provided that:

Goods and/or trucks are stored only on a temporary basis and are clearly in transit and have not yet reached their destination.

Such activities shall not include the storage of scrap or junk materials; wrecked or partially dismantled vehicles; petroleum or other highly inflammable fluids in bulk other than in mobile carriers or for purposes of consumption on the premises.

No building, temporary storage yard, or loading berth shall be located within fifty (50) feet of any rear or side property line or within one hundred (100) feet of any street or highway right-of-way line.

All temporary storage yard shall be enclosed by a well maintained solid fence or masonry wall of not less than six (6) feet in height.

3) Accessory Uses - Off-street parking and loading as regulated in Section 4 of this ordinance.

4) Special Uses

a) See Section 10 of this ordinance.

b) Outdoor amusement and recreational enterprises, including but not limited to drive-in theaters, fairgrounds, and auto tracks.

- c) Drive-in restaurants.
- d) Junkyards

Any junkyard, scrap yard or salvage yard for which permission and a permit is granted shall at all times be subject to the performance standards established in this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between a thoroughfare and such fence or screen is expressly prohibited.

Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

Such use shall be established and maintained in accordance with all applicable regulations of the Federal Government, and State of Michigan.

All activities shall be confined within said enclosure, and no equipment or materials shall be used or stored outside of the fenced-in area.

Such use shall not be conducted within fifty (50) feet of any property line or within one hundred (100) feet of any public street or highway.

Permits for such use shall be renewable on an annual basis provided that those requirements stated herein and any additional conditions concerning site development or operation of the use specified by the Planning Commission are satisfied.

5) Special Regulations

- a) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products



shall conform with the performance standards in Section 7 of this ordinance.

- b) Storage, auxiliary to the principal use, is permitted in the open, if such storage activities occupy no more than 20 percent of the gross lot area.
- c) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

6) Bulk Requirements

a) Minimum Yards:

Front.....25 feet

Side .....10 feet

Rear .....20 feet

b) Building Height: .....35 feet, Maximum

8. Manufacturing Districts

a. M-1 - Limited Manufacturing District

1) Purpose - This manufacturing district is established to provide areas for light, industrial, office and administrative uses having few, if any, adverse effects on neighboring properties. To maintain an appropriate environment, high standards of performance are prescribed.

2) Permitted Uses

a) Industry, non-retail commercial, laboratories, offices.

b) Signs as regulated in Section 5 of this ordinance.

3) Accessory Uses

Off-street parking and loading as regulated in Section 4 of this ordinance.

4) Special Uses

Service facilities clearly for the convenience of persons and firms in

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the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities. Also see Section 10, Special Uses.

### 5) Special Regulations

- a) All processing and storage shall take place within completely enclosed buildings.
- b) Storage, auxiliary to the principal use, is permitted in the open, if such storage activities occupy no more than 20 percent of the gross lot area.
- c) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.

### 6) Bulk Requirements

- a) Lot - 1 acre
- b) Minimum Yards:  
Front - 50 feet from right-of-way of any street or highway.  
All others - 20 feet from lot lines.

### b. M-2 General Manufacturing District

- 1) Purpose - This manufacturing district is established to provide areas in which manufacturing and related commercial operations are the principal use of land. Such uses have some adverse effects on surrounding properties, and are not compatible with residential, institutional, and retail uses. Moderate performance standards must be established.
- 2) Permitted Uses
  - a) Industry, nonretail commercial, laboratories, offices.
  - b) Signs as regulated in Section 5 of this ordinance.
- 3) Accessory Uses - Off-street parking and loading as regulated in Section 4 of this Ordinance.

4) Special Uses

a) Junkyards

Any junkyard, scrap yard or salvage yard for which permission and a permit are granted shall at all times be subject to the performance standards established in this ordinance.

All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height, or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between a thoroughfare and such fence or screen is expressly prohibited. All activities shall be confined within said enclosure, and no equipment, or materials shall be used or stored outside of the fenced in area.

Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.

Such use shall be established and maintained in accordance with all applicable regulations of the Federal Government and State of Michigan.

Such use shall Not be conducted within fifty (50) feet of any property line or within one hundred (100) feet of any public street or highway.

Permits for such use shall be renewable on an annual basis provided that those requirements stated herein and any additional conditions concerning site development or operation of the use specified by the Planning Commission are satisfied.

b) Service facilities clearly for the convenience of persons and firms in the industrial district including, for example, restaurants, service stations, banks, recreational facilities, industrial service businesses, and similar service facilities.

Also see Section 10 - Special Uses.

- c) Slaughter houses, fertilizer works, plants for the processing of animal skins or hides and plants for the reduction of animal matter.
- 5) Special Regulations
  - a) Processing and storage may take place within buildings or outdoors.
  - b) All activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods or products shall conform with the performance standards in Section 7 of this ordinance.
  - c) Storage, auxiliary to the principal use, is permitted in the open, but not within twenty (20) feet of the property lines.
  - d) Screening shall be provided at lot boundaries abutting a residential zoning district, and may consist of solid fencing, or dense hedge or shrub to a minimum of six (6) feet in height.
- 6) Bulk Requirements
  - a) Lot - 1 acre
  - b) Minimum Yards:
    - Front - 50 feet from right-of-way of any street or road. All others - 20 feet from all lot lines.
  - c) Building Height - 35 feet or two stories, whichever is less.
- c. ED - Extraction District
  - 1) Purpose - To set aside land used for or to be used for all forms of extractive operations and to ensure required land reclamation in areas for extraction or extraction-related manufacturing or processing operations so as to meet state and/or federal standards. Land overlying underground mining operations need not be designated as Extraction Districts.

- 2) Permitted Uses
  - a) Removal, treatment and disposal of industrial, metallic and nonmetallic minerals or materials as both raw and finished products and disposition of waste materials, including such uses as are incidental and auxiliary thereto.
- 3) Special Regulations
  - a) The County Planning/Zoning Commission and/or Board of County Commissioners shall designate, from time to time, extraction districts (on other than those lands already designated as such) upon application therefore by the owner or owners of the premises to be contained therein or by the person or entity proposing to conduct such extractive operations. The application for an ED District shall be accompanied by a map showing the area to be included, a description of the operation proposed to be conducted and an estimate as to the time such operation will be in existence.
  - b) All extractive operations within the ED District shall be conducted in accordance with applicable county, state and federal statutes, rules and regulations governing such operations.
  - c) Upon permanent cessation of operations within the ED District, all buildings, structures, or equipment shall be removed from the property within a reasonable time after such cessation.
  - d) The land area affected by the extractive operation shall be restored and be in conformance with all County, State and Federal standards then applicable to the restoration and reclamation of mined areas.
  - e) Vehicles carrying industrial or metallic minerals or materials or mining by-products shall be filled in such manner as to prevent spilling rock, gravel, sand, or other materials of a mineral nature while in transit upon public roads and highways.

- f) Quarry or sand and gravel excavations which may penetrate near or into a usable water-bearing stratum shall be conducted in such a manner that any such stratum so approached or encountered will not be subject to pollution or contamination or excess drawdown of the existing water table either during quarrying operations or the excavation of a sand and gravel pit, or subsequent to the abandonment of said quarry or sand and gravel pit.
- g) Quarries and sand and gravel pits shall be operated so as to keep dust and noise to a minimum, and access roads shall be maintained as dust-free surfaces for one hundred (100) feet beyond a public highway.
- h) Any violation of the provisions of these special regulations shall be enforced in accordance with the provisions of Section 11, Board of Appeals and Enforcement.

9. PLANNED DEVELOPMENT DISTRICT

Planned Development projects — complex projects which may consist of more than one use and more than one building designed to take maximum advantage of unique site characteristics and potentials, along with original design and use concepts, and submitted for review under the Planned Development Procedure.

a. Planned Development Procedure - Intent:

The Planned Development Procedure is intended to provide a single uniform procedure for total review of a proposed development, both design and use. The Planned Development Procedure is also intended to permit flexibility in the development of substantial tracts of land and to permit the mixing of uses in accordance with a specific plan for development. Planned developments are of such a nature as to require specific regulations, separate and apart from those of general application to the other districts created in this ordinance. Said Planned Development Districts are intended to permit exceptions and variations from zoning regulations to permit flexibility in the development of the real estate affected and originality in concept. The procedure enables the County Planning/Zoning Commission to review the initial concept of a planned

development and to exercise greater final control over the approved development than is possible through pre-regulated zoning districts.

b. Standards

- 1) Design Standards: Because the design standards for use, dimensions, density, and qualitative attributes for planned developments are unique in each instance, it is necessary for the County Planning/Zoning Commission to undertake individual evaluation of each proposal. A Planned Development project may depart from conformance with the dimension, area, and use regulations for the standard zoning districts and from conformance with design standards. In review of planned developments, the Planning/Zoning Commission shall grant such variations and exceptions as shall be necessary to achieve the objectives of the planned development and promote the public interest.
- 2) Required Improvements: Planned development projects shall be subjected to the regulations of the County governing required improvements, except as those requirements may be modified by the Planning/Zoning Commission in furtherance of the accomplishment of the planned development.
- 3) Parking, Loading, Traffic and Access: Planned development projects shall be subject to such requirements and regulations for parking, loading, traffic and access as the Planning/Zoning Commission shall determine is necessary to accomplish the objectives of said planned development.
- 4) Conditions: The Planning/Zoning Commission shall investigate and ascertain that the plans for a planned development shall comply with the following conditions:
  - a) That the tract of land for the planned development comprises not less than twenty (20) acres. It shall be owned, leased and controlled by a single person or corporation or by a group of individuals or corporations subject to common control.
  - b) That the establishment, maintenance and operation of the planned development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- c) That the establishment of the planned development will not impede the normal and orderly development and improvement of surrounding property.
- d) That adequate utilities, access roads, drainage and/or other necessary facilities will be provided.
- e) That the uses contained in the planned development will, if developed in accordance with the plan, be compatible and desirable and appropriate with respect to the primary purpose of the development.

The Planning/Zoning Commission may attach special conditions to approval of the final planned development to ensure conformance with the intent and objectives of said planned development.

c. Procedure

- 1) General: If not so designated at the time of ordinance adoption, a planned development project may be permitted only by amendment to the zoning map according to the amendment procedure found in Section 13 based on a concept plan. Said planned development shall be indicated as such on the zoning district map. The approval of a planned development pursuant to the procedure herein provided shall constitute review and approval of the area for subdivision purposes and the requirements herein shall supersede the requirements of any subdivision regulations, with the exception of applicable State or Federal Subdivision Development controls.
- 2) Amendment: The amendment procedure established shed in Section 13 shall apply to planned developments, except as modified hereunder. The Planning/Zoning Commission shall after public hearing and upon completion of its investigation approve or reject a concept plan as submitted or as modified. The Commission shall make its report and recommendation to the Board of County Commissioners which may then adopt an ordinance approving the concept plan or a modification thereof, and the location proposed shall be designated on the zoning district map. The planned



development district shall be valid only for the concept plan and supporting material upon which the amendment was based.

Those Planned Development Districts so designated at this time of ordinance adoption are required to have a preliminary plan approved within twenty-four (24) months following the date of ordinance adoption. Failure to do so shall cause those properties to revert to a district to be determined by the County Board in accordance with the Amendment procedure.

- 3) Preliminary Plan Approval: A preliminary plan for the planned development project shall be submitted within two (2) years of concept plan approval to the Planning/Zoning Commission. The applicant may request such preapplication conferences with appropriate officials of the Planning/Zoning Commission or the County as may be necessary or desirable to determine whether the developer's intent agrees with the standards and objectives of the County. A Preliminary Plan which substantially conforms to the Concept Plan previously submitted and approved shall be approved by the Planning/Zoning Commission. Said preliminary plan shall include, but need not be limited to:
  - a) A land use plan indicating the area to be developed for specific uses.
  - b) A designation of proposed streets, parks and other public ways, drainage, public utilities and other public facilities, together with design standards for such improvements.
  - c) A description of the number, location, and type of residential, commercial, industrial, or other units proposed to be developed if the total number is ascertainable.
  - d) A developmental schedule which shall include anticipated starting and completion dates of the planned development.
  - e) Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the flexibility of these regulations, including proposed stage of the project indicating the character of each anticipated stage.

- f) Statement of ownership of all land within the project and intent with respect to identity of future ownership and development.
  - g) Proposed agreements, provisions or covenants which will govern the use, maintenance and continued protection of the planned development and any of its common open space.
- 4) Final Plan Approval: After the adoption of said ordinance, the developer may proceed with final engineering and construction plans which shall conform in all material respects with the preliminary plan and the building and other applicable ordinances of the County. The planned development may be constructed in phases as indicated in the preliminary plan. Each phase shall be approved by the Planning/Zoning Commission, provided that such phase is in substantial compliance with the provisions of the preliminary plan; provided, however, that the Commission may permit such changes in each individual phase as it shall deem necessary to accomplish the objectives of the planned development upon request by the developer. The Commission may enter into such agreements with the developer as may be necessary to effectuate the provisions of the planned development or any specific phase thereof. Upon approval of any portion of a planned development, building permits shall be issued to effectuate said planned development upon proper application.
- 5) Continuing Control: The planned development project shall be developed only according to the final approved phases and supporting material. The land plan for each approved phase shall be recorded, together with all recorded amendments, and shall be binding upon the applicants, their successors and assigns, and shall limit and control the uses of premises and location of structures in the planned development project. The Board of County Commissioners may consider the planned development subject to revocation if construction falls more than two (2) years behind schedule. No such revocation shall take place without affording the developer with notice and opportunity to be heard before the Board

of County Commissioners.

- 6) Fees and Applications: The fee for filing an application for a planned development shall be One Hundred Dollars (\$100.00). All plans and related information shall be in sufficient detail to enable the Zoning/Planning Commission and other County departments to evaluate the proposed development in accordance with the provisions of this section. Within thirty (30) days after the filing of an application for a planned development, the Planning/Zoning Commission shall establish a date for public hearing and initiate processing of said application. Zoning permits shall be required for each structure according to Section 12.

d. Exceptions

Planned Development Districts having existing leases and small ownerships not meeting the conditions for the Planned Development District may be granted a permit in accordance with the existing use of the lease or small ownership. Each permit for a principal structure or use shall be submitted in application to the County Planning/Zoning Commission through the Zoning Administrator on standard forms provided.

## Section 4 - Parking, Loading, Traffic, Access

### TRAFFIC, ACCESS SECTION 4 - PARKING, LOADING, TRAFFIC, ACCESS

#### 4.1 PARKING AND LOADING

The off-street parking and loading provisions of this ordinance shall apply as follows:

1. When the intensity of use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.
2. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.
3. Existing Parking and Loading Facilities - Accessory off-street parking or loading facilities which were in existence on the effective date shall not hereafter be reduced below, or if already less than shall not be further reduced below the requirements of this ordinance for a similar new building or use.
4. Permissive Parking and Loading Facilities - Nothing in this ordinance shall be deemed to prevent the voluntary establishment of contiguous off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, improvement, and operation of such facilities are adhered to.
5. Control of Off-Site Parking Facilities - Where required, parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and shall remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized, and no zoning certificate shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Board of Zoning Appeals has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and

the site of the parking facilities are reasonably certain to continue, and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

#### 4.2 ADDITIONAL REGULATIONS, PARKING

1. Except as otherwise indicated, required accessory off- street parking facilities provided for uses listed hereinafter shall be solely for the parking of passenger automobiles of patrons, occupants (or their guests), or employees of such uses.
2. Collective Provision - Off-street parking facilities for separate uses may be provided collectively, if the total number of spaces so provided collectively is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to, Further, no parking space for more than one use unless otherwise authorized by the Board of Zoning Appeals.
3. Size - Size of each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress.
4. Access - Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements.
5. Design and Maintenance
  - a. Surfacing and Bumper Guards - All open off-street parking areas except parking spaces accessory to a single-family dwelling shall be improved with an all-weather dustless material, and shall have appropriate bumper guards where needed.
  - b. Lighting - Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to create a nuisance.
6. Mixed Uses - When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

## Parking, Loading, Traffic, Access

7. Other Uses - For uses not listed in the following schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, as required by this ordinance, or as varied due to unique circumstances by the Board of Zoning Appeals.

### 4.3 ADDITIONAL REGULATIONS - OFF-STREET LOADING

1. Location - All required loading berths shall be located on the same zoning lot as the use served. No loading berth for vehicles over two tons capacity shall be closer than fifty (50) feet to any property in a Residence District unless completely enclosed by a building wall, or uniformly painted solid fence or wall, or any combination thereof, not less than six (6) feet in height.
2. Access - Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements, and subject to approval of the County Highway Engineer.
3. Surfacing - All open off-street loading berths shall be improved with an approved base not less than five (5) inches thick, surfaced with an all-weather dustless material.
4. Space allocated to any off-street loading berth shall not while so allocated be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
5. For special uses other than prescribed for hereinafter, loading berths adequate in number and size to serve such use, as determined by the Board of Zoning Appeals, shall be provided.

### 4.4 SCHEDULE OF OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS

Off-street parking and off-street loading and unloading facilities shall be provided in accordance with the following schedule:

USE	NUMBER OF PARKING SPACES WHICH SHALL BE PROVIDED	OFF-STREET LOADING AND UNLOADING SPACES WHICH SHALL BE PROVIDED
Single-Family Multi-Family	Two per dwelling unit One and one-half per dwelling unit	None required
Motels, hotels, lodging houses	One per lodging unit, plus one stall for each 100 sq. ft. of retail sales or dining area	One for each structure or each 20,000 sq. ft. of gross floor area
Commercial (except as specifically provided below)	One per 200 sq. ft. of gross floor area	One for each shop over 10,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Furniture, appliance stores, machinery sales, wholesale storage	One per 400 sq. ft. gross floor area	One plus one additional for each 25,000 sq. ft. of gross floor area
Offices, banks, or public administration	One per 400 sq. ft. of gross floor area	One for each structure over 40,000 sq. ft. of gross floor area plus one for each additional 100,000 sq. ft. of gross floor area
Manufacturing, warehousing	One for each employee on the maximum working shift, plus one for each vehicle used in the conduct of the enterprise	One for each structure plus one for each 60,000 sq. ft. of gross floor area over 40,000 sq. ft.
Churches, theaters auditoriums, and other places of assembly	One per five seating spaces	One for each structure over 100,000 sq. ft. of gross floor area
Hospitals, rest homes nursing homes, etc.	One per three employees, plus one per three beds	One for each 100,000 sq. ft. of gross floor area

4.5 TRAFFIC VISIBILITY

No sight obstruction such as structures, parking, or vegetation shall be permitted in any district above the plane through the mean curb-grades within the triangular space

## Parking, Loading, Traffic, Access

formed by any two existing or proposed intersecting street or alley right-of-way lines, and a line joining points on such lines located a minimum of twenty (20) feet from their intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

### 4.6 DRIVEWAYS

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

1. Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.
2. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.



SECTION 5 - SIGNS

5.1 PURPOSE OF SIGNS

It is the general intent of this ordinance to prohibit signs of commercial nature from districts in which commercial activities are barred; to limit subject matter on signs in business districts to products, accommodations, services, or activities on the premises and to control the number, type and area of all signs in business areas and certain other districts. Governmental signs shall conform to this ordinance; however, those signs used for traffic shall be exempt.

5.2 PERMITS

1. A separate permit shall be required for the erection of signs regulated in this ordinance except that no permit shall be re required for 5.3; 1. and 4. below.
2. Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property, the details and specifications of construction. A fee of three dollars (\$3.00) shall accompany each application for a sign permit which will be issued by the Zoning Administrator.
3. If the Zoning Administrator shall find that any existing sign regulated by this law is unsafe or insecure, or is a menace to the public, he/she shall give written notice to the Named Owner of the sign and the Named Owner of the land upon which the sign is erected, who shall remove or repair the said sign within 45 days from the date of said notice. If the said sign is not removed or repaired, the Zoning Administrator shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The Zoning Administrator may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.
4. Advisory Board - The Board of County Commissioners is hereby authorized and empowered to appoint a sign and billboard advisory committee from among persons representative of, e.g., government, the planning profession, civic organizations, architecture, landscape architecture, the advertising profession, and the graphic arts. Such advisory board shall advise the Board and the Zoning

## Signs

Administrator with reference to desirable and effective use of signs for the purpose of enhancing and maintaining the natural beauty, cultural and esthetic standards of the county. The advisory board may advertise, prepare, print and distribute pamphlets and other media which, in its judgment, will further these purposes. The members of the advisory board shall serve at the pleasure of the Board of County Commissioners.

### 5.3 RESIDENTIAL DISTRICTS

Sign shall be permitted in these districts only as follows:

1. One nonilluminated name plate not exceeding three (3) square feet in area for each dwelling unit indicating only name, address and occupation.
2. One nonilluminated identification sign for multi-family dwellings and offices not exceeding five (5) square feet in area indicating only name, address, management name, and management address.
3. One nonilluminated identification sign at each entrance to subdivisions not exceeding five (5) square feet.
4. One nonilluminated "For Sale" or "For Rent" sign per lot not exceeding twelve (12) square feet in area, nor closer than ten (10) feet to adjacent zoning lots.
5. One nonilluminated sign designating each entrance to or exit from a parking area, not exceeding five (5) square feet in area and indicating conditions of use.
6. One nonflashing school or church bulletin board sign, area not exceeding twenty (20) square feet.

The preceding signs shall be permitted providing they do not project into the public right-of-way, and that on a corner lot two signs, one facing each street, shall be permitted for 5.3; 2, 4, and 6.

### 5.4 BUSINESS DISTRICTS

Signs visible from the public way shall be permitted only when subject to the following conditions:

1. B-1 Business District - The gross area square feet of all signs of a business shall not exceed two times the lot frontage in lineal feet, nor exceed thirty (30) percent of the area of the front wall of the building. Such signs shall restrict subject matter to products, accommodations, services or activities on the

premises. The top of the signs shall not be higher than twenty (20) feet above curb level. Such signs shall be nonflashing. No business shall have more than two signs.

2. All illuminated signs shall be shielded from park areas and residential districts, and no sign shall be within fifty (50) feet of a residential district. Roof signs are not permitted in any district.

#### 5.5 INDUSTRIAL DISTRICTS

Signs visible from the public way shall be permitted only when subject to the following conditions in:

1. M-1 and M-2 Manufacturing Districts - The gross area in square feet of all signs on a lot shall not exceed two (2) times the lot frontage in lineal feet. No firm shall have more than two (2) signs. Roof signs are not permitted.
2. Illuminated signs shall be shielded from park areas and residential districts, and no sign shall be within fifty (50) feet of a park or residential district.

#### 5.6 INTEGRATED DEVELOPMENT SIGNS

For integrated developments under single ownership or under unified control, including shopping centers, manufacturing districts, apartment developments, and including the Central Business District, two (2) additional illuminated signs may be erected providing they do not exceed one hundred and twenty-five (125) square feet in gross surface area, and contain only name and location of the development, and the name or type of business of the occupants of the development. Signs in a residential area shall not be illuminated. Signs shall be set back at least twenty-five (25) feet from each street right-of-way and the bottom edge of such sign shall be at least eight (8) feet above ground level where it will not block vision of traffic otherwise at ground level or higher. The overall height of the sign shall not exceed twenty-five (25) feet above ground level.

#### 5.7 BILLBOARDS

Billboards shall not be permitted.

#### 5.8 MICHIGAN LAWS

Michigan laws relative to signs and billboards shall apply.

## Section 6 - Flood Plain Regulations

### SECTION 6 - FLOOD PLAIN REGULATIONS

#### 6.1 PURPOSE

The regulations contained in this section governing the development and use of land subject to flooding are established for the following purposes:

1. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters.
2. To protect stream channels from encroachment.
3. To maintain the capacity of the flood plain to retain flood waters.
4. To provide for the development of flood plain lands with uses not subject to severe damage by flooding and compatible with the other uses permitted in the various zones.
5. To permit only uses and improvements on flood plain lands that are not hazardous during flood periods.
6. To avoid the creation of new flood problems.

#### 6.2 DEFINITIONS

For the purpose of this section and this ordinance, the following terms shall have these meanings:

1. Flood Base Elevation - The elevation of the highest flood of record as set forth in the Hydrologic investigations, Atlas Series HA, published by the U.S. Geological Survey, Washington, D. C., or by other competent evidence from existing public or private agencies and/or departments.
2. Flood Plain - The continuous area adjacent to a lake, stream, or stream bed, the elevation of which is greater than the normal water level or pool elevation, but equal to or lower than the flood base elevation; also, any land of higher elevation having an area less than the minimum residential lot size established for the zone in which it is located, and surrounded by lands having an elevation equal to or less than the flood base elevation.
3. Flood Table Land - The continuous land area adjacent to the flood plain, the elevation of which is greater than the flood base elevation by two (2) feet or less.

4. Stream - A stream is any flowing natural water course.

6.3 FLOOD PLAIN LANDS

All lands determined 1.0 be to the flood plain shall be subject to the procedures and regulations established in this section. However, nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any flood plain. Conversely, any lands which can be demonstrated by competent engineering survey to lie beyond the flood plain shall not be subject to these regulations. Any structures which are constructed on the flood plain must be so constructed that they will not be damaged by flood and will not represent a hazard at the time of flooding.

6.4 PERMITTED USES

Only the following uses are permitted in flood plains regardless of the regulations of any zone established by this ordinance.

Permitted by Right

Agriculture  
 Arboretum or Botanical Garden  
 Nursery  
 Park, public and/or private  
     Recreational Playground  
 Public Open Land  
 Extraction of Earth Products  
     (excluding oil)

Special Uses

Drive-In Theater  
 Boathouse  
 Oil Extraction  
 Day Camp  
 Military Camp  
 Outdoor Recreational Club  
 Conservation Club  
 Golf Course

6.5 REQUIREMENTS AND RESTRICTIONS

Any permitted use provided for shall be subject to the following provisions:

1. Location of Principal Building - No principal building shall be located on the flood plain.

2. Channel Setback Line

All buildings and structures except boathouses shall be set back from a waterway at least one hundred (100) feet.

3. Filling - The filling of flood plain lands shall be permitted provided that:

a. The fill material is obtained from the flood plain in the immediate vicinity of the area filled, or

## Flood Plain Regulations

- b. The fill material obtained elsewhere is offset by the removal of an equivalent volume from the flood plain in the immediate vicinity of the area filled.

The deepening of channels is permitted, but the material removed must not be deposited upon the flood plain except in accordance with "b" above. The placement of fill material shall parallel the stream channel. Further, the placement of fill shall not encroach upon the channel setback line; shall not impede the flow of flood water; shall not diminish the cross-sectional area of the flood plain, and shall not reduce the water retention capacity of the flood plain. In the case of channels, the deepening shall be made at a point opposite, or upstream from the filled-in area. Filling operations conducted in accordance with the above standards shall permit the land so filled to be developed and used in accordance with the provisions of this ordinance.

4. Minimum Floor Elevation - Any new structure located upon the flood table land or upon fill shall be no habitable floor, including basement floor at an elevation less than four (4) feet above the flood base elevation.
5. Other Regulations to Apply - In addition to the provisions of this section, as they apply to the flood plain and the flood table land, the regulations for the zone in which such land is located shall continue in full force and effect, as well as any other Federal, State, or local regulations relative thereto.

SECTION 7 - PERFORMANCE STANDARDS

7.1 SPECIAL REGULATIONS IN MANUFACTURING DISTRICTS AS INDICATED

1. The following uses are prohibited in all manufacturing districts whether or not they meet the performance standards: Crematories, fireworks or explosive manufacture or storage and dumping.
2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted, except that those activities customarily incidental to the operation of permitted principal use may be permitted by a variation by the Zoning Board of Appeals. Such materials shall be stored, utilized, and manufactured in accordance with the applicable rules and regulations of the county and the State of Michigan and/or federal government.

Such materials shall include but shall not be confined to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracens; all high explosives such as TNT, RDX, MMIX, PETN, and picric acid; propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

a. M-1 Limited Manufacturing District

- 1) All processing shall be conducted within completely enclosed buildings.
- 2) Storage of materials, products, and goods is permitted within completely enclosed buildings.
- 3) Outdoor storage of uncontained bulk materials is prohibited.

b. M-2 General Manufacturing District

- 1) Processing and storage of materials, products, and goods is permitted within completely enclosed buildings or outdoors, if screened properly from public view.

## Performance Standards

- 2) Outdoor storage of uncontained bulk materials is prohibited within twenty (20) feet of property lines.
- c. Any use established in a manufacturing district shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, and glare. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district, in which such use is located.

### 7.2 NOISE

1. In manufacturing districts, any use established after the effective date of this ordinance shall meet the performance standards for noise as described below.

For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be employed.

The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration as from forge hammers, punch presses, and metal shears which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer.

Octave band analyzers calibrated in the Preferred Frequencies (American Standards Association S1.6-1960. Preferred Frequencies for Acoustical Measurements) shall be used with tables marked "Preferred Frequencies." Octave band analyzers calibrated with pre-1960 octave bands (American Standards Association Z24, 10-1953, Octave Band Filter Set) shall use tables marked Pre-1960 Octave Bands.

The following uses and activities shall be exempt from the noise level regulations:

- a. Noises not directly under the control of the property user.
- b. Noises emanating from construction and maintenance activities between 7:00 a.m. and 9:00 p.m.
- c. The noises of safety signals, warning devices, and emergency pressure relief valves.



- d. Transient noises of moving sources such as automobiles, trucks, airplanes, and railroads.
2. At no point beyond a lot line of any lot in the M-1 Limited Manufacturing District shall the sound pressure level resulting from any use on that lot exceed the maximum permitted decibel levels for the designated octave bands, as set forth in Tables I and II below.

TABLE I - PREFERRED FREQUENCIES

<u>CENTER FREQUENCY CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
31.5	76
63	71
125	65
250	57
500	50
1,000	45
2,000	39
4,000	34
8,000	32

TABLE II - PRE-1960 OCTAVE BANDS

<u>OCTAVE BAND CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
20 - 75	72
75 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34
4,800 - 10 KC	32

Impact noises, as measured on the impact noise analyzer shall not exceed 80 decibels at any point beyond a lot line of any lot in the M-1 District.

Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by six decibels when measured in a residential district.

## Performance Standards

- At no point beyond a lot line of any lot in the M-2 General Manufacturing District shall the sound pressure level resulting from any use on that lot, exceed the maximum permitted decibel levels for the designated octave bands, as set forth in Tables I and II below.

TABLE I - PREFERRED FREQUENCIES

<u>CENTER FREQUENCY CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
31.5	83
63	78
125	72
250	64
500	57
1,000	51
2,000	4.6
4,000	41
8,000	38

TABLE II - PRE-1960 OCTAVE BANDS

<u>OCTAVE BAND CYCLES PER SECOND</u>	<u>MAXIMUM PERMITTED SOUND PRESSURE LEVEL, DECIBELS</u>
20 - 75	79
75 - 150	74
150 - 300	66
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	41
4,800 - 10 KC	39

Impact noises, as measured on the impact noise analyzer, shall not exceed 86 decibels at any point beyond a lot line of any lot in the M-2 District.

Between the hours of 7:00 p.m. and 7:00 a.m., the decibel values tabulated above shall be reduced by 12 decibels when measured in a residential district.

### 7.3 EARTHBOEN VIBRATIONS

- In any industrial district, no use shall cause or create earthborn vibrations in excess of the displacement values given on the following page.

Measurements shall be made at or beyond the adjacent line or the nearest residential district boundary line, as described below. Vibration displacements shall be measured with an instrument or complement of instruments capable of simultaneously measuring in three mutually perpendicular directions.

The maximum permitted displacements shall be determined in each district by the following formula:

$$D = \frac{K}{f}$$

Where D = displacement in inches.

K = a constant to be determined by reference of the tables below.

f = the frequency of the vibration transmitted through the ground, cycles per second.

2. M-1 Limited Manufacturing District

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in Paragraph A and the appropriate K constant shown in Table I.

TABLE I

Values of K to be Used in Vibration Formula

<u>LOCATION</u>	<u>K</u>
On or beyond any adjacent lot line	
a. Continuous .....	0. 008
b. Impulsive.....	0. 015
c. Less than 8 pulses per 24-hour period.....	0. 037
<u>LOCATION</u>	<u>K</u>
On or beyond any residential district boundary line	
a. Continuous .....	0. 003
b. Impulsive.....	0. 006
c. Less than 8 pulses per 24-hour period.....	0. 015

3. M-2 General Manufacturing District

The maximum earth displacement permitted at the points described below shall be determined by use of the formula in Paragraph A above, and the appropriate K constant Shown in Table II.

TABLE II

Values of K to Used in Vibration Formula

<u>LOCATION</u>	<u>K</u>
On or beyond any adjacent lot line	
a. Continuous . . . . .	0.015
b. Impulsive . . . . .	0.030
c. Less than 8 pulses per 24-hour period. . . . .	0.075
<u>LOCATION</u>	<u>K</u>
On or beyond any residential district boundary line	
a. Continuous . . . . .	0.003
b. Impulsive . . . . .	0.006
c. Less than 8 pulses per 24-hour period. . . . .	0.015

7.4 SMOKE AND PARTICULATE MATTER

1. The emission of smoke or particulate matter in such manner or quantity as to endanger or be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance, and shall not be permitted in any manufacturing district.

For the purpose of grading the density or equivalent opacity of smoke, the Ringelmann Chart described in the U.S. Bureau of Mines Information Circular 6888 shall be employed. The emission of smoke or particulate matter of a density or equivalent opacity greater than No. 1 in the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.

Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, wetting, or other acceptable means.

The open burning of refuse, paint, oil, debris, and any other combustible material is prohibited in all industrial districts.

No operation shall result in the emission into the open air from any process or control equipment or in the measurement at any convenient measuring point in a

breeching or stack of particulate matter in the gases that exceeds 0.60 pound per thousand pounds of gases during any one hour.

Particulate matter loadings in pounds per acre described below shall be determined by selecting a continuous four-hour period which will result in the highest average emission rate.

2. M-1 Limited Manufacturing District

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 1 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 2 shall be permitted.

3. M-2 General Manufacturing District

The emission of smoke having a density or equivalent opacity in excess of Ringelmann No. 2 is prohibited. However, for two minutes in any four-hour period, smoke up to and including Ringelmann No. 3 shall be permitted.

The rate of emission of particulate matter from all stacks and vents within the boundaries of any lot shall not exceed one pound per acre of lot area during any one hour.

7.5 TOXIC MATTER

1. M-1 Limited Manufacturing District and M-2 General Manufacturing District

The release of airborne toxic matter (including radioactive matter) shall not exceed 1/30th of the maximum permissible concentration allowed an industrial worker when measured at any point beyond the lot line, either at ground level or habitable elevation, whichever is more restrictive. Concentrations shall be measured and calculated as the highest average that will occur over a continuous 24-hour period.

If a toxic substance is not contained in the most recent listing of threshold limit values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the County Health Department or designated agency that the proposed levels will be safe to the general population.

7.6 ODOROUS MATTER

1. The release of materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, shall meet the standards of the district in which the odor is created.

**Performance Standards**

2. M-1 and M-2 Manufacturing Districts

When odorous matter is released from any operation, activity, or use in manufacturing districts, the concentration of such odorous materials shall not exceed the odor threshold when measured beyond the lot line, either at ground level or habitable elevation.

**7.7 FIRE AND EXPLOSION HAZARDS**

1. In all manufacturing districts, the storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided either of the following conditions is met:

- a. Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected with an automatic fire extinguishing system.
- b. Said material, if stored outdoors, will be no less than fifty (50) feet to the nearest lot line.

2. M-1 Limited Manufacturing District

The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusion of storage of finished products in original sealed containers which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than fifty (50) feet from all lot lines.

**TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED  
(IN GALLONS)**

	<u>ABOVE</u>	<u>UNDERGROUND</u>
Materials having a closed cup flash point over 187° F, but less than 300° F.	20,000	100,000
From and including 105° F. to and including 187° F.	10,000	100,000
Materials having a closed cup flash point of less than 105° F.	3,000	100,000

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed 30 times the quantities listed above.

3. M-2 General Manufacturing District

The storage, utilization, or manufacture of flammable liquids shall be permitted in accordance with the following table, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Flammable liquid and gas storage tanks shall not be less than fifty (50) feet from all lot lines.

TOTAL CAPACITY OF FLAMMABLE MATERIALS PERMITTED  
(IN GALLONS)

	<u>ABOVE</u>	<u>UNDERGROUND</u>
Materials having a closed cup flash point over 187° F. , but less than 300° F.	200,000	Unrestricted
From and including 105° F. to and including 187° F.	100,000	Unrestricted
Materials having a closed cup flash point of less than 105° F.	50,000	Unrestricted

When flammable gases are stored, utilized, or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed above.

SOURCE: Polytechnic Inc., Chicago, Illinois

7.8 PERFORMANCE REQUIREMENTS AND ENFORCEMENT

1. Any use established in a manufacturing district shall be operated in such a manner as to comply with the applicable performance standards as set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, glare, radio and electrical interference, air pollution, and water pollution. No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district in which such use is located.
2. The application for a zoning permit for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or

## Performance Standards

development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the Performance Requirements.

3. The Board of County Commissioners may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.
4. Following the date of ordinance adoption, any industries or businesses constructed that are suspected of violating the provisions of this ordinance shall be subject to inspection. The Board of County Commissioners may refer the inspection to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the industry or business, and a copy of any report shall be available. In the event no due cause is found, the challenger will be liable for the fees and costs.
5. Established uses found to be in noncompliance will be liable for inspection fees and costs. In the event no due cause is found, the challenger will be liable for the fees and costs.



SECTION 8 - MODIFICATIONS AND EXCEPTIONS

8.1 HEIGHT

1. The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this ordinance.

Special Structures such as elevator penthouses) gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.

Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.

Communication Structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three (3) times their distance from the nearest lot line.

Agricultural Structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.

Public or Semipublic Facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

8.2 YARDS

1. The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.

Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.

## Modifications and Exceptions

Residential Fences are permitted on the property lines in residential districts, but shall not be closer than two (2) feet to any public right-of-way.

Security Fences are permitted on the property lines in all district 5, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

Accessory Uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than ten (10) feet to the principal structure; shall not exceed fifteen (15) feet in height; shall not occupy more than thirty (30) percent of the rear and side yard areas; and shall not be closer than five (5) feet to any lot line.

Essential Services, utilities, electric power and communications transmission lines are exempt from the yard and distance requirements of this ordinance.

Landscaping and vegetation are exempt from the yard and height requirements of this ordinance.

### 8.3 ADDITIONS

Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.

### 8.4 AVERAGE FRONT YARDS

The required front yards may be decreased in any residential district to the average of the existing front yards of the abutting structures on each side, but in no case less than twenty (20) feet in any residential district.

### 8.5 NOISE

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

### 8.6 NONCONFORMING USE OF BUILDINGS AND LAND NOT AFFECTED BY ZONING

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning ordinance or amendment thereto, may be continued although such use does not conform with the provisions of such ordinance or amendment, but if any such nonconforming use is voluntarily discontinued for twelve months or more, any future use of such land shall be in

conformity with the provisions of the existing district. The Board of County Commissioners shall provide in any zoning ordinance for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses, upon such reasonable terms as are set forth in the zoning ordinance.

8.7 LOTS NOT PLATTED AT TIME OF ORDINANCE ADOPTION

In Keweenaw County, those residential structures occupying lands that are platted prior to or after ordinance adoption shall be regarded as conforming uses. Vacant lands not previously platted, void of structures, shall conform to the provisions of this ordinance.

## Section 9 - Non-Conforming Structures or Uses

### SECTION 9 - NONCONFORMING STRUCTURES OR USES

#### 9.1 NONCONFORMING STRUCTURE

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

#### 9.2 NONCONFORMING USES

1. Continuation and Change of Use - Except as otherwise provided in this ordinance:
  - a. A nonconforming use lawfully existing upon the effective date of this ordinance may be continued. Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.
  - b. A nonconforming use may be changed only to a use of the same or more restricted classification.
2. Expansion Prohibited
  - a. A nonconforming use in a structure designed for a nonconforming use shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
  - b. A nonconforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

- c. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, or another classification, the foregoing provisions also shall apply to any existing uses that become nonconforming as a result of the boundary changes.

### 9.3 NONCONFORMING VARIANCE PERMITTED BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals may authorize upon appeals in specific cases such variance from the terms of this section, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done; provided, however, that no action shall be taken or decision made except after public hearing. The Board's decision shall be final, subject only to judicial review in the event of an arbitrary abuse of discretion of said Board.

### 9.4 AMORTIZATION OF NONCONFORMING USES OR BUILDINGS

1. Whenever a nonconforming use has been discontinued for a period of twenty-four (24) months, such use shall not thereafter be reestablished, and use thereafter shall conform to the provisions of this ordinance.
2. No building damaged by fire or other causes to the extent that its restoration will cost more than sixty (60) percent of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this ordinance.

### 9.5 SUBSTANDARD LOT

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the County Registrar of Deeds before the effective date or amendment of this ordinance.

Lots of Record that are nonconforming because of lack of the required number of acres or the minimum number of square feet required shall be allowed to be built on, and variances shall be allowed for required set back and yard sizes, provided adequate potable water supply and proper and safe sewerage disposal facilities can be provided. Every effort shall be made by the County Planning Commission to allow owners of

## Non-Conforming Structures or Uses

non-conforming lots of record to be used so injustices shall not be allowed to exist that can be resolved equitably.

Such lot or parcel must have been in separate ownership from abutting lands on the date of adoption or amendment of this ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical. The Board of Zoning Appeals shall interpret the requirements to be followed in such cases upon request of the Zoning Administrator. The Board of Zoning Appeals shall order the Administrator to issue the permit.

### 9.6 CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USES

A Certificate of Occupancy shall be required for all lawful nonconforming uses of land and buildings created by adoption of this ordinance.

SECTION 10 - SPECIAL USES

10.1 SPECIAL USES

Special uses, as defined in the Definitions section, are those which cannot be adequately controlled by simple preregulation through rigid dimensional and use standards. Special uses are those which require individual review by the County Planning/Zoning Commissions to ensure conformance with the intent of all comprehensive plan elements. Special uses include two basic categories:

1. Special Uses — single uses or single aspects of permitted uses specifically identified in the Zoning Ordinance as requiring individual review under the Special Use Procedure.
2. Mobile Home Parks subject to Mobile Home Park Regulations found in Section 11 - Mobile Home Parks shall also conform to the Planned Development Procedure set forth. See Section 3.4 - 9 (Page 34).

10.2 SPECIAL USE PROCEDURE

1. Procedure - In applying for a special use, the applicant shall follow all procedures set forth on zoning permits. The County Zoning Administrator shall refer the application to the Planning/Zoning Commission. The Planning/Zoning Commission shall, after careful review of the application for special use, make a recommendation on each application to the Board of Commissioners. The Planning/Zoning Commission, after holding a public hearing in accordance with state statutes, shall make a recommendation after the concluded public hearings forwarding such recommendations directly to the Board of Commissioners. The Board of Commissioners may approve, modify, or disapprove the application. In the case of approval or approval with modification, the Board of Commissioners shall issue written authorization to the County Zoning Administrator to issue a special use permit in full conformance with Section 12. This authorization shall remain on permanent file with the application. The Board of Commissioners may attach special conditions to ensure conformance with the intent of all comprehensive plan elements. The Board of Commissioners may establish a schedule of reasonable fees to be charged for Special Use permits.

The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified by another provision of this ordinance, or by the County Board of Commissioners.

## Special Uses

Special Uses in All Districts - The following are designated as special uses which may be approved in all zoning districts: public utility and service uses such as electric substations, gas regulator stations, telephone transmission structures, radio, TV, and microwave relay towers, water reservoirs, pumping stations, sanitary landfills, government buildings, transportation facilities, and similar uses.

Special Uses in Specified Districts - Other special uses may be approved in only those zoning districts where they are designated as special uses under the zoning district regulations.

Standards for Decisions and Recommendations of the Board of Commissioners and Planning/Zoning Commission - No special use permit shall be recommended by the Board of Commissioners or the Planning/Zoning Commission unless there is a concurring vote of the majority of all members present within a minimum of five (5) concurring votes required based on findings of fact that:

- a. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
- c. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.



SECTION 11 - BOARD OF APPEALS AND ENFORCEMENT

11.1 COUNTY ZONING BOARD OF APPEALS

1. Establishment of Board - In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that health, safety, and welfare of the public be secured; and that justice be done; there is hereby established a County Zoning Board of Appeals.
2. Membership, Terms of Office - The County Board of Appeals shall consist of three to seven members, two of which shall be from the County Planning/Zoning Commission—one from each. The two from these two commissions shall serve for the term of their respective offices; and the *other one to five members shall be selected and appointed by the Board of County Commissioners from among electors residing in and having property assessed for taxes located in the unincorporated area of the county*, for terms of three years, provided that no elected officer of the county nor any employee of the Board of County Commissioners may serve simultaneously as one of these At-Large members, nor as an employee of this County Zoning Board of Appeals. The first appointments to this board shall have the At-Large members appointed for initial terms of one, two, and three years respectively so their term expirations will allow their successors to be appointed for the full three-year term.
3. Members of the Zoning Board of Appeals shall be removable by the County Board of Commissioners for nonperformance of duty or in case of misconduct in office, upon written charges following a public hearing.

11.2 ORGANIZATION AND PROCEDURES

1. Rules of Procedure - The Zoning Board of Appeals shall adopt its own rules of procedure to ensure proper conduct of its meetings.
2. Majority Vote - The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which they are now required to pass under this Ordinance or to effect any variation in this Ordinance.

## Board of Appeals and Enforcement

3. Meetings - Meetings shall be open to the public and shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Board shall choose its own chairman and, in his absence, an acting chairman.
4. Records - Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the County Clerk. *A copy of the decision shall be sent promptly to the applicant or appellant and to the Zoning Administrator.*
5. Secretary and Counsel - *The County Clerk shall be responsible for acting as the secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of the Board's action shall be taken and recorded under his direction.* The County Prosecuting Attorney shall act as legal counsel for the Board and shall, upon request by the Board, be present at designated meetings.
6. Hearings - When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Zoning Board of Appeals may recess such hearings from time to time, and if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.
7. Decisions - The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned. Any decision of the Board shall not become final until the expiration of ten (10) days from the date of entry of such order and service of the same upon the parties concerned unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights or public safety and shall so certify on the record.

### 11.3 APPEALS, HOW TAKEN

1. *Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer, department, or Board of the County.*
2. Time Limit - Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be made to the Zoning Board of Appeals through the Zoning Administrator within ten (10) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. Stay - An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or, on application, by the Circuit Court, on notice to the officer from whom the appeal is taken and on due cause shown.
4. Representation - Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
5. Fee for Appeal - *A fee of \$75.00 shall be paid to the County Clerk at the time of filing application with the Zoning Board of Appeals.* The purpose of the fee is to cover any necessary investigation expenses incurred by the Zoning Board of Appeals in connection with the appeal.

### 11.4 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

1. The County Zoning Board of Appeals shall have the following specified duties and powers:
  - a. Review - Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.

**Board of Appeals  
and Enforcement**

- b. Interpretation - Shall have the power to:
- 1) Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
  - 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision between said subject made by the Zoning Administrator.
  - 3) Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.

- c. Variances - The Zoning Board of Appeals shall have the power to authorize upon appeal specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.

Basic Conditions - That any variance granted:

- 1) Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
- 2) Shall not permit the establishment within a Zoning District of any use which is not permitted by right within that District.
- 3) Will not cause any adverse effect to property in the vicinity or in the Zoning District or the County.
- 4) Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
- 5) Relates only to property that is under control of the applicant.
- 6) Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
- 7) Must be granted in order to avoid practical difficulties or

unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.

- d. Rules - In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
  - 1) In granting a variance, the Zoning Board of Appeals may specify in writing to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
  - 2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted 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 Board to be valid.
  - 3) Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six (6) months after the granting of the variance.

## 11.5 ENFORCEMENT

1. Violation and Penalties
  - a. Violation a Nuisance - Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.
  - b. Inspection of Violation - The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, to the violator of all conditions found to be in violation of this Ordinance.
  - c. Correction Period - All violations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Zoning Administrator or as such longer period of time as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the County Prosecuting Attorney who shall initiate prosecution procedures.

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- d. Penalties - Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning/Zoning Commission, or the County Board of Commissioners issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court of the county, he shall be punishable by a fine not to exceed \$100.00 plus court costs, or by imprisonment not to exceed ninety (90) days, or both. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- e. Remedies - The Zoning Administrator, or the County Board of Commissioners, the Planning/Zoning Commission, the Zoning Board of Appeals, or the Prosecuting Attorney of the county, and any interested party may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and are in addition to criminal remedies.
- f. Scope of Remedies - The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the county and shall be deposited in the General Fund.

SECTION 12 - ADMINISTRATION AND PERMIT PROCEDURE

12.1 ADMINISTRATION AND ADMINISTRATOR

1. The provisions of this Ordinance shall be administered by the County Planning/Zoning Commission and the County Board of Commissioners in accordance with the *State of Michigan Regional Planning Commission Act, Act 281 of the Public Acts of 1945*, as amended, and the *State of Michigan County Rural Zoning Act, Act 183 of the Public Acts of 1943*, as amended.
2. The Board of County Commissioners shall employ a Zoning Administrator to act as its officer to ensure and effect the proper administration of this Ordinance. The individual selected, the terms of employment, the limits to and the extent of his/her authority to enforce this Ordinance, and the rate of compensation shall be established by the Board of County Commissioners.
3. Duties - The Zoning Administrator shall:
  - a. Review all applications for zoning permits and certificates of occupancy and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
  - b. Receive all applications for special use permits; conduct field inspections, investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning/Zoning Commission with recommendations; and notify the applicant in writing of any decision of the Planning/Zoning Commission.
  - c. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, investigations, prepare maps, charts and other pictorial materials and otherwise process applications so as to formulate recommendations refer such applications with recommendations to the Zoning Board of Appeals for determination.
  - d. Receive all applications for amendments to this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts, and other pictorial materials and otherwise process applications so as to formulate

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recommendations report to the Planning/Zoning Commission all such applications together with recommendations.

- e. Maintain a map or maps showing the current zoning classifications of all land in the county.
- f. Maintain written records of all actions taken by the Zoning Administrator.
- g. Be responsible for providing forms necessary for the various applications to the Zoning Administrator, Planning/Zoning Commission, Board of Commissioners, or Zoning Board of Appeals, as required by this Ordinance, and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance subject to the general policies of the Board of Commissioners, Planning/Zoning Commission, and Zoning Board of Appeals.

### 12.2 ZONING/BUILDING PERMITS

- 1. Requirements for - Excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of, repair of, or moving of any building or structure shall not be undertaken, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the County Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
- 2. Permit Applications - Applications for a permit shall be made in triplicate to the County Zoning Administrator on forms furnished by the County Zoning Administrator, and shall include the following where applicable:
  - a. Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
  - b. Description of the subject site by lot, block, and recorded subdivision; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - c. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the



following: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site.

- d. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and State Board of Health restrictions.
- e. Proposed water supply plan, if municipal water service is not available. This plan shall be approved by the County Engineer or Sanitarian who shall certify in writing that an adequate and safe supply of water will be provided.
- f. Concrete, stone, wood, masonry, or other fences in a required front yard, of any district shall require permits. The Zoning Administrator shall also require permits for any fences or other structures within the sight triangle establishment at intersections. (See Section 4.5 TRAFFIC VISIBILITY).
- g. Each permit issued for a main building also shall cover any necessary structures or buildings constructed at the same time, on the same premises, and such permit for which it is issued until completion of construction or occupancy.
- h. All applications and a copy of all permits issued shall be systematically filed and kept by the Zoning Administrator in his office for ready reference.
- i. **No permit shall be required for:**
  - 1) Routine maintenance, alteration, or repair of buildings, structures, or equipment such as repainting or reroofing a building, or reballasting a railroad track.
  - 2) *Alterations of existing buildings having a replacement value of less*

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*than one thousand dollars (\$1,000) in any one twelve- (12) month period.*

- 3) Construction of a service connection to a municipally owned and operated utility.
  - 4) Ordinary farm buildings used in an agricultural pursuit (other than those used or intended for human habitation) such as barns, sheds, outbuildings, silos, grain storage facilities, pens, fences, and corrals.
3. Evidence of Ownership - All applications for zoning permits under the provisions of this Ordinance shall be accompanied by evidence of ownership or lease possession of all property affected by the coverage of the permit.
  4. Voiding of the Permit - Any zoning permit granted under this Section shall become null and void unless the development proposed shall have its first building inspection within one (1) year from the date of the granting of the permit. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued in error, or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the County.
  5. Inspection Fee - Before any zoning permit shall be issued covering building or other operations regulated by this Ordinance, an inspection fee shall be paid at the rate of \$1.00 per \$1,000 of estimated cost of construction, but no fee shall be less than \$2.00, nor more than \$2,000.00.
  6. Inspection - The construction or usage affected by any zoning permit shall be subject to the following:
    - a. Before the issuance of the building permit, the building stakeouts and/or such other stakeouts as are necessary shall be inspected by the administrator or his agent to determine if the written permit form and the ordinance requirements are in agreement and have been complied with. Subsequent inspections shall be made as are required by the extent and complexity of the proposed construction or usage.

- b. Upon completion of the work authorized by the permit, final inspection shall be promptly made by the Administrator or his/her agent and the use and occupancy permit issued if the requirements of this ordinance and other lawful pertinent ordinances are met.
- c. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for any inspection. Upon receipt of such notification, the County Zoning Administrator shall first satisfy himself that the corners and boundaries of the lot are accurately designated and forthwith proceed to make an inspection of the progress of the construction, and if the same shall meet the requirements of the Ordinance, at the stage of such inspection, he shall issue his written approval thereof and the applicant shall be authorized to proceed in accordance with the permit. Should the Zoning Administrator determine that the construction is not proceeding according to the site and construction plans filed, or is in violation of any provisions of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or his agent, and further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the Zoning Administrator upon notice and request for reinspection duly made.
- d. Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the latter shall make report in writing of such failure to the County Clerk whose duty it shall be to forthwith cancel the permit issued, and the Clerk shall cause notice of such permit cancellation to be securely posted upon or affixed to the construction not conforming to the Zoning Ordinance interpreted to be the Zoning Administrator's requirements, and such posting shall be considered as service upon and notice to the permit holder, or cancellation thereof; and no further work upon said construction shall be undertaken or permitted until a valid permit shall thereafter have been issued.
- e. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed or occupancy may be permitted.

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**12.3 SPECIAL USE PERMITS**

1. *Application - Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of a fee of \$75.00 to cover the costs of processing and the procedures of public hearing. Applications for special use permits shall be subject to the provisions of Section 12.2 ZONING PERMITS in addition to the provisions stated herein.*
2. Procedures:
  - a. The Zoning Administrator shall forward the application and supporting data to the County Planning/Zoning Commission.
  - b. The County Planning/Zoning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
  - c. After adequate review and study of any application, the Planning/Zoning Commission shall hold a public hearing or hearings when the following requirements are met: A notice of the purpose, time, and place of such hearing shall appear in at least one newspaper of general circulation within the County no less than ten days prior to the dates of said hearing; and the property in question shall have a sign posted on it for at least ten days previous to the hearing advertising the proposed change in use.
  - d. The County Planning/Zoning Commission, after public hearing procedures, may issue a special use permit subject to the final approval of the County Board of Commissioners. A copy of the decisions of both, with any conditions or reasons for rejection, if it be so, shall be sent promptly to the Zoning Administrator and to the applicant.
3. Basis of Determination - The County Planning/Zoning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:
  - a. Will be harmonious with and in accordance with the general and specific objectives of the County Plan.
  - b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended

character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

- c. Will not be hazardous or disturbing to existing or future nearby uses.
  - d. Will be equal to or an improvement in relation to property in the immediate vicinity and to the county as a whole.
  - e. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
  - f. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the county.
  - g. Will be consistent with the intent and purpose of this Ordinance.
4. Conditions and Safeguards - The Planning/Zoning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights on nearby parcels, and for ensuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Where screens of shrubbery, brick or masonry walls, fences or other barriers are required by provisions of this Ordinance, the Planning/Zoning Commission will ensure that the owners or proprietors will make adequate provisions for the upkeep and maintenance of such screening. If such screening is not maintained, it shall be declared a nuisance and the provisions of this Ordinance for abating nuisance will be followed. Special use permits may be issued for specific time periods as determined by the Planning/Zoning Commission.
5. Reapplication - No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the County Planning/Zoning Commission and the Board of Commissioners.

#### 12.4 CERTIFICATION OF OCCUPANCY

1. Hereafter a Certificate of Occupancy shall be required for the following:
  - a. Occupancy or use of a building erected, altered, extended, relocated, or reconstructed.

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

SECTION 13 - AMENDMENTS

13.1 POWER TO AMEND

The regulations and provisions incorporated within the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented, or changed by ordinance of the County Board of Commissioners.

13.2 WHO MAY INITIATE

Proposals for amendments, supplements, or changes may be initiated by the County Board of Commissioners on its own motion, by the Planning/Zoning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

13.3 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/Zoning Commission through the Zoning Administrator on a standard form provided, and shall be accompanied by a fee of seventy-five (\$75.00) dollars to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner, if a public hearing is held.
2. When a request for amendment is initiated, the Zoning Administrator shall notify the County Board of Commissioners of the request for an amendment at the same time he/she transmits the zoning amendment request to the Planning/Zoning Commission.
3. The Planning/Zoning 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/Zoning Commission may recommend any additions or modifications to the original amendment proposal.
4. *After deliberation on any proposal, the Planning/Zoning 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 days nor less than twenty days, and the second not more than eight days before the date of such hearing. Not less than twenty days notice of the time and place of such hearing shall also be given by certified mail to each public utility company and to each railroad*

## Amendments

within the zone affected. The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

5. *Following the conclusion of the public hearing, the Planning/Zoning Commission shall transmit the proposed amendment to the County Board of Commissioners and, if the County Board shall deem any amendments, changes, additions, or departures advisable as to the proposed text or district boundaries, it shall refer the same to the Planning/Zoning Commission for a report thereon within a time specified by the County Board of Commissioners. After receiving the report, the County Board of Commissioners shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning/Zoning Commission to attend such hearing. Thereafter, the County Board of Commissioners may adopt the amendment with or without changes in accordance with the provisions and procedures of Act 183 of the Public Acts of 1943.*
6. No application for a rezoning which has been denied by the County Board of Commissioners shall be resubmitted for a period of one 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 Board of Commissioners to be valid.



SECTION 14 - RULES AND DEFINITIONS

14.1 RULES

1. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.
2. The word "shall" is mandatory and not discretionary.
3. The word "may" is permissive.
4. The word "lot" shall include the words "piece," "parcel," and "tract"; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
5. All measured distances shall be to the nearest integral foot—if a fraction is one-half foot or less, the integral foot next below shall be taken.
6. Any words not defined as follows shall be construed in their general accepted meanings as defined in the most recent publication of Webster's Dictionary.
7. The words and terms set forth herein under "Definitions" wherever they occur in this Ordinance shall be interpreted as herein defined.

14.2 DEFINITIONS

**Accessory Use or Structure**

A use or structure subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. For example, a retail business is not considered customarily incidental to a residential use. Residential accessory uses may include storage of household goods, gardening, servants' quarters, private swimming pools, private emergency shelters, and other similar uses.

**Agriculture**

Land, and/or farm buildings and structures containing at least ten (10) acres, the principal use or uses which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, including but not limited to the farm dwelling, dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

## Rules and Definitions

### **Boarding House (Rooming or Lodging House)**

A residential building, or portion thereof—other than a motel, apartment hotel, or hotel—containing lodging rooms for accommodation of three or more persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

### **Building**

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

### **Building Height**

The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

### **Camps, Campgrounds (Hunting Lodges)**

Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature such as a cabin, hunting shelter, or tent.

### **Comprehensive Plan**

The extensively developed and evolving plan, also called a master plan, adopted by the County Plan Commissioners.

### **Conservation**

Preservation of land, water, flora, fauna, and cultural artifacts in their original state.

### **Consumer Service**

Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautician and barber services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

### **Dwelling**

A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, or cabins.

**Essential Services**

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, etc., but not including buildings.

**Family**

Two or more persons related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons who need not be related by blood, marriage, or legal adoption living together as a single housekeeping unit and occupying a single dwelling unit; in either case, exclusive of usual domestic servants.

**Floor Area**

The sum of the gross floor area for each of the several stories under roof measured from the exterior limits or faces of a building or structure, including areas below grade. Attached accessory structures are not included.

**Garage, Private**

An accessory building, or an accessory portion of a principal building enclosed on at least three sides which is intended for and used to store private passenger motor vehicles and no more than one (1) three-quarter ton or lesser-sized truck.

**Grade**

The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Home Occupation**

An occupation carried on in a dwelling by the resident thereof, not involving the conduct of a retail business or manufacturing business; the employment of any additional persons in the performance of such services excepting members of the immediate family residing on the premises and one receptionist or office assistant; nor using any mechanical equipment other than is usual for purely domestic or hobby purposes; nor exterior storage of equipment or materials used in connection with the home occupation. Home occupations, further, shall not utilize more than twenty-five (25) percent of the total floor area of any one story.

## **Rules and Definitions**

### **Hotel**

An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

### **Junkyard**

Any land or structure used for a salvaging operation including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles.

### **Kennel**

Any premises or portions thereof on which four or more dogs, cats, or other household domestic animals over four months of age are kept, or on which more than two such animals are maintained, bred, or cared for, for remuneration or sale.

### **Loading Area**

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

### **Lodging Room**

A room rented as sleeping and living quarters, but without cooking facilities, and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one lodging room.

### **Lot**

A single parcel of land which may be legally described as such, or two or more adjacent numbered lots or parts of such lots in a recorded subdivision plat having principal frontage on a street which comprises a site occupied by, or intended for occupancy by one principal building or principal use together with accessory buildings and uses, yards and other open spaces required by this ordinance.

### **Lot, Corner**

A lot abutting on two streets at their juncture, when the interior angle formed is less than one hundred thirty-five (135) degrees.

### **Lot Lines and Area**

The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

**Lot, Interior**

A lot other than a corner lot.

**Lot, Recorded**

A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this Ordinance is passed.

**Lot, Width**

The width of a parcel of land measured at the rear of the unspecified street yard.

**Lot, Zoning**

A parcel of land composed of one or more recorded lots, occupied or to be occupied by a *principal building* or *buildings* or *principal use* or *uses* along with permitted *accessory buildings* or *uses* meeting all the requirements for area, *buildable area*, frontage, width, yards, setbacks, and any other requirements set forth in this Ordinance.

**Mobile Home**

"Mobile Home" means any vehicle or similar structure designed for single family long-term occupancy, to be transported after fabrication on its own wheels or on a flatbed, to be located on foundation supports, arriving at the site complete with sleeping accommodations, flushing toilet, tub/shower bath, kitchen facilities and major appliances ready for occupancy. Plumbing and electrical connections will be provided for attachment to the outside system.

**Mobile Home Park**

"Mobile Home Park" means an area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for uses as a part of the equipment of such trailer coach park.

**Motel**

An establishment consisting of a group of lodging rooms each with individual bathrooms, and designed for use by transient guests. A motel furnishes customary hotel services such as maid service and laundering of linen used in the lodging rooms, telephone and secretarial or desk service, and the use and upkeep of furniture.

## **Rules and Definitions**

### **Nonconforming Structure**

A structure which lawfully occupied a building site or land at the time of adoption of this Ordinance, and which does not conform with the regulations of the district in which it is located.

### **Nonconforming Use**

A use which lawfully occupied a building or land at the time of adoption of this Ordinance, and which does not conform with the use regulations of the district in which it is located.

### **Nonretail Commercial**

Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, nonretail commercial includes wholesale activities, warehousing, trucking terminals, and similar commercial enterprises.

### **Nursing Home or Rest Home**

A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

### **Parking Space**

A graded all-weather surface area of not less than two hundred (200) square feet in area, either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.

### **Performance Standards**

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

### **Planned Development**

A parcel or tract of land consisting of Twenty (20) or more acres, initially under single ownership or control, which contains two (2) or more principal buildings and one or more principal uses planned and constructed as a unified development. The density, lot size, bulk, and use standards within a Planned Development District shall comply with the standards approved for each specific Planned Development District.

### **Recreational Equipment**

Includes travel trailers, pickup coach campers, motorized homes, tent trailers, or tent campers, boats and boat trailers and the like, tents, snowmobiles, horse trailers,

aircraft of any kind, houseboats, docks, rafts, float boats, dune buggies, automotive units primarily intended for recreational purposes and other similar equipment which may from time-to-time evolve.

### **Relatives**

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

### **Retail Sales**

Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

### **Sanitary Landfill**

A method of disposing of refuse by spreading and covering such refuse with earth to a depth of two (2) feet or more on the top surface and one (1) foot or more on the sides of the bank.

### **Setback, Building**

The minimum horizontal distance between the front line of a building or structure and the front lot line.

### **Service Station, Filling Station, Gas Station**

Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oils. Open storage shall be limited to no more than four (4) vehicles stored for minor repair bearing current license plates. Such storage shall not exceed seventy-two (72) hours duration and shall not permit the storage of wrecked vehicles.

### **Shopping Centers**

#### **Regional**

The regional shopping center is generally designed to serve the "one-stop" customer. He may park his car once and travel to various store destinations and purchase almost anything. The regional shopping center normally contains a major department store where a large variety of goods and services are offered. The center also usually contains professional offices, specialty shops, restaurants, and perhaps amusement facilities. A maximum trade area population of approximately 100,000 persons is necessary to adequately support a regional center.

## Rules and Definitions

### Community

The community shopping center is generally designed and constructed to serve a population of approximately 40,000 to 80,000 people. The facilities usually present in this type of center are a junior department store, branch banks, apparel shops, supermarkets, and personal service enterprises such as beauty shops, barber shops, and dry cleaners.

### Neighborhood

Neighborhood centers mainly serve the day-to-day needs of people in their immediate vicinity. Normally the neighborhood center contains from five to ten stores with a supermarket as its focal point.

### Signs

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product, and which are visible from any public street, highway or pedestrian way.

#### Sign, Advertising (Billboard)

A sign which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.

#### Sign, Business

A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

#### Sign, Gross Area of

The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single-face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double-face or V-type sign erected on a single supporting structure where the interior angle does not exceed 135 degrees shall, for the purpose of computing square foot area, be considered and measured as a single-face sign; otherwise each display surface of a sign shall be considered a single sign.



**Structural Alterations**

Any change, other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls or partitions, columns, beams or girders; or any substantial change in the roof or exterior walls.

**Structure**

Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. A sign, billboard, or other advertising device detached or projecting shall be construed to be a structure.

**Thoroughfare**

A street with a high degree of continuity which serves as an intrastate, an intracounty or interstate highway, or as an arterial trafficway between the various districts of this county. It affords a primary means of access to abutting properties except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

**Use**

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Accessory**

A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools and private emergency shelters.

**Use, Permitted**

A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

**Use, Principal**

The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

**Use, Special**

Uses of such variable nature as to make control by rigid preregulation impractical. After due consideration in each case by the Board of County Commissioners, after receiving the report and recommendations of the Plan Commission relative to the

## Rules and Definitions

impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "Special Use" may or may not be granted by the Board of County Commissioners.

### **Utilities**

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

### **Yard**

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this Ordinance. See Appendix A for illustration entitled "Yards."

### **Yard, Corner Side**

A side yard which adjoins a street or thoroughfare.

### **Yard, Front (Setback)**

A yard which is bounded by the side lot lines, front lot line, and the front yard line.

### **Yard, Interior Side**

A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

### **Yard, Rear (Setback)**

A yard which is bounded by side lot lines, rear lot line, and the rear yard line. At waterfront properties, that portion of the lot between the water body and principal structure.

### **Yard, Side (Setback)**

A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

### **Yard, Confinement Feeding**

Confinement feeding is characterized in two ways:

1. Maintaining animals on a solid material (wood, concrete, blacktop, etc.) making manure disposal possible.
2. Maintaining animals on the ground in such numbers and in such areas that a vegetative cover cannot be maintained on the ground.

14.3 PERFORMANCE STANDARDS DEFINITIONS

**Closed Cup Flash Point**

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The tag closed cup tester shall be authoritative for liquids having a flash point below 175° F. The Pensky-Martens tester shall be authoritative for liquids having flash points between 175° F. and 300° F.

**Decibel**

A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty times the logarithm to the base ten of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

**Displacement (Earth)**

The amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half the total earth movement.

**Earthborn Vibrations**

A cyclic movement of the earth due to the propagation of mechanical energy.

**Equivalent Opacity**

The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

**Free Burning**

A rate of combustion described by material which burns actively and easily supports combustion. Examples: Coal, charcoal.

**Frequency (Vibration and Sound)**

Frequency is the number of oscillations per second involved in a vibration or sound.

**Impact Noise**

A short-duration sound which is incapable of being accurately measured on a sound level meter.

**Impulsive**

Discrete vibration pulsations occurring no more than one per second.

## Section 15 - Repeals and Effective Date

### **Incombustible**

A material which will not ignite or actively support combustion during an exposure for five minutes to a temperature of 1200° F.

### **Intense Burning**

A rate of combustion described by a material that burns with a high degree of activity, and is consumed rapidly. Examples: Sawdust, magnesium (powder-flaked or strips), rocket fuels.

### **Moderate Burning**

A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Examples: Wood timber and logs.

### **Octave Band**

A prescribed interval of sound frequencies which classified sound according to its pitch.

### **Octave Band Filter**

An electronic frequency analyzer designed according to standards of the American Standards Association, and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

### **Odor Threshold**

The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM Method D1391-57, "Standard Method for Measurement of Odor in Atmospheres (Dilution Method).

### **Odorous Matter**

Any material that produces an olfactory response among human beings.

### **Particulate Matter**

Material other than water which is suspended in or discharged into the atmosphere in a finely-divided form, as a liquid or solid at outdoor ambient conditions.

### **Pre-1960 Octave Bands**

The frequency intervals prescribed by the American Standards Association in ASA Standard 224. 10-1953, "Octave Band Filter Set."

## Section 15 - Repeals and Effective Date

### **Preferred Frequencies**

A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. Sl. 6-1960, "Preferred Frequencies for Acoustical Measurements."

### **Ringelmann Chart**

A chart described by the U. S. Bureau of Mines in their information Circular No. 6888, upon which are illustrated graduated shades of gray for use in estimating the light obscuration capacity of smoke.

### **Ringelmann Number**

The number of the area on the Ringelmann Chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

### **Slow Burning**

A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Example: Wool, materials with fire-retardant treatments.

### **Smoke**

Small gas-born particles other than water that form a visible plume in the air.

### **Sound Level Meter**

An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

### **Sound Pressure Level**

The intensity of sound or noise in decibels.

### **Three Component Measuring System**

A three-component measuring system is an instrument or complement of instruments which records earthborn vibration simultaneously in three (3) mutually perpendicular directions.

### **Toxic Matter**

Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

### **Vibration**

The periodic displacement of the ground measured in inches.

**Section 15 - Repeals and Effective Date**

SECTION 15 - REPEALS AND EFFECTIVE DATE

15.1 REPEALS OF PRIOR ORDINANCES

All prior Zoning Ordinances of the County of Keweenaw, Michigan, and amendments thereto, are hereby repealed. Parts of other ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

15.2 WHEN EFFECTIVE

This ordinance is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording, and publication as provided by law.

Approved and ordained by the Board of County Commissioners of the County of Keweenaw this 12th day of 1975.

RECEIVED

AUG 14 1975

NATURAL RESOURCES  
OFFICE OF LAND USE

*Gerald Stefanch*

Chairman  
Board of County Commissioners

*Howard A. Tamm*  
SEP 3 1975

Director  
Department of Natural Resources

ATTEST:

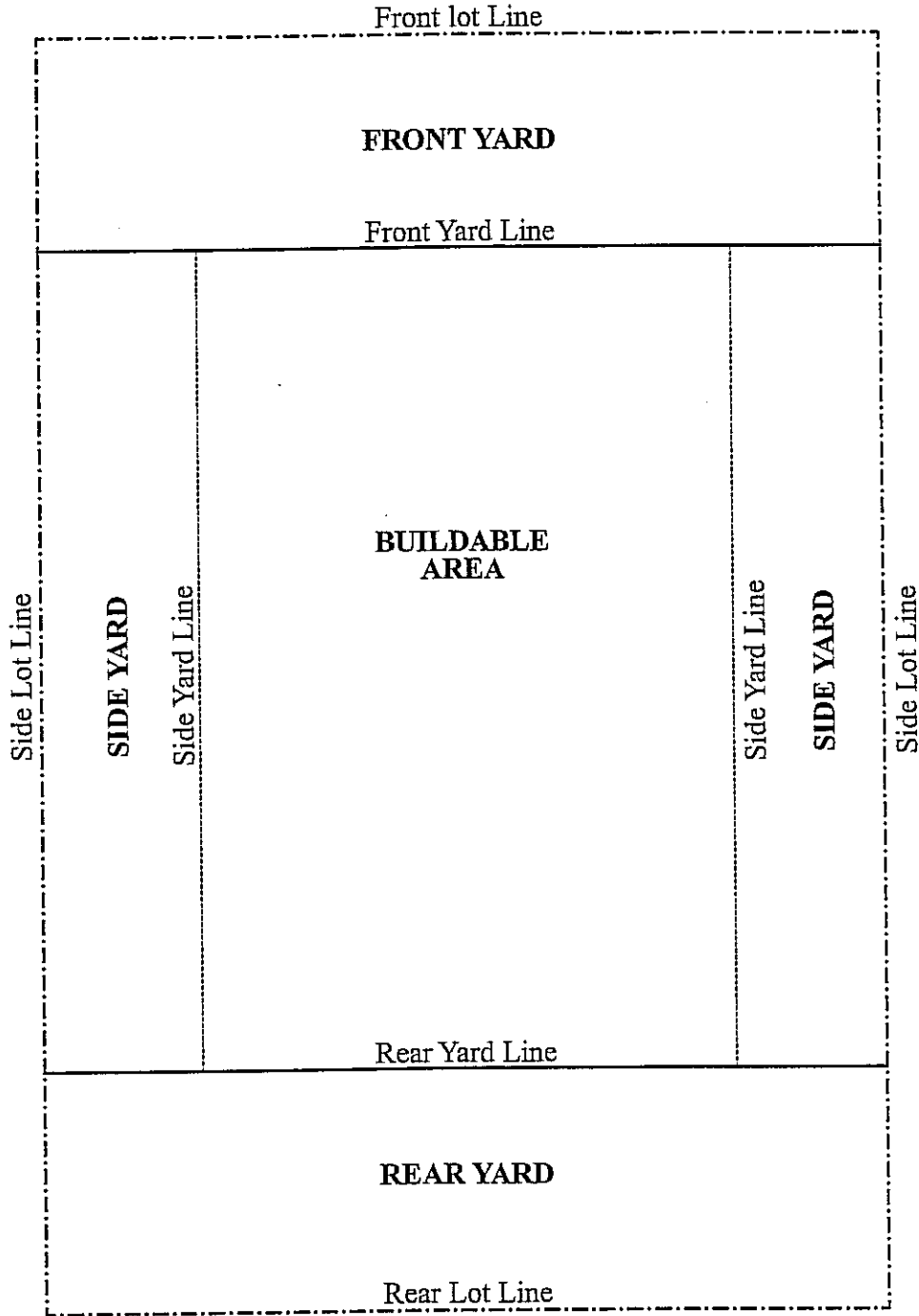
*Evelyn Kato*

County Clerk

Appendix A

# **YARDS**

# YARDS





Appendix B

**MOBILE HOME PARK  
REGULATIONS**

## Appendix B

**A special use regulation defining and regulating mobile home parks: establishing minimum standards governing the construction of mobile home parks; establishing minimum standards governing the provided utilities and facilities and other physical things and conditions of making mobile home parks safe, sanitary and fit for human habitation; fixing the responsibilities and duties of owners and operators of mobile home parks.**

### SECTION 1 - DEFINITIONS

#### **Accessory Structure**

A building subordinate to and smaller than a principal building or mobile home that contributes to the comfort, convenience or necessity of the occupants of the principal building or mobile home.

#### **County Zoning Administrator**

The legally designated County enforcing officer (or his authorized representative).  
Dependent Trailer Coach or Dependent Mobile Home "Dependent Trailer Coach" or "Dependent Mobile Home" means a trailer coach which does not have a toilet and bath or shower facilities. Their use is prohibited in any mobile home park.

#### **Independent Trailer Coach or Independent Mobile Home**

Any enclosure or vehicle used for living, sleeping, business or storage purposes on a foundation or wheels which is, has been, or reasonably may be equipped with wheels or other devices for transporting it from place to place, whether by motive power or other means, suitable for year-round occupancy, and containing both facilities and self-contained toilet. This definition is not intended to include travel trailers or camper buses.

#### **May**

The term "may" shall mean permissible.

#### **Permit**

The term "permit" means a written permission issued by the County Zoning Administrator permitting the owner to construct or alter a mobile home park under this Ordinance and regulations promulgated thereunder.

#### **Person**

Means an individual, firm, partnership, corporation, company or association.

#### **Service Building**

A building housing manager's office, laundry facilities, maintenance equipment, toilet facilities for employees, and emergency sanitary accommodations.

**Shall**

The term "shall" means imperative and mandatory.

**Trailer Coach or Mobile Home**

Any vehicle or similar structure designed for single-family long-term occupancy, to be transported after fabrication on its own wheels or on a flatbed, to be located on foundation supports, arriving at the site complete with sleeping accommodations, flushing toilet, tub/shower bath, kitchen facilities and major appliances ready for occupancy. Plumbing and electrical connections will be provided for attachment to the outside system.

**Trailer Coach or Mobile Home Lot**

A parcel of land designated for the exclusive use of the occupants of a single mobile home, also termed mobile home space.

**Trailer Coach Park or Mobile Home Park**

An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such trailer coach park.

**Trailer Coach or Mobile Home Stand**

That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

**Special Use Permit**

The term "permit" means a written permission issued by the County Zoning Administrator after all special use procedures have been complied with and permitting the owner to construct or alter a mobile home park under this Ordinance and regulations promulgated thereunder.

SECTION 2

Each park to be constructed under the provisions of this Ordinance shall adhere to the minimum regulations as are required by the Michigan State Department of Health relative to Trailer Park Sanitation. All requirements of Public Act 243, as amended, of the State of Michigan, shall also be satisfied; and the following conditions shall be met:

SECTION 3

In order to obtain a special use permit to construct a new mobile home or Trailer coach park, or an addition to an existing trailer coach park, the applicant shall file with the County Zoning Administration; or a written application setting forth:

## Appendix B

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of filing of the application.
2. Location and legal description of the tract of land, certified on a plat of a survey by a Michigan Registered Land Surveyor drawn to scale of 1" = 100', or larger.
3. The proposed and existing facilities in the park for water supply, sewage, garbage and waste disposal, fire protection, and for a sanitary community building which will include a description of toilets, urinals, sinks, wash basins, slop sinks, showers, drains and laundry facilities, the proposed alterations therein, and the maintenance thereof.
4. The proposed method of lighting the structures and land upon which the park is to be located.
5. All corners and points of tangency are to be marked by galvanized or wrought iron pipe or iron or steel bars at least eighteen (18) inches in length and not less than one-half (1/2) inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.
6. The plans of the park drawn on a scale of 100 feet to an inch, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, all showing compliance with the provisions of this Ordinance. The plat plans shall be drawn on a scale of 100 feet to an inch; shall contain, among other things, the following:
  - a. The date on which such plat plans were prepared.
  - b. An arrow indicating North.
  - c. All Trailer Coach sites shall be properly numbered on the plat plans.
  - d. Complete information regarding storm and sanitation sewers.
  - e. Storm water runoff shall be shown on a separate plat.
  - f. Contour lines with intervals of not more than five (5) feet where the slope is greater than 10 percent, and not more than two (2) feet where the slope is less than 10 percent shall be shown on a separate plat, and United States Geological Survey data shall be used for the preparation of such a plat, if available.
  - g. Grades of driveways and all ditches shall be shown on a separate plat.

7. A statement of the fire-fighting facilities, public or private, which are available to the trailer coach park.
8. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application for a special use permit to construct shall be accompanied by an application fee amounting to \$25.00 for each ten (10) acres of land, or fraction thereof, proposed to be used as a park. Each application fee shall be paid to the County Clerk by certified check or United States money order, in the amount of the application fee only, and said application fee, once paid to the County Clerk, shall not be refunded.

#### SECTION 4

Upon receipt of an application for a special use permit to construct a park, the County Zoning Administrator shall, if the park is approved and the proposed park will be in conformity with the Ordinance, issue a certificate to construct. If the application for a special use permit to construct is declined, the County Zoning Administrator shall give the reasons therefor in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and resubmit it for approval.

If a special use permit to construct a park is issued, the applicant shall, upon completion thereof, notify the County Zoning Administrator. The County Zoning Administrator shall then inspect the park and, if completed in accordance with the accepted application, the Zoning Administrator shall issue a permit of compliance.

No persons, firm, or corporation shall provide or install a house trailer park or make a change or addition to a house trailer park until the plans therefor have been submitted to and approved by the local Board of Health and the State Department of Health.

No change in any sanitary facilities, methods of water supply, sewer, drainage, garbage or waste disposal, and no change in the plat plan shall be made without first making a written application to the County Zoning Administrator and Sanitarian and receiving a permit therefrom. Such application shall be made in the way and manner herein set forth, except that a fee amounting to ten (\$10.00) dollars for each ten (10) acres or fraction thereof used to harbor trailer coaches therein shall accompany each application for a permit to alter such trailer coach park. No application fee shall be required to accompany an application for a permit to alter a park where such alteration involves only a reduction in the number of trailer spaces to a number less than such park is currently permitted. Such a change or changes shall comply with such safety and sanitary code, building code, rules and regulations as are applicable thereto.

## Appendix B

Such a permit does not relieve the applicant from securing any other permit or certificate, or from complying with any other ordinances of Keweenaw County, Michigan.

### SECTION 5

No person, firm, or corporation shall construct a trailer coach park without first obtaining a Special Use, Sanitation (Health) and Building permits to do so. Each certificate and permit to construct, and each certificate or permit to make alterations therein shall be prominently displayed in the office of the trailer coach park for which the same was issued.

### SECTION 6 - ENVIRONMENTAL, OPEN SPACE, AND ACCESS REQUIREMENTS

6.1 Every park to be constructed under the provisions of this Ordinance shall provide for the following, in the manner specified:

1. No park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained and shall be located in areas free from ponds, swamps and similar places in which mosquitoes may breed. No waste water from trailer coaches shall be deposited on the surface of the ground. State-approved systems may be used.
2. All land proposed for mobile home parks shall be adequately protected against flooding.
3. Not subject to any source of pollution such as drainage from garbage disposal areas.
4. Not subject to any adverse influence from adjoining streets and areas.
5. The tract of land involved shall be an area of not less than ten (10) acres.

#### 6.2 Site Drainage Requirements

1. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
2. Adequate provisions shall be made for local and State approved sanitary sewage treatment.

#### 6.3 Soil and Ground Cover Requirements

1. Exposed ground surfaces in all parts of every park shall be paved or covered with stone screenings, or other solid material, or protected with a vegetable growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

2. Where the topography has a slope of twenty-five (25) percent or more, a rip wall cribbing or other approved system of soil and slope stabilization shall be installed and maintained.

#### 6.4 Nuisances in Parks

All parks shall be maintained free of nuisances such as excessive heat, glare, vibration, smoke, toxic matter, radiation, and fire or explosive hazards.

#### 6.5 Physical Hazards in Parks

1. Adequate protective barriers shall be provided and maintained where there is a slope in excess of 45°, and a change in elevation of six (6) feet. Such barriers may include, but are not limited to, continuous shrubs or fences.
2. Swimming pools shall be screened, fenced or secured when not in active use to prevent injury. Fencing or other artificial enclosures shall completely enclose the pool area.
3. Swimming pools shall be constructed and maintained in accordance with the requirements of the State Department of Public Health.

#### 6.6 Nonresidential Uses

No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing and well-being of park residents, and for the management and maintenance of the park.

#### 6.7 Required Separations Between Mobile Homes

1. Mobile homes shall be separated from each other and from other buildings and structures by at least thirty (30) feet. A density not to exceed seven (7) mobile homes per acre shall be permitted.
2. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet attached to a mobile home, has an opaque top or roof that is higher than adjacent window sills of such mobile home shall, for purposes of this separation requirement, be considered to be part of the mobile home. Roofed-over patios, carports, and individual storage facilities shall be included as part of the mobile homes in determining yard widths between mobile homes. Accessory structures shall not be permitted closer than ten (10) feet to any property line of any mobile home lot.

#### 6.8 Required Setbacks, Buffer Strips, and Screening in Mobile Home Parks

## Appendix B

1. All mobile homes shall be located as follows from any park boundary line abutting upon a public street or highway.

50-foot setback on Federal Highways.

50-foot setback on State Highways.

35-foot setback on all County, Township or Municipal Roads

They shall be at least ten (10) feet from other park property boundary lines.

2. All mobile home sites shall provide a front yard of not less than ten (10) feet measured from the edge of the pavement. No off-street parking shall be permitted in the front yard.
3. Trees shall be encouraged to be planted. Trees shall not be of the following or any other brittle wood or species subject to extreme vulnerability from insects or diseases: Elm, Willow, Poplars, Box Elders, and Soft Maple.

### 6.9 Required Recreation Areas in Mobile Home Parks

In all parks accommodating or designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of five hundred (500) square feet for each space in the park that is designed to accommodate mobile homes. No outdoor recreation area shall contain less than one (1) acre. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.

### 6.10 Park Street System

1. General Requirements - All parks shall provide safe, continuous and convenient vehicular access from abutting public streets or roads to each mobile home space. For purposes of this code, all streets shall hereinafter be referred to as "Park Street System" and shall be maintained by the owner/owners unless dedicated to and accepted by the appropriate public agency or authority.
2. Primary Entrance Road - The primary entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of thirty-six (36) feet, where guest parking is permitted at both sides, or a minimum road pavement width of thirty (30) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting property within such distance, the minimum road width may be twenty-five (25) feet provided parking is prohibited at both sides.



3. Secondary Entrance Road - In addition to the required primary entrance road, all parks containing twenty-five (25) or more acres in total area and/or providing for the accommodation of one hundred seventy-five (175) or more mobile homes shall have at least one secondary entrance road connecting the Park Street System with a public street or road. Such a secondary road or roads shall have a minimum pavement width of twenty-five (25) feet. Where primary and secondary entrance roads connect to the same public street or road, there shall be a minimum separation of one hundred fifty (150) feet between such access points. Where this is not feasible or possible, clearly marked, one-way entrance and exit lanes with at least a fifteen-(15) foot wide median strip are acceptable provided the pavement width of each one-way road is at least twenty-five-(25) feet wide.
4. Interior Streets - All interior streets in the Park Street System shall have a minimum pavement width of twenty-five (25) feet on a twenty-seven (27) foot right-of-way with parking prohibited on both sides. Dead-end streets shall be limited in length to five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred twenty (120) feet. One-way minor streets shall be acceptable only if less than five hundred (500) feet long and serving less than twenty-five (25) mobile homes.

#### 6.11 Street Construction and Design Standards

1. Pavement Materials - All streets shall be constructed in accord with county paved road standards.
2. Pavement Design - Primary and secondary entrance roads which exceed twenty (20) feet in width shall have a standard cross section. Paving on interior streets may have an alley cross section, if it is narrower than twenty-five (25) feet.
3. Grades - Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall not be more than eight (8) percent nor less than .05 percent. Short runs with a maximum grade of twelve (12) percent may be permitted provided traffic safety is assured by appropriate paving, adequate leveling areas, and avoidance of lateral curves.
4. Intersections - Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersection streets. Intersections of more than two streets at one point shall be avoided.

## Appendix B

### 6.12 Required Off-Street Parking

Off-street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two (2) car spaces for each mobile home. Parking bays shall be so located as to provide convenient access to mobile home spaces. A minimum of one hard surface, off-street parking space per mobile home shall be provided on each mobile home site.

### 6.13 Pedestrian Access (Not Required)

1. General Requirements - All parks shall provide safe, convenient, pedestrian access between individual mobile homes, the Park Street System, and all community facilities provided for park residents. For the purposes of this Ordinance, all common walks providing such pedestrian access shall hereinafter be referred to as The Common Walk System.
2. Individual Walks - All mobile homes shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each mobile home space. Such individual walks shall have a minimum width of two (2) feet
3. Common Walk System - A common walk system three (3) feet wide shall be provided in every park for pedestrian access between each mobile home space and all required open areas, community structures and facilities.

### 6.14 Required Illumination of Park Street Systems

All parks shall be furnished with sufficient electrical systems and lighting units at the owner's expense, so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

1. All parts of the Park Street Systems:  
0.4 foot candle with a minimum of 0.3 foot candle.
2. Potentially hazardous locations such as major street intersections and steps, or stepped ramps:  
Individually illuminated with a minimum of 0.4 foot candle.

### 6.15 Existing Mobile Home Parks

Any Mobile Home Park which existed upon the effective date of the Ordinance shall be regarded as a nonconforming use and may be continued, except that any change in layout, expansion or extension shall be subject to all provisions of this Mobile Home

Park Ordinance and the State Board of Health and County or local Board of Health regulations.

## SECTION 7 - WATER SUPPLY

### 7.1 General Requirement

Every park shall have a water supply system capable of providing a sufficient supply of potable water under adequate pressure to water supply facilities for mobile homes, service buildings, fire hydrants, drinking fountains, and other accessory facilities, as required by this code for the well-being of park residents, and for park maintenance. Such system shall be designed, constructed and maintained in accordance with the State standards of Michigan Department of Health and/or standards currently enforced by local departments.

### 7.2 Source of Supply

1. Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within five hundred (500) feet of the park measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross-connected with any public water supply system.
2. Where a public water supply source is available, the park's source of water supply including the construction, equipment, and distribution system for withdrawing and/or processing and distributing water shall be approved by the Board of Health and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park including water treatment processes employed shall conform to the standards established by the health authority having jurisdiction.
3. The water sources shall be capable of producing an adequate volume of water to supply all mobile home spaces in any park, but in no case shall such capacity be less than 150 gallons per space per day in any mobile home park.
4. Where an independent or nonpublic water system is used to serve the mobile home park with water obtained from wells, the well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of one hundred (100) feet shall be maintained between the water supply and any sewage treatment facility. A minimum distance of one hundred (100)

## Appendix B

feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least fifty (50) feet from any well or water-suction pipeline.

5. No well casings, pumps, pumping machinery or suction pipes shall be located in any pit, room, or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor or rooms above ground shall be at least six (6) inches above the ground's surface. All floors shall be watertight and sloped from well casing to the drain. Said well casing shall be not less than twelve (12) inches from the floor.

### 7.3 Water Storage Facilities

All water storage reservoirs shall be watertight and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material, and so designed that they may be locked. All of the overflow pipes from a reservoir shall be connected with back-siphonage protection to any pipe in which polluted water may back up.

### 7.4 Water Distribution System

1. The water distribution system shall be constructed of piping, fixtures and other equipment of approved materials and shall be so designed and maintained to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions at each mobile home, service building, and other locations requiring potable water supply. Such piping shall not be interconnected or cross-connected with any drainage, venting, or other system conveying nonpotable water. Nor shall such piping be subject to hazards of backflow or any back-siphonage.
2. The public water supply shall extend only to the mobile home park. Single mobile home lots will not be metered.

### 7.5 Individual Water Connections

1. Individual water service connections shall be provided at each mobile home lot in the mobile home park. All water service connections shall be watertight and located at a minimum distance of five (5) feet from sanitary sewer connections

below ground. The minimum pipe size of connections shall be three-quarters (3/4) inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home, and shall be four (4) inches above grade.

2. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe, and to protect risers from heaving and thawing actions of ground during freezing weather.
3. Underground stop and wastecoaks *shall not* be installed on any connection.

#### 7.6 Required Water Supply for Fire Protection

Where a public water supply system with a water main of four (4) inches or larger is available, all parks accommodating or designed to accommodate ten (10) or more mobile homes or both, shall provide the following water supply facilities:

1. The system shall permit the operation of a minimum of two (2) 1-1/2 inch hose streams on a fire in any mobile home, service building, or other accessory structure in the park.
2. Hydrants shall be located within five hundred (500) feet of such structures and shall be of a type prescribed by Keweenaw County.
3. Water supply and associated facilities shall be sufficient to provide a delivery of at least seventy-five (75) gallons per minute at each of the two nozzles held four (4) feet above the ground at a flowing pressure of at least thirty (30) pounds per square inch when measured at the highest elevation in the park.

#### SECTION 8 - SEWAGE DISPOSAL

All sewage and other water-carried wastes shall be disposed of into a common sewerage system. All provided systems shall be constructed in conformity with all laws of the State of Michigan, regulation of any department, division or board of the State of Michigan, and any Ordinance of the County of Keweenaw, Michigan relative thereto.

Each trailer or mobile home site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each trailer coach. It shall be the duty of the owner or operator of said trailer coach park to provide an approved type of water and doro-tight connection from the trailer water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied trailer coaches connected to said sewer while located in a trailer coach park.

## Appendix B

Sewer connections in unoccupied trailer coach sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a trailer coach.

### SECTION 9 - ELECTRICAL DISTRIBUTION SYSTEM

#### 9.1 General Requirements

Every park shall contain an electrical wiring system consisting of approved wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All parts of the Park Electrical Distribution System shall conform with approved standards for safety to life and property and with accepted engineering practices. All electric wires shall be underground.

### SECTION 10 - FUEL SUPPLY AND STORAGE

#### 10.1 Natural Gas System

Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the authority having jurisdiction.

#### 10.2 Fuel Oil Supply System

All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction. Fuel oil systems underground shall be located at a minimum of ten (10) feet horizontally from water lines, and at necessary crossings shall be placed in substantial pipe sleeves extending ten (10) feet from each side of the water pipe.

### SECTION 11 - FIRE PROTECTION

#### 11.1 General Requirements

The mobile home park area shall be subject to The rules and regulations of the Fire Protection District in which it is located.

#### 11.2 Location of Fire Hydrants

Where a public water system with a water main of six (6) inches or larger is available at the mobile home park, Standard fire hydrants shall be located within five hundred (500) feet of each mobile home or building.

11.3 Fire extinguishers shall be encouraged to be included in each mobile home unit..

## SECTION 12 - ALTERATIONS, ADDITIONS, ANCHORAGE AND OCCUPANCY

### 12.1 General Requirements

All building, plumbing, heating, air-conditioning, and electrical alterations or repairs in mobile home parks and individual mobile homes shall be made in accordance with applicable local regulations.

### 12.2 Permanent Additions

No permanent additions shall be built onto or become a part of any mobile home until first securing a zoning permit and building permit, and unless they are in accordance with requirements established by the County Zoning Administrator and shall have all interior and exterior surfaces finished with fire-resistant sheeting or roofing.

### 12.3 Anchorage of Mobile Home Units

All mobile homes shall be anchored in an approved manner at each corner of the structure to gain maximum protection against high velocity winds, and shall be skirted in an aesthetically attractive manner.

### 12.4 Separate Storage Structures

1. Small storage structures are permissible within ten (10) feet of trailers provided they are:
  - a. Not larger than approximately eight (8) feet by ten (10) feet in floor plan by six (6) feet in height.
  - b. Constructed entirely of fireproof materials such as sheet metal.
  - c. Capable of being completely and easily disassembled and are readily portable.
  - d. Used only for storage purposes.
  - e. Not attached to a trailer or used as an auxiliary room, or otherwise used for dwelling or living purposes.
  - f. So constructed and maintained that a rat harbor age is not created.
2. Small storage cupboards, if neatly and substantially constructed shall also be considered permissible within ten (10) feet of trailers, even when constructed of non-fireproof materials, provided they are:
  - a. Serviced without walking into the structure.

## Appendix B

- b. Equipped with shelves so arranged as to prevent a person stepping or walking into the structure.
- c. Horizontal depth of structure not greater than approximately thirty (30) inches (average adult arm length) in order that the rear portion of shelves can be serviced from a position outside the structure.
- d. Do not create a rat harborage.
- e. Placed no closer than fifty (50) feet from any street.

### 12.5 Occupancy of Mobile Homes

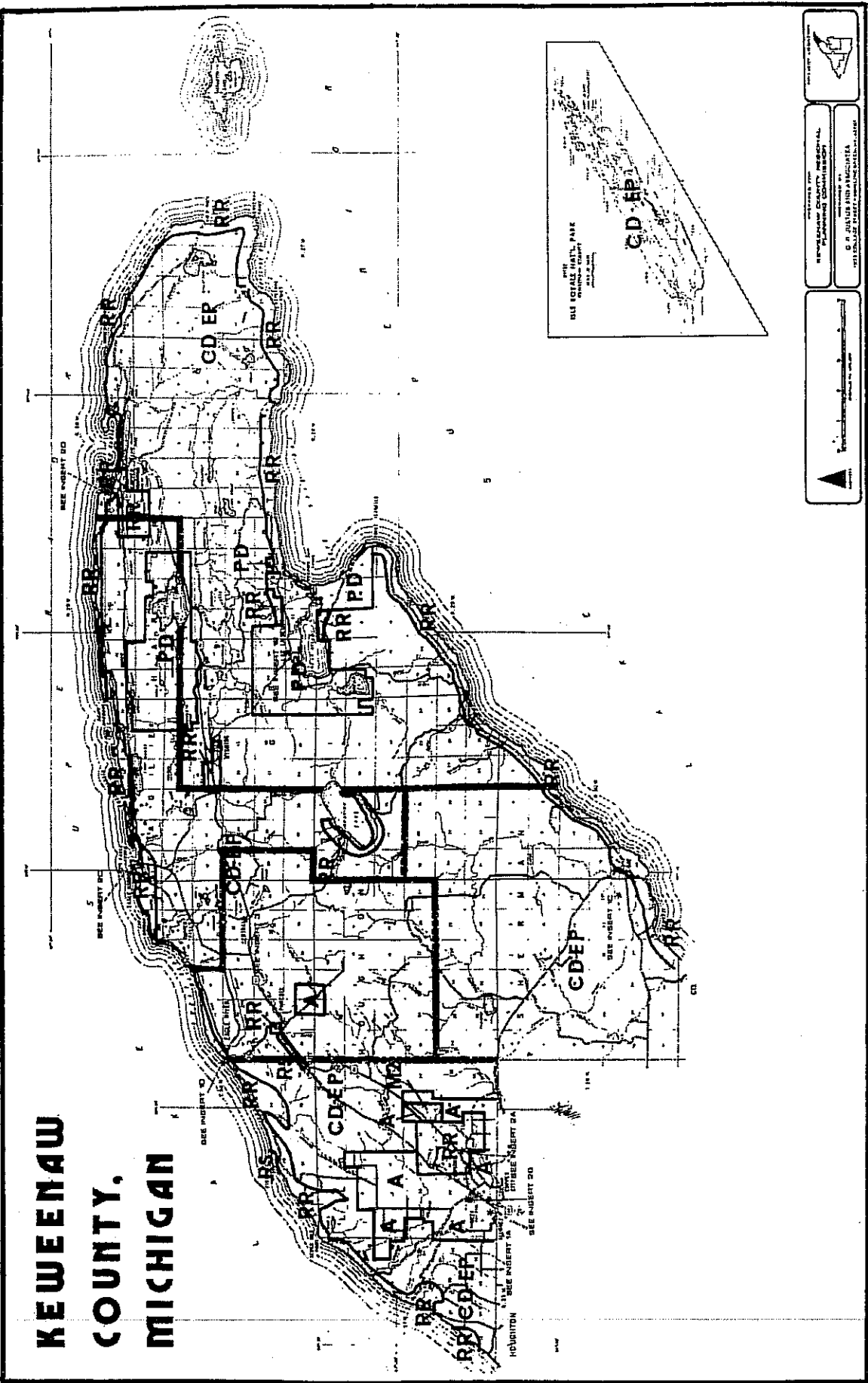
Occupancy of the mobile home shall be limited to the design capacity of the mobile home. This is established by the number of sleeping spaces provided in the mobile home.

## SECTION 13

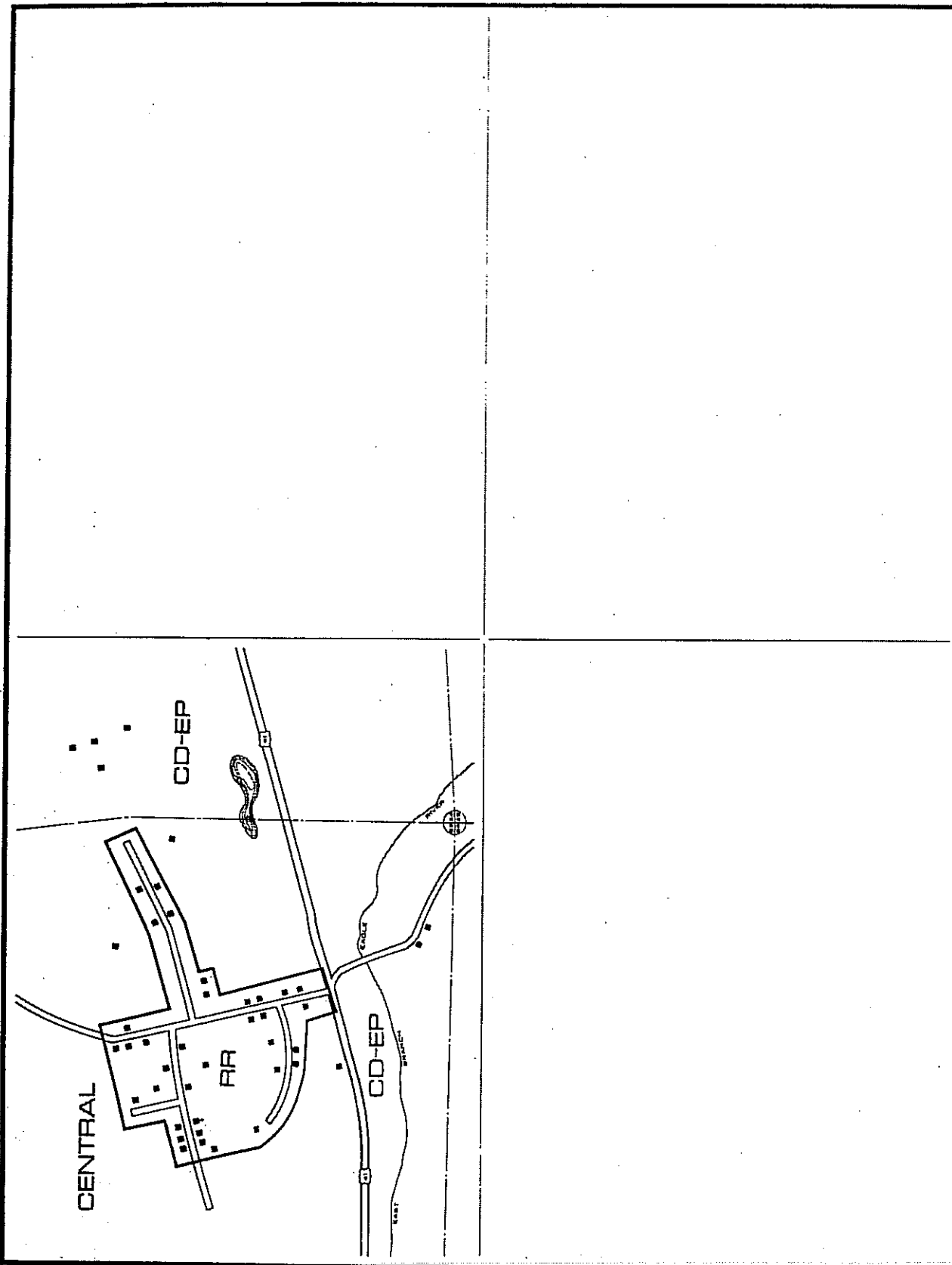
Nothing in this Regulation shall be construed to include the State Parks of Michigan, and the term "Trailer Coach Park" or "Mobile Home Park" shall not be construed to include buildings, tents, or other structures maintained by any individual or company on their own premises and used exclusively to house their own farm labor, or any military establishment of the United States, or of this State wherein a trailer coach or coaches may be located or harbored, or any park on State or County fairgrounds for a period during, immediately prior to, and immediately subsequent to the holding of the fair, not to exceed a total of two weeks in all, or the area or premises on any farm upon which are harbored temporary trailer coaches occupied by persons employed upon such farm for not more than ninety (90) days in any calendar year in the production, harvesting, or processing of agricultural or horticultural products produced on such farm.



# KWEENAW COUNTY, MICHIGAN







**CENTRAL**

PREPARED FOR  
**KIEWITAW COUNTY  
 PLANNING COMMISSION**

PREPARED BY  
**O. R. JUSTICE AND ASSOCIATES**  
 1525 COLLIER STREET - BIRMINGHAM, ALA. 35202

DATE: 12/1/80

DATE: 12/1/80

SCALE: 1" = 1/2 MILE

SCALE: 1" = 1/2 MILE

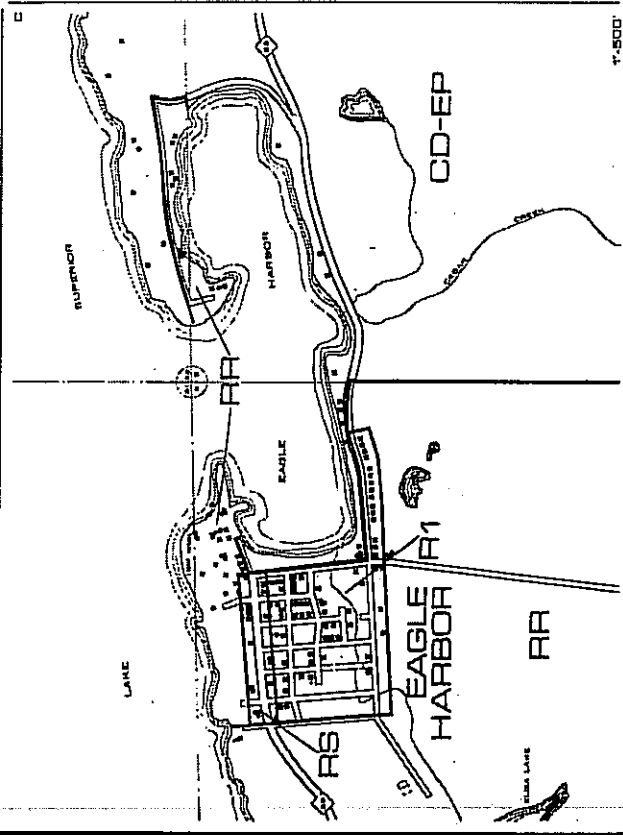
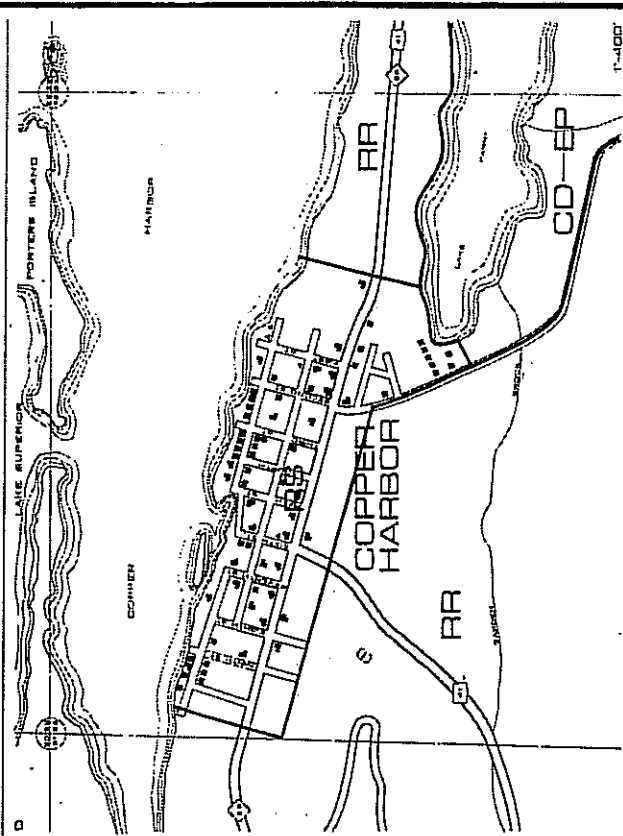
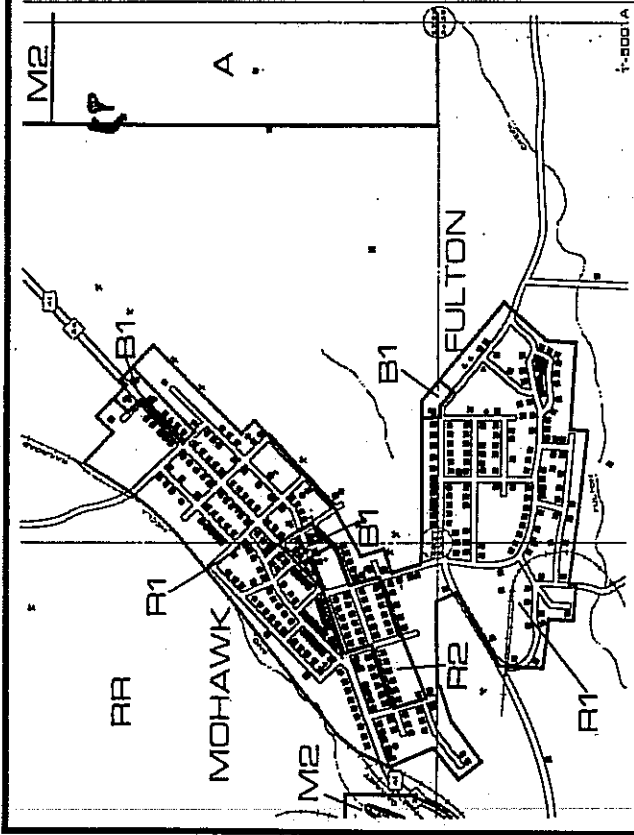
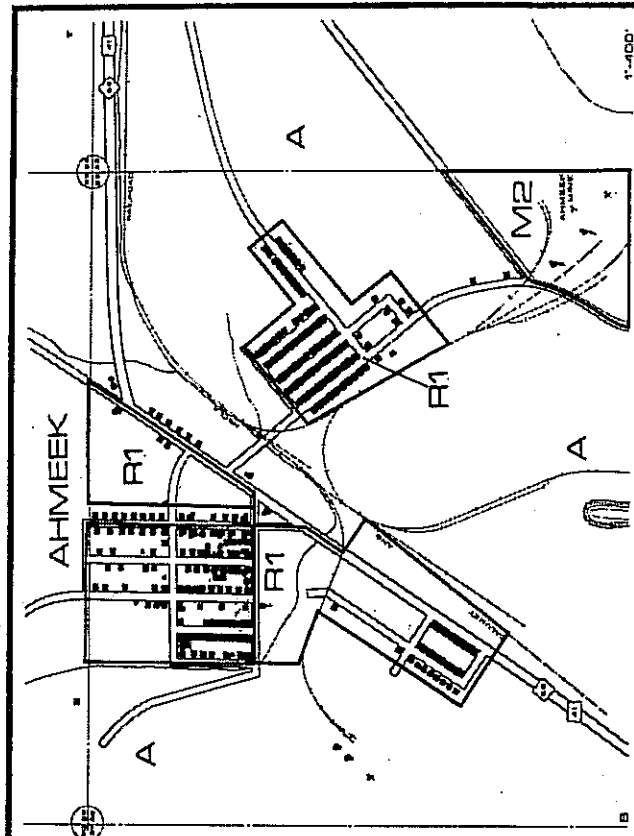
SCALE: 1" = 1/2 MILE

SCALE: 1" = 1/2 MILE

**LAND USE LEGEND**

- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- OFFICE
- RECREATION
- UNDEVELOPED
- WATER
- RAILROAD
- ROAD
- UTILITY
- MOBILE HOME
- CHURCH
- INDUSTRIAL
- WATER
- RAILROAD
- ROAD
- UTILITY





**MOHAWK-FULTON AHMEEK AREA  
EAGLE HARBOR COPPER HARBOR**

PREPARED FOR  
NEWENAW COUNTY  
PLANNING COMMISSION

PREPARED BY  
C. R. JUSTIN AND ASSOCIATES  
105 COLLEGE STREET SPOKANE, IDAHO 83401

PROJECT LOCATION

DATE: JUNE 1973

SCALE: 1"=400'

1"=500'

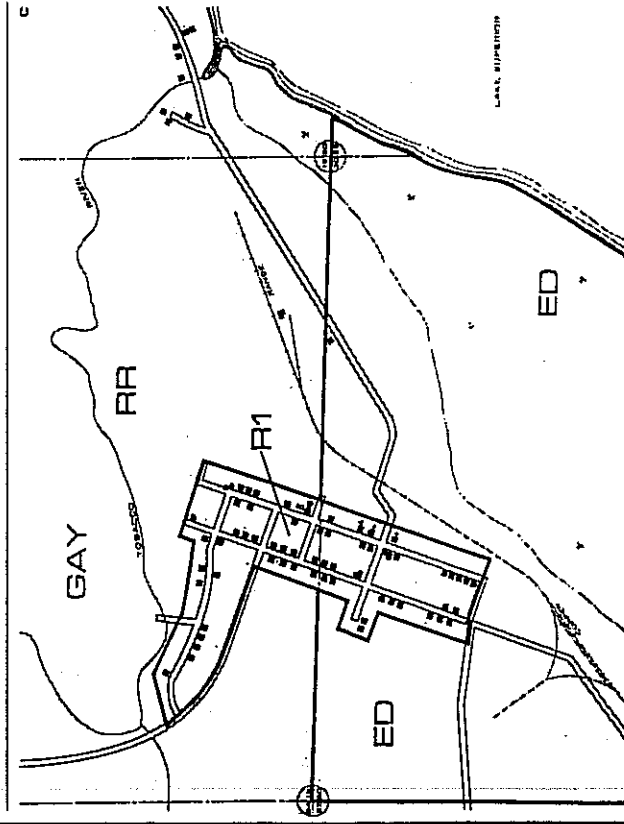
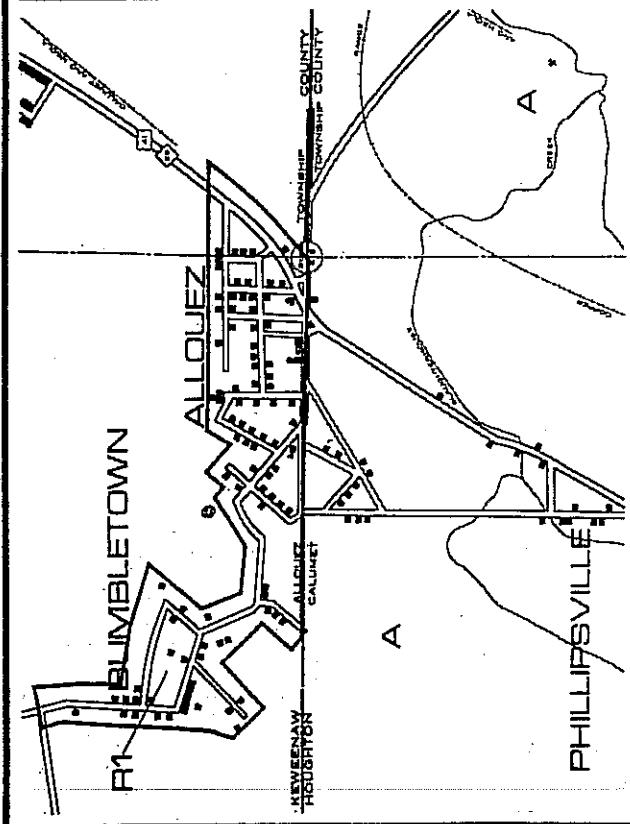
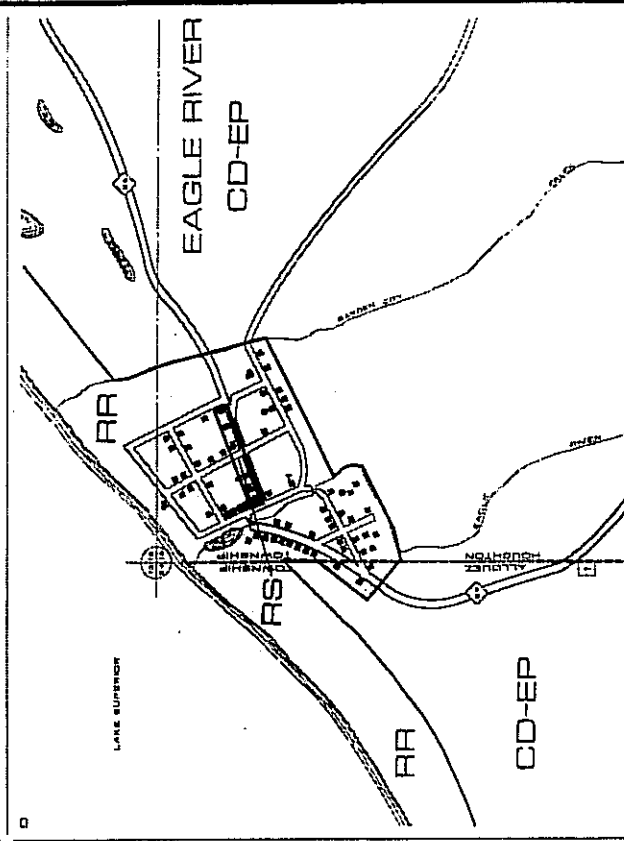
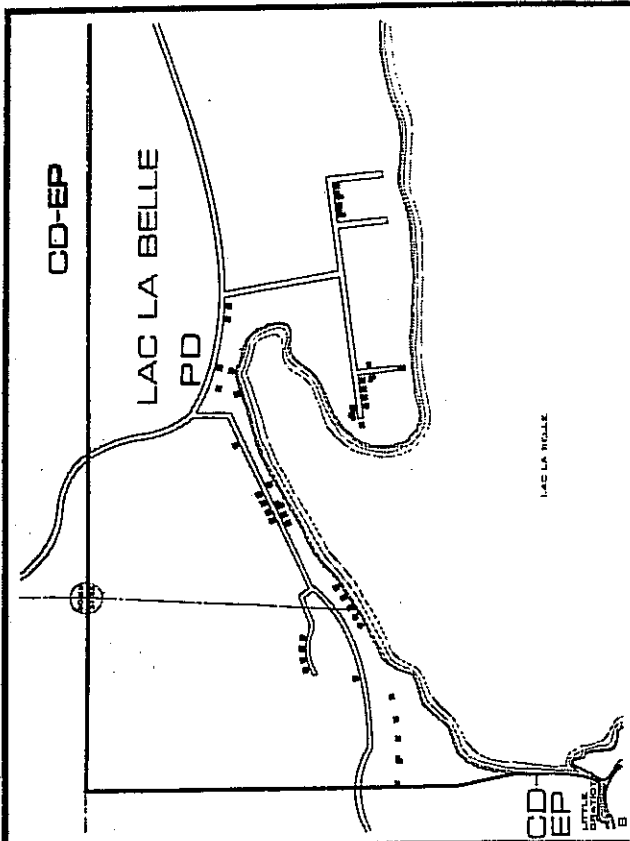
1"=400'

**LAND USE LEGEND**

- RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- AGRICULTURAL
- WATER
- RAILROAD
- ROAD
- UNDEVELOPED
- WATER
- RAILROAD
- ROAD
- UNDEVELOPED

1"=400'





ALLOUEZ-BLUMLETOWN-PHILLIPVILLE  
LAC LA BELLE  
GAY  
EAGLE RIVER

PREPARED FOR  
KEWENAW COUNTY  
PLANNING COMMISSION

PREPARED BY  
G. R. JUSTUS AND ASSOCIATES  
1534 COLLETT STREET • BOWLING GREEN, OHIO 43401

DATE: 11/1988

SCALE: 1" = 1/4" MILE

LEGEND

RESIDENTIAL  
COMMERCIAL  
PARKING  
SCHOOL  
INDUSTRIAL  
RAILROAD  
WATERWAY

PROPERTY

1