



Emmet County Zoning Ordinance



Emmet County, Michigan
Planning, Zoning & Building Department
3434 Harbor-Petoskey Rd (M-119), Suite E
Ph: 231-348-1735 Fax: 231-439-8933
www.emmetcounty.org



Emmet County

ZONING ORDINANCE

Adopted: October 15, 2015

Effective: October 27, 2015

Ordinance No: 15-1

1	Article 1 Intent & Authority	
Section	Name	Page
1.00	Purpose	1-1
1.01	Authority	1-1
1.02	Short Title	1-1

2	Article 2 Definitions	
Section	Name	Page
2.00	Construction of Language	2-1
2.01	Definitions	2-2
	A	2-2
	B	2-2
	C	2-4
	D	2-5
	E	2-6
	F	2-6
	G	2-8
	H	2-8
	J	2-10
	K	2-10
	L	2-10
	M	2-14
	N	2-14
	O	2-15
	P	2-16
	R	2-17
	S	2-18
	T	2-25
	U	2-26
	W	2-26
	Y	2-28
	Z	2-28

3	Article 3 Zoning Districts and Map	
Section	Name	Page
3.00	Districts	3-1
3.01	Boundaries	3-1
3.02	District Requirements	3-2
3.03	Area And Bulk Requirements For All Districts	3-2
3.04	Accessory Uses Assumed	3-2

4	Article 4 R-1 One-Family and Two-Family Residential District	
Section	Name	Page
4.00	Intent	4-1
4.01	Principal Uses & Special Uses Permitted	4-1
4.02	District Development Standards	4-2

5	Article 5 R-2 General Residential District	
Section	Name	Page
5.00	Intent	5-1
5.01	Principal Uses & Special Uses Permitted	5-1
5.02	District Development Standards	5-3

6	Article 6 RR Recreational Residential District	
Section	Name	Page
6.00	Intent	6-1
6.01	Principal Uses & Special Uses Permitted	6-1
6.02	District Development Standards	6-2

7	Article 7 SR Scenic Resource District	
Section	Name	Page
7.00	Intent	7-1
7.01	District Boundaries	7-1
7.02	Principal Uses & Special Uses Permitted	7-2
7.03	Required Conditions	7-3
7.04	District Development Standards	7-4

8	Article 8 FF-1 and FF-2 Farm and Forest Districts	
Section	Name	Page
8.00	Intent	8-1
8.01	Principal Uses & Special Uses Permitted	8-1
8.02	District Development Standards	8-3

9	Article 9 FR Forest Recreation District	
Section	Name	Page
9.00	Intent	9-1
9.01	Purposes	9-1
9.02	Principal Uses & Special Uses Permitted	9-3
9.03	District Development Standards	9-4

10	Article 10 B-1 Local Tourist Business District	
Section	Name	Page
10.00	Intent	10-1
10.01	Principal Uses & Special Uses Permitted	10-1
10.02	District Development Standards	10-3

11	Article 11 B-2 General Business District	
Section	Name	Page
11.00	Intent	11-1
11.01	Principal Uses & Special Uses Permitted	11-1
11.02	District Development Standards	11-3

12	Article 12 B-3 Commercial/Industrial District	
Section	Name	Page
12.00	Intent	12-1
12.01	Principal Uses & Special Uses Permitted	12-1
12.02	District Development Standards	12-3

13	Article 13 P-T Parking Transition District	
Section	Name	Page
13.00	Intent	13-1
13.01	Principal Uses & Special Uses Permitted	13-1
13.02	Required Conditions	13-3
13.03	District Development Standards	13-3

14	Article 14 I-1 Light Industrial District	
Section	Name	Page
14.00	Intent	14-1
14.01	Principal Uses & Special Uses Permitted	14-1
14.02	District Development Standards	14-4

15	Article 15 I-2 General Industrial District	
Section	Name	Page
15.00	Intent	15-1
15.01	Principal Uses & Special Uses Permitted	15-1
15.02	District Development Standards	15-4

16	Article 16 Planned Unit Development Residential Overlay (PUD-RO)	
Section	Name	Page
16.00	Intent	16-1
16.01	Preliminary PUD Residential Overlay Plan	16-2
16.02	Final PUD Residential Overlay Plan	16-2
16.03	Procedures	16-3
16.04	Land Use Standards in Residential PUD-RO Overlays	16-7
16.05	Design Standards	16-8

17	Article 17 PUD Planned Unit Development District	
Section	Name	Page
17.00	Intent	17-1
17.01	Procedures	17-2
17.02	Land Use Standards in PUDs	17-6
17.03	Reserved	17-7
17.04	Design Standards	17-7

18	Article 18 Land Use Matrix	
Section	Name	Page
18.00	Construction of Land Use Matrix	18-1

19	Article 19 Schedule of Regulations	
Section	Name	Page
19.00	Limiting Height, Bulk, Density, and Area by Land Use	19-1
19.01	Notes to Section 19.00	19-2

20	Article 20 Plot Plans and Site Plan Review	
Section	Name	Page
20.00	Plot Plan Requirements	20-1
20.01	Uses Requiring Site Plan Approval	20-1
20.02	Pre-Application Conference	20-2
20.03	Graphic Requirements for Site Plans	20-2
20.04	Impact Statement	20-4
20.05	Site Plan Review Standards	20-4
20.06	Certification	20-8
20.07	Application Process	20-8
20.08	Performance Guarantees	20-8
20.09	Decision	20-9
20.10	As Built Review	20-9
20.11	Environmentally Sensitive Areas	20-9
20.12	Deviation from Site Plan	20-10
20.13	Expiration of Site Plan	20-11

21	Article 21 Special Land Uses	
Section	Name	Page
21.00	Intent	21-1
21.01	Special Land Use Review Procedures	21-1
21.02	Special Land Use Review Standards	21-2
21.03	Special Land Use Permit Termination	21-3
21.04	Modification of a Special Land Use Permit	21-4

22	Article 22 General Provisions	
Section	Name	Page
22.00	General	22-1
22.01	Accessory Buildings	22-3
22.02	Parking Requirements	22-7
22.03	Other Parking Related Requirements	22-14
22.04	Fences, Greenbelts, and Walls	22-16
22.05	Outdoor Speakers and Sound Devices	22-20
22.06	Outdoor Lighting	22-21
22.07	Signs and Billboards	22-25
22.08	Reserved	22-34
22.09	High Risk Erosion & Environmental Areas	22-35
22.10	Shoreline Bluff Protection	22-36
22.11	Minimum Waterfront Setback	22-44
22.12	Reserved	22-45
22.13	Reserved	22-45
22.14	Temporary Dwellings	22-46
22.15	Subdivision & Site Unit Condominium Open Space	22-47
22.16	Residential Building Clustering Plan	22-48

23	Article 23 General Provisions: Nonconformities	
Section	Name	Page
23.00	Intent	23-1
23.01	Board of Appeals Variance: Nonconformities	23-1
23.02	Nonconforming Lots	23-1
23.03	Nonconforming Uses of Land and/or Structures	23-1

24	Article 24 General Exceptions	
Section	Name	Page
24.00	Area, Height and Use Exception	24-1

25	Article 25 Zoning Board of Appeals	
Section	Name	Page
25.00	Creation and Membership	25-1
25.01	Meetings	25-1
25.02	Appeal	25-1

25.03	Stay	25-2
25.04	Jurisdiction	25-2
25.05	Board Review	25-4
25.06	Notice of Hearing	25-4
25.07	Miscellaneous	25-4

26	Article 26	
	Supplemental Regulations: Specified Uses	
Section	Name	Page
26.00	General	26-1
26.01	Wireless Communications	26-1
26.02	Individual Television/Radio Reception Towers	26-5
26.03	Wind Energy Systems	26-5
26.04	Recreation Camps, Recreation Lodges and Resorts	26-15
26.05	Manufactured Homes on Individual Lots	26-16
26.06	Manufactured Housing Communities	26-17
26.07	Other Uses of Mobile Homes and Trailers	26-17
26.08	Hospitals, Nursing, and Convalescent Homes	26-18
26.09	Veterinarian Hospitals and Kennels	26-18
26.10	Resource Mining, Extraction or Fill	26-18
26.11	Home Occupations	26-23
26.12	Junk Yards, Salvage Yards, Metal Recycling and Scrap	26-25
26.13	Land Development Standards	26-28
26.14	Drive-Thru/Drive-in Businesses	26-31
26.15	Domestic Farms & Farm Animals	26-32
26.16	Customary Accessory Building without a Main Use	26-34
26.17	Helicopter Landings & Takeoffs	26-35
26.18	Sexually Oriented Businesses	26-36
26.19	Public Buildings (except public works and storage yards), Churches, and Schools	26-42
26.20	Golf Courses and Country Clubs	26-43
26.21	Reserved	26-43
26.22	Artist's Studio as a Home Occupation	26-43
26.23	Motels, Tourist Homes, and Motor Inns	26-43
26.24	Professional Offices, Real Estate Offices, Financial Institutions, Assembly Halls, Health Clubs, Personal Services, Photographers, Studios for Dance, Physical Exercise & Music, & Other Related & Similar Uses	26-43
26.25	Funeral Home or Mortuary	26-43
26.26	Private, Semi-Private, & Non-Public Recreational Lands and/or Facilities	26-44
26.27	Reserved	26-45
26.28	Temporary Manufactured Homes and Travel Trailers	26-45
26.29	Travel Trailer Courts, Tenting Areas, and Campgrounds	26-45

26.30	Sawmills, Planing Mills, Veneer Mills, & Accessory or Incidental Mill Operations involving Logs, Unprocessed Timber &/or Rough Sawn Lumber	26-46
26.31	Uses including Mining Operations, Hot Mix Plants, Solid Waste Processing Equipment, and Similar Uses	26-47
26.32	Contractors	26-47
26.33	Selected Processing and Production Uses (Forestry)	26-48
26.34	Cemeteries	26-50
26.35	Airports and Landing Fields with Appurtenant Facilities	26-50
26.36	Gasoline Service Stations	26-50
26.37	Vehicle Repair Garages	26-50
26.38	Offices/Showrooms of Plumbers, Electricians, Decorators/Similar Trades	26-50
26.39	Wholesale Uses with Accessory Space	26-51
26.40	Commercial Outdoor Recreation (amusement parks, carnivals, rebound tumbling facilities, mini-golf, driving ranges)	26-51
26.41	Lumber Yards	26-52
26.42	Outdoor Vehicle/Equipment Sales	26-52
26.43	Storage Uses (including Mini-Storage)	26-53
26.44	Selected Production, Processing, and Fabrication	26-53
26.45	Manufacturing	26-54
26.46	Sanitary Provisions – Sewerage and Water Facilities	26-54
26.47	Race Tracks (Including Midget Auto and Carting Tracks)	26-55
26.48	Yard Sales	26-56
26.49	Duplexes	26-56
26.50	Accessory Uses on Commercial Farms	26-57
26.51	Wineries and Hard Cider Operations	26-58

27	Article 27 Administration	
Section	Name	Page
27.00	Duties of Zoning Administrator	27-1
27.01	Zoning Permit	27-1
27.02	Reserved	27-3
27.03	Fees	27-3
27.04	Interpretation	27-4
27.05	Public Notification	27-4
27.06	Conditions	27-6
27.07	Rehearing Process	27-6
27.08	Enforcement	27-7
27.09	Violations and Penalties	27-8
27.10	Stop Work Order	27-8
27.11	Amendments	27-8
27.12	Vested Right	27-9

27.13	Severance Clause	27-9
27.14	Conflicting Regulations	27-9
27.15	Savings Clause	27-10
27.16	Repeal	27-10
27.17	Effective Date	27-10

County of Emmet

State of Michigan

Article 1

Intent & Authority

Section	Name	Pg
1.00	Purpose	1-1
1.01	Authority	1-1
1.02	Short Title	1-1

Section 1.00 Purpose

The purpose of this Ordinance is to provide for the regulation of land development and the establishment of districts within Emmet County which regulate the use of land and structures to meet the needs of the citizens of the County for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, sewage disposal, water, energy, education, recreation, and other public services and facility requirements, and to promote public health, safety, and welfare; while promoting the goals, objectives, and strategies of the Emmet County Master Plan adopted pursuant to the [Michigan Planning Enabling Act, 2008 PA 33, as amended, MCL 125.3801 et seq.](#)

Section 1.01 Authority

This ordinance is enacted pursuant to and in accordance with [2006 PA 110, as amended, \(being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.\)](#), referred to as the "Michigan Zoning Enabling Act."

Section 1.02 Short Title

This Ordinance shall be known and may be cited as the "EMMET COUNTY ZONING ORDINANCE" and may be referenced as "this ordinance" or "the ordinance".

Article 2

Definitions

Section	Name	Pg	Section	Name	Pg
2.00	Construction of Language	2-1	L		2-10
2.01	Definitions	2-2	M		2-14
	A	2-2	N		2-14
	B	2-2	O		2-15
	C	2-4	P		2-16
	D	2-5	R		2-17
	E	2-6	S		2-18
	F	2-6	T		2-25
	G	2-8	U		2-26
	H	2-8	W		2-26
	J	2-10	Y		2-28
	K	2-10	Z		2-28

Section 2.00 Construction of Language

For the purposes of this ordinance, certain terms are defined to clarify the intent of the provisions of the ordinance. The following rules shall apply, except when clearly indicated otherwise:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption, the text shall control.
- C. The word “shall” is always mandatory and never discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes: “arranged for”, “designed for”, “intended for”, “continued for”, and “occupied for.”
- G. Unless the context clearly indicates otherwise, where a regulation involves two or more items, conditions, provisions, or events, the terms “and”, “or”, “either...or”, such conjunction shall be interpreted as follows:
 1. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
 2. “Or” indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term “person” includes an individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.
- I. Any word or term not defined shall be assumed to have the meaning customarily assigned them.
- J. “County” shall refer specifically to Emmet County.
- K. Any necessary interpretation of this Ordinance shall be made by the Zoning Administrator.

Definitions

Section 2.01 Definitions

A

Abutting: Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

Accessory building: Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit or the principal use on the property, the use of which is limited primarily to storage of inanimate objects. Accessory buildings do not include dwelling units except when used in conjunction with a permitted use in the zoning district.

Accessory use, or accessory: A use which is clearly incidental to, customarily found in connection with and located on the same parcel as, the principal use to which it is related.

Aggrieved person: A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Architectural features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

Artist's studio: Space designed to be used as a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as but not limited to drawing, vocal or instrumental music, painting, sculpture, and writing.

Assisted living home: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

ATM Kiosks: An automated teller machine (ATM) detached from the bank and located in a service island with its own vehicular access.

B

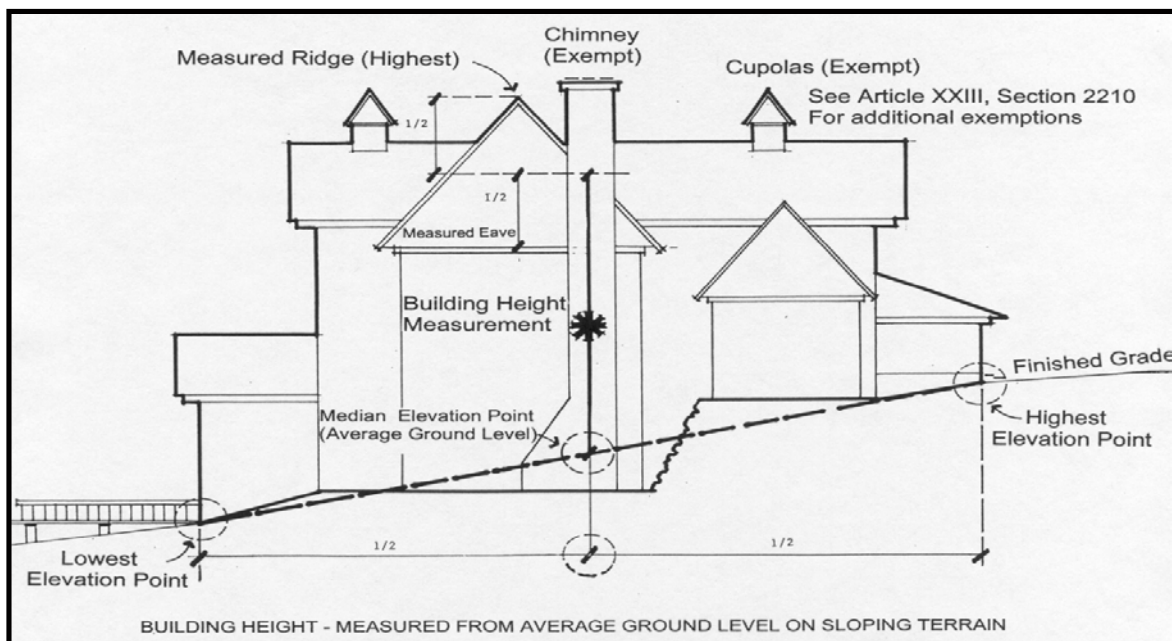
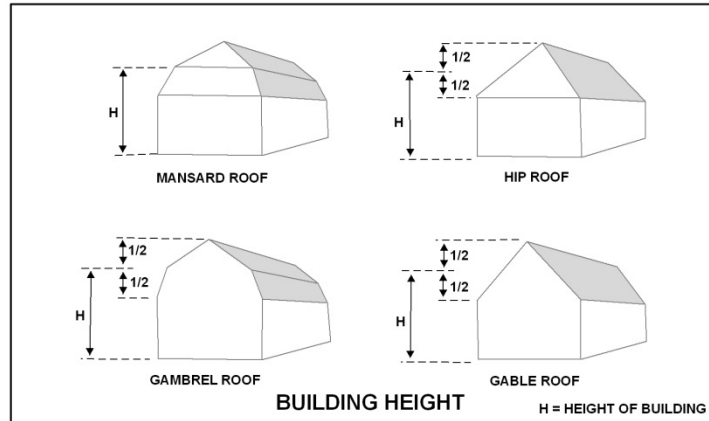
Bar: A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, night clubs, and similar facilities serving alcoholic beverages.

Bed and breakfast: An owner-occupied dwelling which offers overnight or temporary lodging for periods not exceeding 30 days, and which meals are provided to overnight guests only.

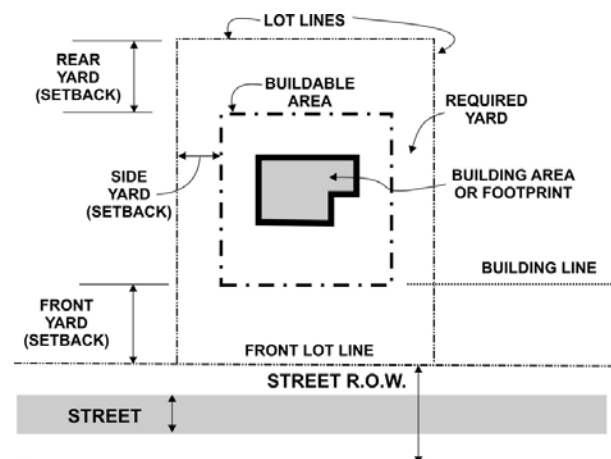
Building: Any structure, either temporary or permanent, which has a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, or property of any kind.

Definitions

Building height: The vertical distance measured from the uniform finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain the height shall be measured from the average ground level of the grade at the building wall. Average ground level shall be determined by locating the mean between the extreme upper and lower finished grades per building elevation.



Building line or setback line: A line parallel to a waterfront, front, side or rear lot line, established for the purpose of prohibiting the erection of a structure between such line and the corresponding lot line.



Definitions

C

Cabin court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Cemetery: A place set apart for burial or entombment of the dead.

Child care facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under [1973 PA 116, being M.C.L.A. §§ 722.111 through 722.128 as amended](#), and the associated rules promulgated by the [State Department of Human Services](#). Such organizations shall be further defined as follows:

- A. **Family child care home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **Group child care home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child care center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Private home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Club: A non-profit organization of persons for the promulgation of sports, arts, sciences, literature, politics or the like.

Clubhouse: The main building, accessory to an approved use, which may include restrooms,

Definitions

locker room, pro shop, bar, and restaurant.

Condominiums: For the purpose of this Ordinance, condominiums, as defined by the [Condominium Act \(1978 PA 59 as amended\)](#) are subject to the same zoning regulations as subdivisions created under [1967 PA 288, the Land Division Act, as amended](#). Where the terms recorded plat, subdivision, lot and/or parcel are referred to in this Ordinance, those references shall also apply to condominiums on lands dedicated for permitted uses within a condominium project, development, or building site plan. Condominiums are a form of ownership that may apply to detached building units and/or to attached building units, either residential and/or non-residential.

Cottage: A dwelling unit occupied for seasonal, temporary, or second home purposes.

Country Club: A private social and recreation facility providing one or more of the following activities: golf, swimming, riding, indoor and outdoor recreation, and club house for members, their families, and invited guests.

County: Where used in this ordinance, shall be the County of Emmet or Emmet County.

D

Deck: A structural platform without a roof or walls, usually projecting from the wall of a building. Also includes balconies.

Development: The construction of a new building or other structure, on a zoning lot, the relocation of an existing building on another zoning lot or the use of open land for a new use.

District: The portion of the County within which certain regulations and requirements or various combinations thereof apply under the provisions of the Ordinance.

Dock: A structure built over, built in, or floating upon the water and used as a landing place for boats and other marine transport, and may be used for fishing, swimming, and other recreational uses.

Drive-in/Drive-thru: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driving Range: A limited area on which patrons drive golf balls from a central driving tee, such area may include a snack-bar and pro-shop, but excludes miniature golf courses and golf courses.

Dwelling, Duplex: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

Dwelling, single-family: A building designed as a single dwelling unit exclusively for and occupied exclusively by one family.

Definitions

Dwelling, multiple-family: A building or portion thereof, containing three or more separate dwelling units, having separate or joint entrances. These include apartments, group homes, row houses, townhouses, condominiums, and the like.

Dwelling unit: A building, or portion thereof, providing complete, independent living facilities for an individual or one family, including provisions for eating, sleeping, cooking, and sanitation.

E

Educational Facility: All public and private schools involved in the instruction and education of Pre-K through Grade 12. And/or an institution established for the primary purpose of teaching adult instruction and education, or for the purpose of teaching classes, specialties, and skills to any age group. Includes instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

Erected: Built, constructed, altered, reconstructed, moved upon, or any "physical" operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead; gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation: Any breaking of ground, except common household gardening, landscaping, and soil tilling related to agricultural production or tree plantations.

F

Family: One or more persons related by blood, marriage, or legal adoption (and their domestic employees) occupying a dwelling unit and living as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character and cooking as a single housekeeping unit. This definition shall not include a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary in character or nature.

Farm animal unit: A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a 1,000 pound steer or heifer:

Definitions

<u>Animal Type (one)*</u>	<u>Unit</u>
Slaughter and Feeder Cattle	1.000
Mature Dairy Cattle	1.430
Swine	0.400
Sheep and Lambs	0.100
Horse	2.000
Turkeys	0.018
Chickens	0.010

* For animals not listed, the number of animal units shall be defined as the average weight of the animal by 1,000 pounds.

Farm, commercial: Includes the land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. It is a farm operation producing a farm product intending to be marketed and sold at a profit.

Farm, domestic: A parcel of land used or intended to be used for agricultural purposes on properties other than Commercial Farms. Domestic farming includes keeping farm animals as pets and raising animals for educational experience (regulated per [Section 26.15](#)). Dogs, cats and other typical household pets are not regulated as a Domestic Farm (see Definition of Kennel).

Farm operation: The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the [Michigan vehicle code, 1949 PA 300, being sections 257.1 to 257.923](#) of the Michigan Compiled Laws.
- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. Use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

Farm product: Those plants and animals useful to human beings produced by agriculture and

Definitions

includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquicultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

Farm use building: For a building to be considered a “Farm Use Building” the property must be actively farmed and considered a Commercial Farm by definition.

Financial Institution: An establishment where the principal businesses are the receipt, disbursement or exchange of funds and currencies, such as, but not limited to: banks, savings and loans, or credit unions.

Floor area, gross (for the purpose of computing parking): The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics.

G

Garage, Attached: A portion of a main building designed or used for the storage of vehicles; owned and used by the occupants of the building to which it is accessory. To be considered attached, a garage must have either a door or other entranceway into a dwelling unit, or share a common wall.

Gas Station: A place primarily operated and designed for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories.

Golf Course: A tract of land laid out with a least nine holes, improved with tees, greens, fairways, and hazards designed for playing a game of golf, and shall not include miniature golf.

Golf Course, Miniature: A novelty version of golf played with a putter and a golf ball and typically comprised of nine or eighteen putting greens, each with a “cup” or “hole,” which may include obstacles such as bridges and tunnels.

Grade: When expressed as a percent slope, the vertical height of a slope per one hundred feet of horizontal run.

H

Health Club: A facility which provides exercise equipment or space for the purpose of physical exercise and may include locker rooms, showers, saunas, and related accessory uses.

Definitions

Helicopter: A type of aircraft, piloted and occupied by a person, whose aerodynamic support is obtained from propeller rotation on an approximately vertical axis and that is capable of rising and descending vertically.

- A. **Helistop**: An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging of passengers or cargo with temporary helicopter parking provisions; but not including fuel service, maintenance or overhaul. This facility is not open to use by any helicopter without permission having been obtained by the property owner.
- B. **Heliport**: An area used by helicopters or by other steep-gradient aircraft which area can include any of the following; passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.
- C. **Touchdown and Liftoff Area** (TLOF) and **Final Approach and Takeoff Area** (FATO) – Used by the FAA to define the areas used for approach, departure, takeoff and landing of helicopters in designing Helipads. There will be a FATO and TLOF as defined and designed as per the FAA Advisory Circular for Heliport design criterion, (currently designated as FAA Advisory Circular 150/5390-2C). The location of the FATO will be the basis for setback rules and the like in the Ordinance.

High risk erosion and environmental areas: For the purposes of the [Section 22.09](#), the following definitions shall apply:

- A. **Bluff line**: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack and normally presents a precipitous front and inclines steeply on the water side. (Dunal terraces which accrete and erode depending on water level conditions would not be considered a permanent bluffline.)
- B. **Structure**: A permanent residential, commercial or industrial building not including stairways, docks or permitted underground utilities.

Home occupation: An occupation, profession, activity, or use carried out for gain that is secondary to the use of a dwelling unit for residential purposes.

Hospital: An establishment for human patients providing physical or mental health services, inpatient or overnight accommodations, and provides medical, surgical, nursing and related care of the sick or injured.

Hotel: A building or part of a building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy. The hotel or motor inn is distinguishable from a motel in that it is more than one story above the surface of the ground, has a common entrance, and may contain a restaurant, cocktail lounge and/or conference center facilities.

Definitions

J

Junk yard/Junk Storage: An open area where waste, and/or second hand materials are: bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap, abandoned vehicles, abandoned recreation vehicles or units or watercraft and other metals, paper, rags, tires, and bottles. It includes automobile wrecking yards and/or any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

K

Kennel, commercial: Any lot or premise on which three (3) or more household pets of the same species which are over six (6) months old are boarded and/or where household pets are bred or sold.

L

Landfill: A disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an injection well, a salt dome formation, a salt bed formation, or an underground mine or cave (1994 PA 451).

Lighting: In reference to lighting standards, the following terms shall have the indicated meanings:

- A. **Artificial sky glow:** The brightening of the night sky attributable to man-made light sources which obscure stars, comets, the moon, northern lights, and other natural phenomena.
- B. **Canopy:** A roof-like covering over an area, that allows pedestrians/vehicles to pass in or under and upon which a light source is mounted.
- C. **Development project:** Any residential, commercial, industrial, institutional or mixed use construction project submitted to the County for approval.
- D. **Display lot or area:** Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required.
- E. **Foot-candle:** A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away.
- F. **Fully shielded light fixture:** A lighting fixture constructed so that all light emitted by the fixture, either directly from the light source, lamp, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certification by the manufacturer. Any

Definitions

structural part of the lighting fixture providing this shielding must be permanently affixed.

- G. **Glare**: Light emanating directly from a light source, lamp, reflector or lens that creates visual discomfort or momentary blindness when viewed.
- H. **Lighting level measurement**: The measurement of outdoor light output from a luminaire expressed in footcandles. Lighting shall be measured with a properly calibrated light meter. Measurements shall be taken at final grade or in some cases when light is reflected on a vertical surface.
- I. **Light trespass**: Light falling where it is not needed or wanted, typically across property lines.
- J. **Luminaire: (light fixture)**: A complete lighting device consisting of one or more lamps or light sources along with the other components sufficient to produce light.
- K. **Outdoor light fixture**: An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, used for illumination or advertisement.
- L. **Maximum outdoor light output**: The maximum total amount of light, measured in footcandles from all outdoor light fixtures. For lamp types that vary their output as they age (such as high pressure sodium, fluorescent and metal halide) the initial output as defined by the manufacturer, is the value to be considered.

Livestock: Animals as defined under “[Farm Animal Unit](#).”

Loading space: A space for temporary parking of commercial vehicles while loading and unloading merchandise or materials.

Lot: A parcel of land occupied or intended to be occupied, used or intended to be used that is described by metes and bounds, tract of land, lot within a subdivision, or a site condominium unit. A lot may or may not be specifically designated as such on public records.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street shall be considered a corner lot if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight line extended, form an angle of less than 135 degrees.

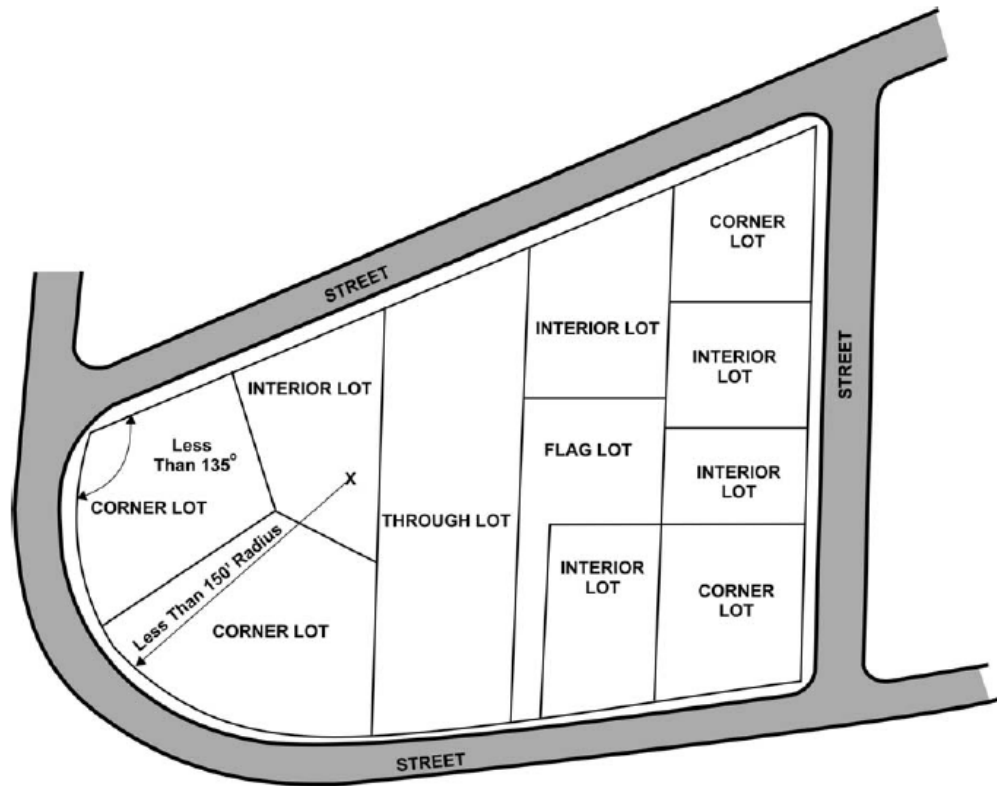
Lot coverage: That portion of the lot occupied by main and accessory buildings.

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

Lot lines: The lines bounding a lot as defined:

Definitions

- A. **Front Lot Line:** Is that line which creates the abutting street right-of-way line.
- B. **Rear Lot Line:** That lot line opposite the front lot line, except on corner lots (corner lots have two front lot lines and two side lot lines). In the case of a lot pointed at the rear (pie shaped), the rear lot line shall be an imaginary line at least ten (10) feet long, parallel to the front lot line but inside the side lot lines.
- C. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.
- Side lot lines on properties in RR and/or SR Districts shall be constructed as continuous straight lines from the water's edge or from the access road, on a perpendicular or radial configuration. No such lot line shall be jogged or meandered to circumvent the minimum lot width requirement.
 - Side lot lines may deviate from straight or radial in recognition of limitations related to topography, critical dunes, wetlands; or for planned developments where open spaces, greenbelts and common areas would result in a more satisfactory property use plan.



Lot of record: A tract of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by County officials, and which actually exists as so shown.

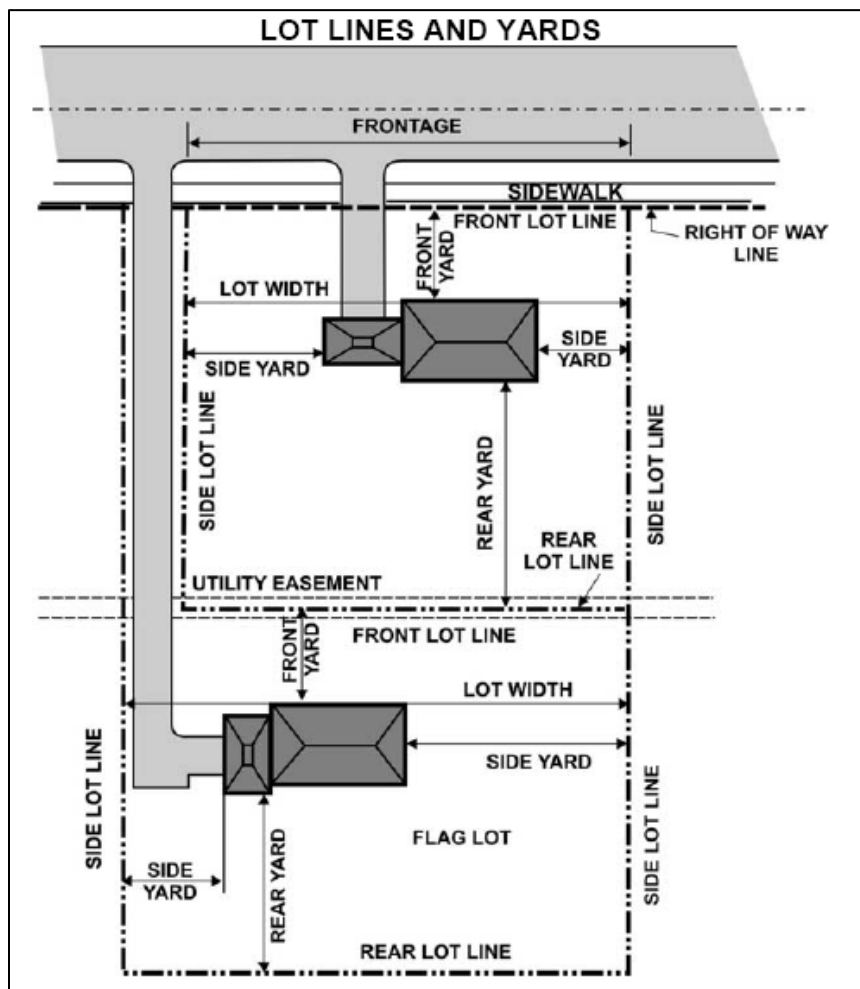
Lot width: The horizontal distance between the side lot lines, measured at the two points where

Definitions

the front setback line intersects the side lot lines determined as follows:

- A. For rectangular, square and/or parallelogram lots, the width shall be measured on a line constructed perpendicular to the side lot lines, which is not necessarily parallel to the road right-of-way line.
- B. For Pie shaped lots, either increasing or decreasing in width toward the rear, the lot width measurement shall be essentially on a line parallel with the road right-of-way line, or if on a curve, parallel with the chord of the arch between lot lines.
- C. For other irregularly shaped properties, the lot width shall be determined by the Zoning Administrator by applying a combination of the measuring rules above, or if otherwise not determinable, by a ruling of the Zoning Board of Appeals.

In cases where the side lot line is not at a right angle to the abutting road right-of-way line, then the lot width shall be measured on a line constructed perpendicular from the side lot line.



Definitions

M

Main building: A building in which the principal use of the lot upon which it is situated is conducted.

Main use: The principal use to which the premises are devoted and the principal purpose for which the premises exist.

Marina: A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

Master plan: The Emmet County Master Plan as may be amended or updated, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and other physical development features.

Manufactured housing and Mobile homes: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974, as amended](#). The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which three or more manufactured housing units are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured housing unit.

Motel: A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.

N

Non-conforming Structure: A building or portion thereof lawfully existing at the effective date of this Ordinance or Amendment thereto that does not conform to the provisions of the Ordinance in the district in which it is located.

Definitions

Nonconforming use: A use of property lawfully existing at the effective date of this Ordinance or Amendment thereto that does not conform to the provisions of the Ordinance in the district in which it is located.

Nuisance: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, and vehicle traffic.

Nursery: A space, building or structure or combination thereof, for the growing or storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits, vegetables, farm equipment, or the like.

Nursing home: A nursing care facility, including a county medical care facility that provides organized nursing care to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

O

Office, professional: A room, suite of rooms, or building in which a person transacts the affairs of a business, profession, service, industry, or government, including offices for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chambers of commerce, credit bureaus (but not financial institutions), abstract and title agencies or insurance companies, stockbrokers, and the like.

Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.

Outdoor display: The display and sale of products and services outside of a building or structure, including, garden supplies, motor oil, food and beverages, burial monuments, building and landscape materials, and similar materials or items.

Outdoor sales – lot: The display and sales of products or services primarily outside a structure and limited to those items generally stored, used, or inspected including vehicles, boats, farm equipment, motor homes, modular homes, and similar items.

Outdoor storage: A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

Outdoor vendor: Person engaged in the sale of prepared food, fresh cut flowers or plants, agricultural products, artwork, crafts, wares, merchandise, articles of value, seasonal sales

Definitions

events, or any other use of a similar type of retail operation, from a stand, motorized vehicle, non-motorized stationary or non-stationary cart or pushcart, or any type of sales not within an enclosed building.

P

Parcel: A contiguous tract of land which at the time of filing for a Zoning Permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A Parcel may not coincide with a lot of record, but may include one or more lots of record.

Parking Lot, Off-street: A parking area off the street for the parking of four or more vehicles.

Parking space: An area of definite length and width for the storage or parking of vehicles.

Patio: An uncovered floor usually made of concrete, brick, or other material, placed directly on the ground.

Planned Unit Development:

A form of development guided by a comprehensive site plan usually characterized by larger site areas, and which emphasizes residential use, provides for cluster building, includes dedicated common open space, and promotes an efficient layout of public utilities, all in accordance with a unified architectural theme.

The PUD may provide for mixed land uses and variety in building types. It permits the planning of a project and the calculation of densities over the entire development rather than on an individual lot-by-lot basis.

PUD is also a process, mainly revolving around site plan review, in which public officials share involvement in determining the nature of the development. It includes aspects of subdivision and zoning regulation and is implemented by District rezoning.

PUD standards are commonly used for housing developments, but may also be applied to other forms of development such as shopping centers, industrial and office parks, and to mixed use developments which may be in any combination, depending on Ordinance standards. Planned Unit Development encourages a more desirable and attractive development based on comprehensive site planning principles.

Planning Commission: for the purpose of this Ordinance, shall be the Emmet County Planning Commission.

Print Shop: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, plotting, and/or facsimile sending and receiving.

Printing Plant: A commercial printing operation involving a process that is considered printing,

Definitions

imprinting, reproducing, duplicating images, publishing, binding, or engraving, and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and/or screen process printing.

Public utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, transportation or water. (For the purposes of this Ordinance, personal wireless communication facilities are not included in the definition of a Public Utility.)

R

Race Track: A course where animals or machines are entered in competition against one another or against time, including tracks used only for the training of animals or drivers. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles or other motorized vehicles under simulated racing or driving conditions (test tracks, “shakedown” tracks, or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

Rain Garden: A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants should be chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments found in stormwater runoff.

Recreation Camp: A facility with buildings, structures, and/or grounds complete with sanitary facilities providing lodging, and other amenities which may include outdoor recreation, dining, and other related activities.

Recreational unit: A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, as defined by the [Public Health Code \(1978 PA 368, as amended\)](#).

Recreational vehicle: A vehicle that is built on a single chassis. The vehicle must be designed to be self-propelled or towable by an automobile or light-duty truck. Furthermore, the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling. Travel trailer, motor home, camping trailer and pick-up coach are considered synonymous with recreational vehicles.

Recreation Vehicle Park (RV park): A parcel on which sites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation.

Resort/Lodge: An establishment complete with buildings, structures, grounds, and sanitary facilities providing lodging, and other amenities which may include outdoor recreation, convention, dining, and similar facilities.

Definitions

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principle building.

Restaurant, carry-out/delicatessen: An establishment where food is prepared and sold primarily for consumption off-premises. A carry-out restaurant that has more than limited seating (12 or fewer seats) or has more than 75 square feet of patron area, shall be considered to be a restaurant for zoning purposes.

Residential human care and treatment facility: A facility (not within a private residence) providing:

- A. Emergency shelter and services for battered individuals and their children in a residential structure;
- B. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

Right-of-way: A street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles.

Roadside stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

Rooming house: A residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, multi-family dwellings, duplexes, or fraternity and sorority houses.

S

Screening: A method of visually shielding or obscuring one abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

Seasonal use sales: Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

Septage waste: The fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. Septage waste consists only of food establishment septage, domestic septage, domestic treatment plant septage, or sanitary sewer cleanout septage, or any combination of these.

Definitions

Setback: The required distance between every structure and the lot lines or waterfront of the lot on which it is located.

Sexually-oriented businesses: For purposes of this Ordinance, the words and phrases defined hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

- A. **Adult bookstore or adult video store** means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas.”
- B. **A principal business activity** exists where the commercial establishment:
1. has a substantial portion of its displayed merchandise which consists of the items, or
 2. has a substantial portion of the wholesale value of its displayed merchandise which consists of the items, or
 3. has a substantial portion of the retail value of its displayed merchandise which consists of the items, or
 4. derives a substantial portion of its revenues from the sale or rental, for any form of consideration of the items, or
 5. maintains a substantial portion of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in “floor space” maintained for the display, sale, or rental of the items), or
 6. maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in “floor space” maintained for the display, sale, or rental of the items), or
 7. regularly offers for sale or rental at least two thousand (2,000) of the items, or
 8. regularly features the items and regularly advertises itself or holds itself out, by using “adult,” “adults-only,” “XXX,” “sex,” “erotic,” “novelties,” or substantially similar language, as an establishment that caters to adult sexual interests, or
 9. maintains an “adult arcade,” which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically,

Definitions

electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting “specified sexual activities” or specified “anatomical areas.”

- C. **Adult cabaret** means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.
- D. **Adult Motion Picture Theater** means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of “specified sexual activities” or “specified anatomical areas” are regularly shown to more than five (5) persons for any form of consideration.
- E. **Characterized by** means describing the essential character or quality of an item. As applied in this Article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
- F. **Employ, employee, and employment** describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- G. **Establish or establishment** shall mean and include any of the following:
 - 1. The opening or commencement of any sexually oriented business as a new business;
 - 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
 - 3. The addition of any sexually oriented business to any other existing sexually oriented business.
- H. **Influential interest** means any of the following: (1) the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business, (2) ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal

Definitions

entity which operates the sexually oriented business.

- I. **Nudity or a state of nudity** means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.
- J. **Operate or cause to operate** shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business who operates the business or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.
- K. **Person** shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.
- L. **Premises** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.
- M. **Regularly** means and refers to the consistent and repeated doing of the act.
- N. **Semi-nude or state of semi-nudity** means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
- O. **Sexual device** means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.
- P. **Sexual device shop** means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to their premises by reason of age.

Definitions

- Q. **Sexual encounter center** shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.
- R. **Sexually oriented business** means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a sexual device shop, or a sexual encounter center.
- S. **Specified anatomical areas** means and includes:
1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- T. **Specified criminal activity** means any of the following specified offenses, as amended from time to time, for which less than eight (8) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
1. Criminal sexual conduct ([MCL 750.520a B 750.520g](#)), child sexually abusive activity ([MCL 750.145c](#)), computer crimes against children ([MCL 750.145d\(1\)\(a\)](#));
 2. Prostitution-related offenses ([MCL 750.448 B 750.449a](#));
 3. Offenses related to obscenity ([MCL 752.365](#)) and material harmful to minors ([MCL 750.142 B 750.143](#));
 4. Indecent exposure ([MCL 750.335a](#));
 5. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses;
 6. Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses.
- U. **Specified sexual activity** means any of the following:
1. Intercourse, oral copulation, masturbation or sodomy; or
 2. Excretory functions as a part of or in connection with any of the activities described in (a) above.
- V. **Substantial** means at least thirty-five percent (35%) of the item(s).

Definitions

- W. **Viewing room** shall mean the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.
- X. **Floor space** means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Shopping center: A group, cluster or complex of at least three retail stores and/or services within a single site plan.

Shoreline bluff: The dominant geologic land form consisting of a promontory, cliff, or palisade having a broad steep face, which, more or less, parallels the shoreline of Lake Michigan.

Shoreline Greenbelt: When bordering bodies of water, an undisturbed area of land paralleling the water's edge to a depth of the required zoning setback distance if not otherwise stipulated, which is kept in a natural condition and is essentially void of any structural improvements. Beaches and/or vegetated areas shall be defined as shoreline greenbelts.

Signs: The following terms relating to signs shall have the meaning defined below:

- A. **Banner**: A flexible sign made of natural, synthetic or plastic material used to call attention to a property; however, not including pennants or flags.
- B. **Changeable message sign**: A sign on which the message can be changed by hand, mechanically, or electronically.
- C. **Flag**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design.
- D. **Freestanding sign**: A sign supported by one (1) or more uprights, poles, braces, or some other structure, placed in or upon the ground surface and not attached to any building.
- E. **Illuminated sign**: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).
- F. **Non-conforming sign**: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.
- G. **Pennant**: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
- H. **Portable sign**: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.

Definitions

- I. **Projecting sign**: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
- J. **Roof sign**: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
- K. **Sign**: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. Signs under one-square foot in size on or next to a door or on a mailbox or post are not regulated by this Ordinance.
- L. **Sign, accessory**: A sign which is accessory to the principal use of the premises.
- M. **Sign face**: That part of a sign structure which is used to graphically communicate a message or announcement.
- N. **Temporary sign**: A display sign, or advertising device with or without a structural frame, intended for a limited period of display.
- O. **Wall-mounted sign**: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches there from. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

Site condominium (condominium subdivision): A method of subdivision where the sale and ownership of sites is regulated by the [Condominium Act \(1978 PA 59, as amended MCLA 559.101\)](#) as opposed to the [Subdivision Control Act of 1967 \(MCL 560.101\)](#). Condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.

Site condominium subdivision plan: Means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.

Site plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Special land use: A use which is subject to approval by the Planning Commission. A Special

Definitions

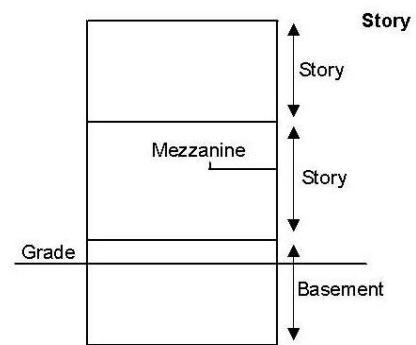
Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Non-conforming Use.

Stable, Private: An accessory structure or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling unit and their guests, but not kept for remuneration, hire, or sale.

State licensed residential facility: A structure constructed for residential purposes that is licensed by the State pursuant to [1979 PA 218 \(Adult Foster Care Licensing Act\)](#), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or [1973 PA 116 \(Child Care Organizations\)](#), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six or fewer individuals under twenty-four hour supervision for persons in need of that supervision or care.

Storage area: An area used or intended for the storage of materials, refuse, or vehicles and equipment.

Story: That part of a building, except a mezzanine and/or basement, between the surface of one floor and the surface of the next floor, or if there is no floor above, than the ceiling next above. A story shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the grade level of the adjoining ground.



Street or road: A dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

Street or road, private: A non-public easement or right-of-way that provides motor vehicle access to three or more lots, parcels, or site unit condominiums.

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

T

Telecommunications tower: A tower, pole, or similar structure that supports a telecommunications antenna in a fixed location, freestanding, guyed, or on a building or other structures.

Temporary use: A use or building permitted to exist during periods of construction of the main building or use, or for special events.

Theater: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tower: Any ground or roof-mounted pole, spire, structure, or combination thereof including

Definitions

supporting lines, cables, wires, braces, and masts.

U

Use, principal: The primary use to which the premises are devoted and the primary purpose for which the premises exist.

W

Warehouse: A commercial structure used in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Wind energy systems: The following terms relating to wind energy shall have the meaning defined below:

- A. **Anemometer tower or met** means a freestanding meteorological tower containing instrumentation such as anemometers that is designed to provide present moment wind data.
- B. **Ambient** means the sound pressure level exceeded 90% of the time (L_{90}).
- C. **dB(A)** means the sound pressure level in decibels. It refers to the “a” weighted scale defined by American National Standards Institute. A method for weighting the frequency spectrum to mimic the human ear.
- D. **Decibel** means the unit of measure used to express the magnitude of sound pressure and sound intensity.
- E. **High Amenity Zones** means those zoning districts primarily intended for rural living and intended to have relatively quiet amenity. These include the FF-2 Farm and Forest Zoning District.
- F. **Lease unit boundary** means boundary around property leased or otherwise encumbered for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross a road right-of-way.
- G. **Maximum Noise Level** means " $L_{eq, 10min}$ " (Equivalent Continuous Sound Pressure Level over a 10 minute measurement period".
- H. **On-site wind energy system** means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
- I. **Qualified acoustics professional** means a person meeting one of the following minimum requirements:

Definitions

1. Board Certified by the [Institute of Noise Control Engineering](#), or standard membership in the [Institute of Noise Control Engineering](#) combined with documented experience from wind power projects, or
 2. A member of the [Institute of Noise control Engineering \(INCE\)](#) combined with documented experience from wind power projects.
- J. **Rotor** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- K. **Shadow flicker** means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
- L. **Sound pressure** means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
- M. **Sound pressure level** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
- N. **Utility grid wind energy system** means a land use designed and built to provide electricity to the electric utility grid by use of wind and includes accessory uses such as but not limited to an ANEMOMETER TOWER, electric substation, and related appurtenances.
- O. **Wind energy system** means a land use for generating power by use of wind; use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON-SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.
- P. **Wind site assessment system (WSAS) means a land use using a met or anemometer tower** to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Wireless communication facilities: Transmitters, antenna structures, towers and other types of equipment necessary for providing wireless communication services and all commercial mobile services, including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network.

- A. **Co-locate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.

Definitions

- B. **Equipment Compound**: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- C. **Wireless Communications Equipment (WCE)**: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- D. **Wireless Communications Support Structure (WSS)**: a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Y

Yard Sale: The sale or offering for sale of new, used or secondhand items of personal property at any one (1) residential premises at any one (1) time or at a group of residential premises at any one (1) time. Yard Sale includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

Yards: The open spaces on the same lot with a structure, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined:

- A. **Front yard**: An open space extending the full width of which is the minimum horizontal distance between the front lot line and the nearest point of the structure.
- B. **Rear yard**: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the structure.
- C. **Side yard**: An open space between a structure and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the structure.

Z

Zoning administrator: The person retained by Emmet County to administer and enforce this Zoning Ordinance.

Zoning Board of Appeals: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

Zoning district: A portion of Emmet County within which certain regulations and requirements,

Definitions

or various combinations thereof, apply under the provisions of this Ordinance.

Zoning permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

Zoning Variance: A modification of the literal provision of the Zoning Ordinance which would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

Article 3

Zoning Districts and Map

Section	Name	Pg
3.00	Districts	3-1
3.01	Boundaries	3-1
3.02	District Requirements	3-2
3.03	Area and Bulk Requirements for All Districts	3-2
3.04	Accessory Uses Assumed	3-2

Section 3.00 Districts

For the purpose of this Ordinance, the County of Emmet is divided into the following Districts:

RESIDENTIAL DISTRICTS

R-1	One and Two Family Residential
R-2	General Residential
RR	Recreational Residential
SR	Scenic Resource

NON-RESIDENTIAL DISTRICTS

B-1	Local-Tourist Business
B-2	General Business
B-3	Commercial/Industrial
P-T	Parking Transition
I-1	Light Industrial
I-2	General Industrial

OTHER DISTRICTS

FF-1	Farm and Forest
FF-2	Farm and Forest
FR	Forest Recreation
PUD	Planned Unit Development

Section 3.01 Boundaries

The boundaries of these Districts are established as shown on the County Zoning Map, which accompanies this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described. If there are any questions as to the interpretation of District Boundaries the Board of Appeals shall determine same.

Section 3.02 District Requirements

All buildings and uses in any district shall be subject to the provisions of General Provisions and General Exceptions.

Section 3.03 Area and Bulk Requirements for All Districts

For each District in this Ordinance, see also the [Article 19 - SCHEDULE OF REGULATIONS](#), limiting the height and bulk of buildings, the minimum size of the lot permitted, the maximum density permitted and minimum yard requirements (setbacks).

Section 3.04 Accessory Uses Assumed

For each District established in the Ordinance it shall be assumed that customary accessory buildings and uses which are incidental to any Principal Uses or Special Uses Permitted, are permissible as part of the main use.

Article 4

R-1

One-Family and Two-Family Residential District

Section	Name	Pg
4.00	Intent	4-1
4.01	Principal Uses & Special Uses Permitted	4-1
4.02	District Development Standards	4-2

Section 4.00 Intent

This residence district is designed to provide for one or two-family dwelling sites and the residentially related uses in keeping with the Master Plan of residential development in Emmet County. The uses permitted are intended to promote a compatible arrangement of land uses for homes, with the intent to keep residential areas relatively quiet and free from detrimental use influences.

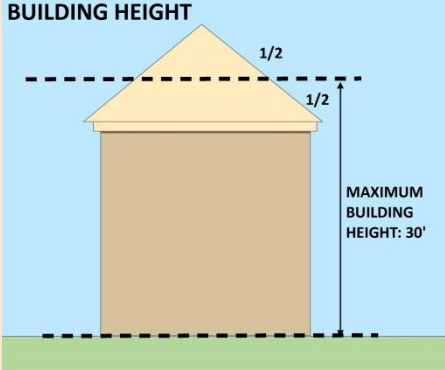
Section 4.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-1
AGRICULTURE & FORESTRY	
<i>Farms, domestic</i>	P*
<i>Wineries and Hard Cider Operations</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Country Clubs</i>	S*
<i>Fitness & Recreational Sports Centers (ex: spas, health club)</i>	S
<i>Golf Courses</i>	S*
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands</i>	P
<i>Recreation Areas, private, nonprofit</i>	S*
COMMUNICATIONS	
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures</i>	S*
EDUCATIONAL SERVICES/RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	S*
<i>Public or private schools</i>	S*
<i>Religious Institutions</i>	S*
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Child Care or Day Care Center/Nursery School</i>	S
<i>Hospitals</i>	S*
<i>Assisted Living Nursing/Convalescent Home</i>	S*
<i>Residential Human Care and Treatment Facility (for example, a homeless shelter or a halfway house) unless otherwise exempt by law</i>	S
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Development Regulations	R-1
MFG, INDUSTRIAL, MINING, WASTE MGMT	
<i>Mines, quarries, and gravel pits</i>	S*
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sqft and greater) without a Main Use</i>	S*
<i>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</i>	S
PUBLIC FACILITIES	
<i>Community Centers (public)</i>	S*
<i>Government Offices</i>	S*
<i>Libraries</i>	S*
<i>Police/Fire Stations</i>	S*
<i>Post Office</i>	S*
<i>Public Works Facilities w/o Outdoor Storage</i>	S*
RESIDENTIAL USES	
<i>Duplex</i>	P*
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>One-Family Dwelling</i>	P
UTILITIES/ENERGY	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 4.02 District Development Standards

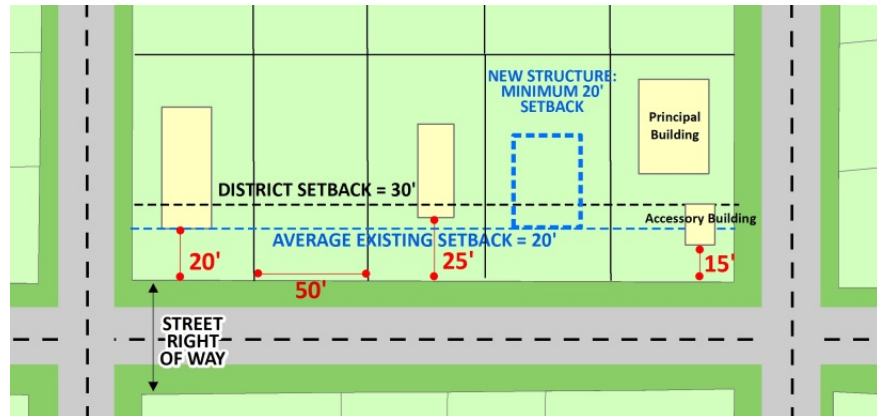
A. Lot & Structure Standards	
1. Minimum Lot Area	a. $\frac{1}{2}$ acre if <u>no</u> central water and/or sewerage facilities serve the development. b. 12,000 square feet if central water and/or sewerage facilities serve the development.
2. Minimum Lot Width	a. 100 feet if <u>no</u> central water and/or sewerage facilities serve the development. b. 60 feet if central water and/or sewerage facilities serve the development.
3. Maximum Building Height	30 feet a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows: (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows: (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
	
4. Maximum Lot Coverage by the Area of all Buildings	30% This provision does not apply to structures four (4) feet in height or less.
5. Minimum Floor Area	560 feet This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.
6. Minimum Building Width	20 feet for at least one-half its length

B. Setbacks

1. Minimum Front Yard

30 feet

- a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet. (Front yard does not include waterfront).



- b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.

2. Minimum Rear Yard

25 feet

- a. Refer to [Section 22.11.2](#) for Minimum Waterfront Setback.
RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.

3. Minimum Side Yard

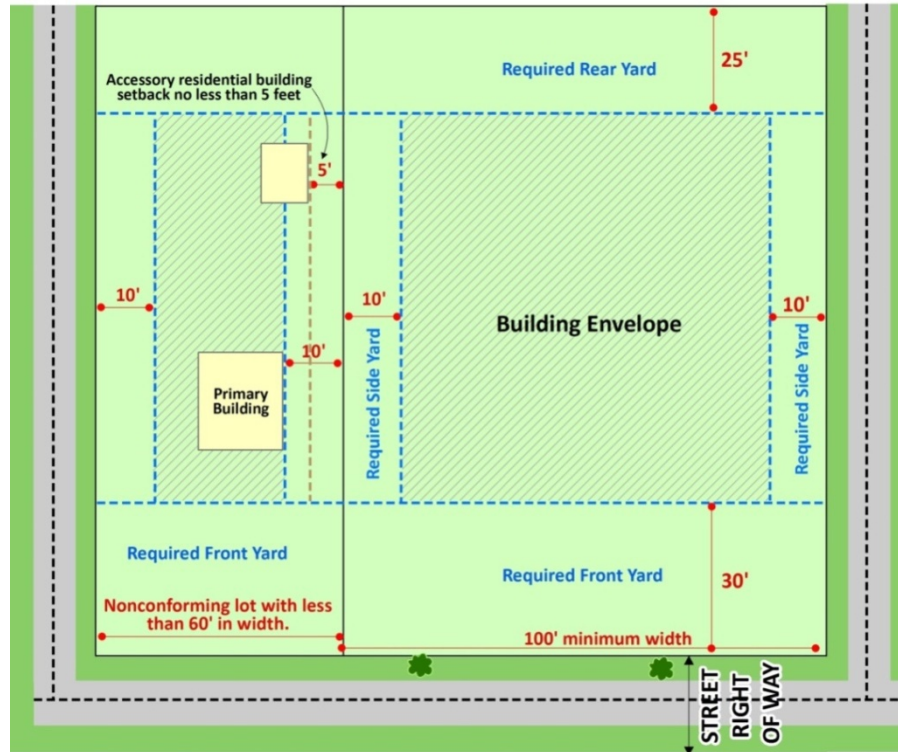
10 feet

- a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one detached accessory residential building.
- b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
- c. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.

4. Other Regulations

- a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
- b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.
- c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access
- d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

R-1 Setback Diagram



Article 5

R-2

General Residential District

Section	Name	Pg
5.00	Intent	5-1
5.01	Principal Uses & Special Uses Permitted	5-1
5.02	District Development Standards	5-3

Section 5.00 Intent

The General Residential District is designed to provide for structures that are needed to house more than one-family, in order to meet the needs of the apartment dwelling. The R-2 District is further intended to serve a transition use function, and is particularly applicable to areas that already have a degree of residential and non-residential use mix, or in areas where such a mix would be desirable.

Section 5.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

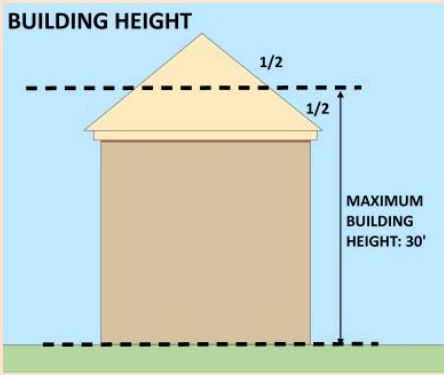
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-2
ACCOMODATION & FOOD SERVICES	
Bed & Breakfasts	S
Hotels & Motels, & Motor Inns (attached or detached units)	S*
Tourist Homes	S*
AGRICULTURE & FORESTRY	
Farms, domestic	P*
Wineries and Hard Cider Operations	S*
ARTS, ENTERTAINMENT, AND RECREATION	
Art Studios and/or Handcrafted Products when operated in the character of a home occupation.	S*
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)	S*
Private Clubs; Fraternal Lodges	S
Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands	P
Sportsmen's Associations	S
COMMERCIAL	
Cash Advance Stores	S
Electronic & Precision Equipment Repair & Maintenance	S*
Financial Institutions	S*
Funeral Homes & Mortuaries	S*

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-2
Personal Services (barber/beauty shops, tailoring, massage)	S*
Photofinishing/Photographers	S*
Professional Cleaning Services	S
Professional Offices	S*
Real Estate Sales Office	S*
Small-Scale Craft Making	S
Studios for dance, physical exercise and music	S*
COMMUNICATIONS	
Television/Radio Broadcasting Stations (no tower)	S
Wireless Telecommunications Towers & Facilities & Alternative Tower Structures	S*
EDUCATIONAL SERVICES/RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S
Public or private schools	S
Religious Institutions	S

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-2
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Hospitals</i>	S*
<i>Assisted Living Nursing/Convalescent Home</i>	S*
<i>Residential Human Care and Treatment Facility (for example, a homeless shelter or a halfway house) unless otherwise exempt by law</i>	S
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	P
MFG, INDUSTRIAL, MINING, WASTE MGMT	
<i>Mines, quarries, and gravel pits</i>	S*
<i>Sanitary Landfills</i>	S*
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq ft and greater) without a Main Use</i>	S*
PUBLIC FACILITIES	
<i>Community Centers (public)</i>	S
<i>Government Offices</i>	S
<i>Libraries</i>	S
<i>Police/Fire Stations</i>	S
<i>Post Office</i>	S
<i>Public Works Facilities w/o Outdoor Storage</i>	S

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	R-2
RESIDENTIAL USES	
<i>Dwelling Units above/attached to Commercial Establishment</i>	P
<i>Duplex</i>	P*
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>	S*
<i>One-Family Dwelling as regulated in the R-1 Zoning District</i>	P
<i>Multiple-Family Dwelling Units</i>	P
<i>Multiple-Family Dwelling Units for Seniors</i>	P
<i>Rooming & Boarding Houses (group quarters)</i>	S
<i>Townhouses</i>	P
UTILITIES/ENERGY	
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 5.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	
a. Single-Family Residences	(1) $\frac{1}{2}$ acre if <u>no</u> central water and/or sewerage facilities serve the development. (2) 12,000 square feet (100 X 120) if central water and/or sewerage facilities serve the development
b. Multiple family and/or apartment buildings, including row houses, town houses and the like.	See density table below.
2. Minimum Lot Width	
a. Single-Family Residences	100 feet
b. Multiple family and/or apartment buildings, including row houses, town houses and the like.	None
3. Maximum Building Height	
	30 feet
	<p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ul style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ul style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	35% This provision does not apply to structures four (4) feet in height or less.
5. Minimum Floor Area	None
6. Minimum Building Width	20 feet for at least one-half its length

B. Multiple Family Dwelling Density Table

Type of Units in R-2 Districts	WITHOUT PUBLIC SEWER		WITH PUBLIC SEWER	
	Minimum Land Area per Dwelling Unit Excluding Public Roads	Net Density in Units per Acre	Minimum Land Area Per Dwelling Unit (Excluding public roads)	Net Density in Units Per Acre
One Bedroom	6,000 Square Feet	7.260	4,000 square feet	10.890
Two Bedroom	8,500 Square Feet	5.125	5,667 square feet	7.687
Each Additional Bedroom	Add 4,000 Square Feet	n/a	Add 3,000 square feet	n/a

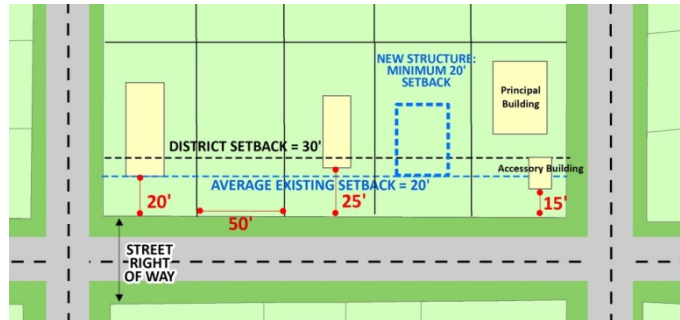
DENSITY NOTES:

- i. A "den" or "library" or "extra room" shall count as a bedroom for the purposes of computing density.
- ii. In a rooming house, boarding house, group quarters, or residential care facility, every three (3) persons of occupancy shall count as being equivalent to one (1) bedroom for purposes of computing density.

Unless the construction plans include tying into an existing municipal or community sewer and/or water system, the on-site services to be constructed shall be designed so that central collection/distribution points are installed in anticipation of future tie-ins with a municipal type system. The local sewer/water authority having jurisdiction shall be consulted on matters of service tie-ins and pre-utility plans to minimize site disruption on future tie-in or hook-up projects.

C. Setbacks**1. Minimum Front Yard****30 feet**

- a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.



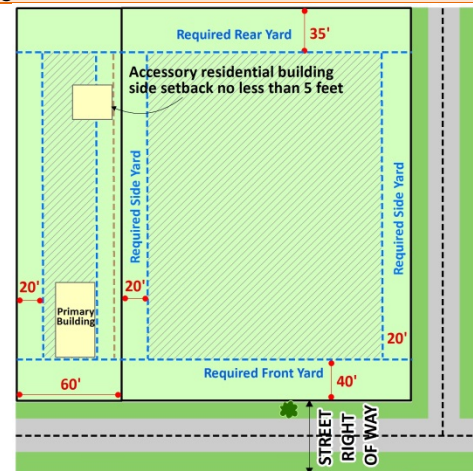
- b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.

2. Minimum Rear Yard**35 feet**

Refer to [Section 22.11.2](#) for Minimum Waterfront Setback.
RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.

3. Minimum Side Yard**20 feet**

- a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one detached accessory residential building.
- b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
- c. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.

**4. Other Regulations**

- MULTIPLE DWELLINGS:** For the purpose of applying yard regulations, multiple dwellings shall be considered as one (1) building occupying one (1) lot. When more than one multiple dwelling building occupies one lot, the two or more structures must be separated by at least 20 feet when end to end and fifty (50) feet when face to face or back to back for structures up to two stories. These isolation distances shall be increased by eight (8) feet for each story above the first two stories.
- For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
- Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.
- For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.
- Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Article 6

RR

Recreational Residential District

Section	Name	Pg
6.00	Intent	6-1
6.01	Principal Uses & Special Uses Permitted	6-2
6.02	District Development Standards	6-2

Section 6.00 Intent

The Recreational Residential District is designed to accommodate cottage and seasonal home developments. It is intended that the seasonal home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services and community services.

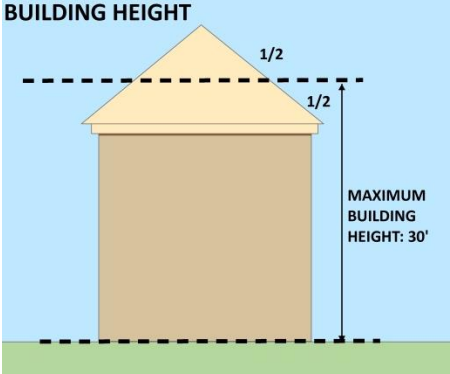
Section 6.01 Principal Uses & Special Uses Permitted

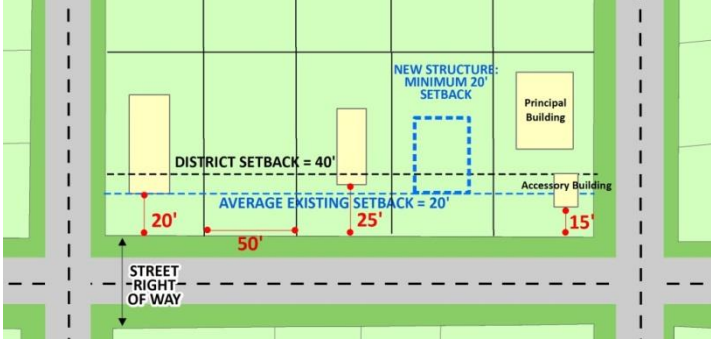
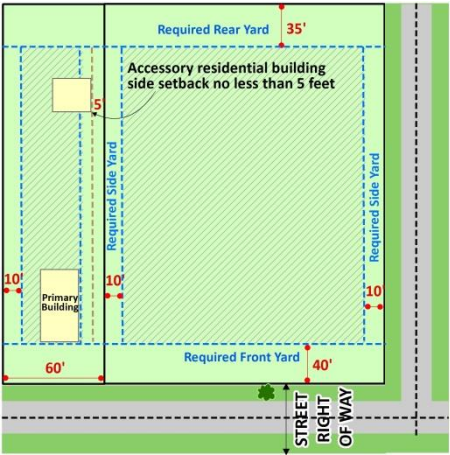
No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RR
ACCOMMODATION & FOOD SERVICES	
<i>Recreation Camps, Recreation Lodges, & Resorts (for profit)</i>	S*
AGRICULTURE & FORESTRY	
<i>Farms, domestic</i>	P*
<i>Wineries and Hard Cider Operations</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings)</i>	S
<i>Campgrounds</i>	S*
<i>Country Clubs</i>	S*
<i>Golf Courses</i>	S*
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands</i>	P
<i>Recreation Areas, private, nonprofit</i>	S*
EDUCATIONAL SERVICES/RELIGION	
<i>Public or private schools</i>	S*
<i>Religious Institutions</i>	S*
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	RR
MFG, INDUSTRIAL, MINING, & WASTE MGMT	
<i>Mines, quarries & gravel pits</i>	S*
MISC	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S*
<i>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</i>	P
RESIDENTIAL USES	
<i>Cottages and Recreation Homes</i>	P
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>One-Family Dwelling</i>	P
UTILITIES & ENERGY	
<i>Public Utility Facilities (without storage yards)</i>	S
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 6.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	a. $\frac{1}{2}$ acre if <u>no</u> central water and/or sewerage facilities serve the development. b. 12,000 square feet (100 X 120) if central water and/or sewerage facilities serve the development
2. Minimum Lot Width	100 feet
3. Maximum Building Height	30 feet a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows: <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows: <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
	
4. Maximum Lot Coverage by the Area of all Buildings	30% This provision does not apply to structures four (4) feet in height or less.
5. Minimum Floor Area	560 feet This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.
6. Minimum Building Width	20 feet for at least one half its length.

B. Setbacks	
1. Minimum Front Yard^e	<p>40 feet</p> <p>a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.</p>  <p>b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.</p>
2. Minimum Rear Yard^e	<p>35 feet</p> <p>Refer to Section 22.11.2 for Minimum Waterfront Setback.</p> <p>RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</p>
3. Minimum Side Yard	<p>10 feet</p> <p>a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one detached accessory residential building.</p> <p>b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.</p> <p>c. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.</p> 
<p>4. Other Regulations</p> <p>a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.</p> <p>b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.</p> <p>c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.</p> <p>d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.</p> <p>e. On a lot located within the Critical Dune Area regulated by the State of Michigan, in a recorded plat, fronting a private road, the minimum front yard setback standard shall be fifteen (15) feet. The rear yard setback of such lot may be reduced to 15 feet if the lot abuts property within the same plat.</p>	

Article 7

SR

Scenic Resource District

Section	Name	Pg
7.00	Intent	7-1
7.01	District Boundaries	7-1
7.02	Principal Uses & Special Uses Permitted	7-2
7.03	Required Conditions	7-3
7.04	District Development Standards	7-4

Section 7.00 Intent

Because there exists in Emmet County numerous and varied resources that should be protected for their scenic values, environmental stability and character, the SR Scenic Resource District are established to protect scenic resources along rivers, highways and streets, lake shores and impounding waters.

Section 7.01 District Boundaries

Unless otherwise illustrated or indicated on the Zoning Map, the SR-Scenic Resource District shall be considered to extend at right angles from the ordinary high water level of rivers, lakes, impoundments, etc., to a depth of four hundred (400) feet; and to a depth of four-hundred (400) feet from the nearest right-of-way line of any scenic highway, street or road, or to the depth of the abutting property, whichever is less.

Section 7.02 Principal Uses & Special Uses Permitted

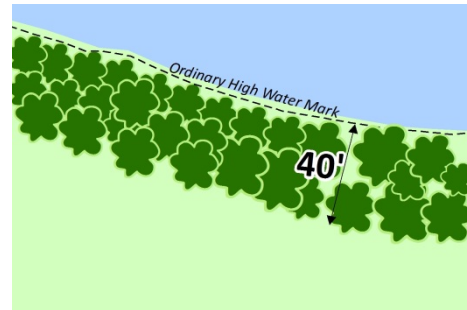
No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	SR
ACCOMODATION & FOOD SERVICES	
<i>Recreation Camps, Recreation Lodges, & Resorts (for profit)</i>	S*
AGRICULTURE & FORESTRY	
<i>Farms, domestic</i>	P*
<i>Wineries and Hard Cider Operations</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings)</i>	S
<i>Campgrounds</i>	S*
<i>Country Clubs</i>	S*
<i>Golf Courses</i>	S*
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands</i>	P
<i>Recreation Areas, private, nonprofit</i>	S*
EDUCATIONAL SERVICES/RELIGION	
<i>Public or private schools</i>	S*
<i>Religious Institutions</i>	S*
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	SR
MFG, INDUSTRIAL, MINING, & WASTE MGMT	
<i>Mines, quarries & gravel pits</i>	S*
MISC	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sqft and greater) without a Main Use</i>	S*
<i>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</i>	P
RESIDENTIAL USES	
<i>Cottages and Recreation Homes</i>	P
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>One-Family Dwelling</i>	P
UTILITIES & ENERGY	
<i>Public Utility Facilities (without storage yards)</i>	S

Section 7.03 Required Conditions

Every use in the SR Districts shall establish and maintain a forty (40) foot yard or strip on the water side (or roadside if a scenic highway). The yard or strip to be maintained in its natural tree and shrub condition. Trees and shrubs may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access to a boat dock and/or a driveway entrance. For the purposes of the SR-2 District, the front setback (roadside) and required greenbelt shall be measured from the road right-of-way line, or measured from a line that is thirty-three (33) feet from the road centerline, whichever is greater.



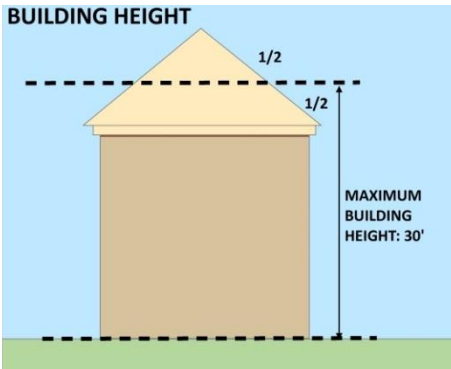
Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (wind throw hazard) or other trees and shrubs that may prevent the native strip area from being kept in a healthful growth condition. Similar cutting shall be permissible where necessary for traffic safety reasons (air, rail or highway).

Any excavating, filling, grading or other on-site construction activity shall insure that no silting will impact adjacent waters and that all banks, slopes and hillsides are stabilized to prevent soil erosion.

Nothing in this Section shall be interpreted to require the planting of vegetation on parcels, or parts thereof, where native vegetation does not exist on agricultural lands.

Example of Intent of SR Zone Section 7.03 Required Conditions as related to N. Lake Shore Drive (M-119)					
	SR Zone "Greenbelt"	MDOT Road Right-of-way	M-119 MDOT ROW	MDOT Road Right-of-way	SR Zone "Greenbelt"
	40 feet	33 feet	*	33 feet	40 feet
	SR Zoning District - A 40 foot yard or strip to be maintained in its natural tree and shrub condition.	MDOT Right-of-Way = 66 Feet Measured from the road right-of-way line or measured from a line that is 33 feet from the center line of the road, whichever is greater. (There are some ROW exceptions.)			SR Zoning District - A 40 foot yard or strip to be maintained in its natural tree and shrub condition.

Section 7.04 District Development Standards

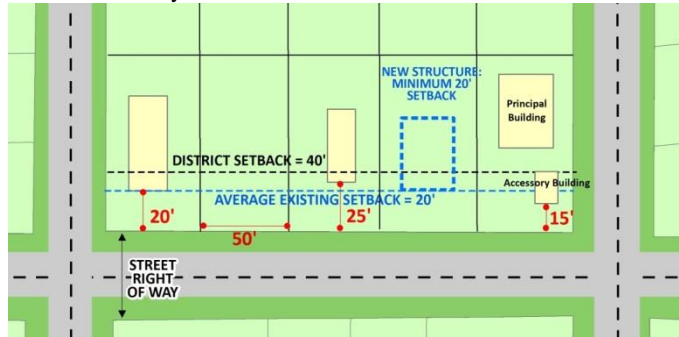
A. Lot & Structure Standards	
1. Minimum Lot Area	<p>a. 30,000 square feet if <u>no</u> central water and/or sewerage facilities serve the development.</p> <p>b. 12,000 square feet (100 X 120) if central water and/or sewerage facilities serve the development</p>
2. Minimum Lot Width	150 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined by that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
	
4. Maximum Lot Coverage by the Area of all Buildings	<p>30%</p> <p>This provision does not apply to structures four (4) feet in height or less.</p>
5. Minimum Floor Area	<p>720 feet</p> <p>This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.</p>
6. Minimum Building Width	20 feet for at least one-half its length

B. Setbacks

1. Minimum Front Yard

40 feet

- a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.



- b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.

2. Minimum Rear Yard

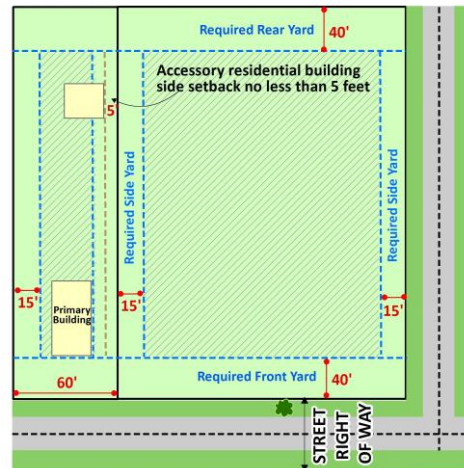
40 feet

Refer to [Section 22.11.2](#) for Minimum Waterfront Setback.
(RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.)

3. Minimum Side Yard

15 feet

- a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one accessory residential building.
- b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
- c. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.



4. Other Regulations

- a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
- b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.
- c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access
- d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Article 8

FF-1 and FF-2

Farm and Forest Districts

Section	Name	Pg
8.00	Intent	8-1
8.01	Principal Uses & Special Uses Permitted	8-1
8.02	District Development Standards	8-3

Section 8.00 Intent

The FF-Farm and Forest Districts are designed to promote the use of wooded and rural areas of the County in a manner that will keep the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The intent of the District is to hold the rural County areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands.

Section 8.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

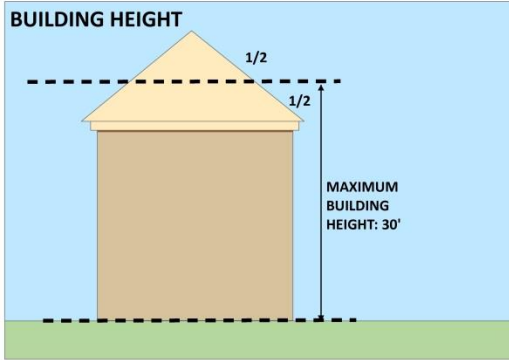
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FF-1	FF-2
ACCOMMODATION & FOOD SERVICES		
<i>Bed & Breakfasts</i>	S	S
AGRICULTURE & FORESTRY		
<i>Animal Shelter/Kennels</i>	S*	S*
<i>Farms, domestic</i>	P*	P*
<i>Forest products processing (limited)</i>	S*	S*
<i>Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related.</i>	P*	P*
<i>Riding Arenas/Academies or Boarding Stables</i>	S	S
<i>Sawmills, Planing Mills, Veneer Mills and related operations</i>	S*	S*
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S*	S*
<i>Wineries and Hard Cider Operations</i>	S*	S*
ARTS, ENTERTAINMENT, AND RECREATION		
<i>Archery Ranges (& as accessory use to a business)</i>	S	S
<i>Campgrounds</i>	S*	S*
<i>Country Clubs</i>	S	S
<i>Golf Courses</i>	S	S
<i>Nature Parks/Nature Areas/Wildlife Preserves</i>	P	P
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands</i>	P	P
<i>Recreation Areas, private, nonprofit</i>	S*	S*
<i>RV Parks/Travel Trailer Courts</i>	S*	S*
<i>Sportsmen's Associations</i>	P	P

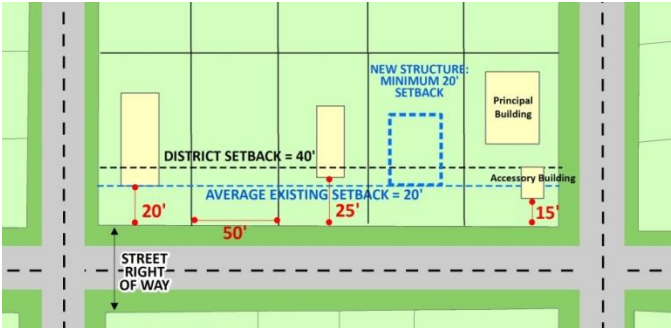
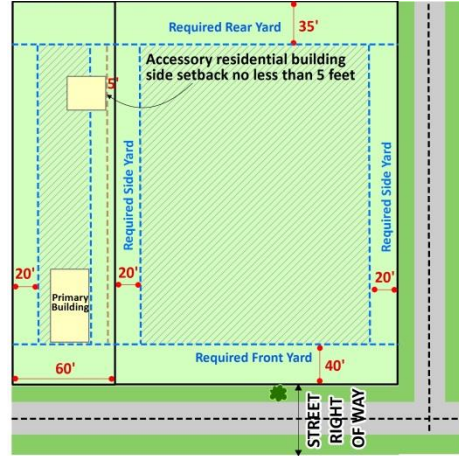
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FF-1	FF-2
COMMERCIAL		
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>		S
<i>Cemeteries</i>	S*	S*
<i>Pet Care (except Veterinary and Animal Shelters)</i>	S	S
COMMUNICATIONS		
<i>Commercial Television & Radio Towers</i>	S*	S*
<i>Public Utility Microwaves</i>	S*	S*
<i>Public Utility TV Transmitting Towers</i>	S*	S*
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures</i>	S*	S*
CONSTRUCTION & CONTRACTING		
<i>Storage Facilities for Contractors as Home Occupation (for Materials /Contractor's Equipment/Vehicles) within an enclosed building</i>	S*	S*
<i>Storage Facilities for Contractors as Home Occupation – with outdoor storage</i>	S*	S*
EDUCATIONAL SERVICES/RELIGION		
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	P	P
<i>Public or private schools</i>	P	P
<i>Religious Institutions</i>	P	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FF-1	FF-2
HUMAN CARE & SOCIAL ASSISTANCE		
<i>Family Child Care Home (6 or less)</i>	P	P
<i>Group Child Care Home (7 -12)</i>	S	S
<i>Hospitals</i>	S*	S*
<i>Assisted Living Home Nursing/Convalescent Home</i>	S*	S*
<i>Shelter for Battered Women and Children(in a residence)</i>	P	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</i>	P	P
MFG, INDUSTRIAL, MINING, & WASTE MGMT		
<i>Home-Based Industry</i>	S*	S*
<i>Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards</i>		S*
<i>Mines, quarries & gravel pits</i>	S*	S*
<i>Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.</i>	S*	S*
<i>Sanitary Landfills</i>	S*	S*
MISC		
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S*	S*
<i>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</i>	S	S
PUBLIC FACILITIES		
<i>Community Centers (public)</i>	P	P
<i>Government Offices</i>	P	P
<i>Libraries</i>	P	P
<i>Police/Fire Stations</i>	P	P
<i>Post Office</i>	P	P
<i>Public Works Facilities with Outdoor Storage</i>	P	P
<i>Public Works Facilities w/o Outdoor Storage</i>	P	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FF-1	FF-2
RESIDENTIAL USES		
<i>Accessory Building without a Principal Building</i>	P*	P*
<i>Cabins, hunting and fishing</i>	P	P
<i>Cottages and Recreation Homes</i>	P	P
<i>Duplex</i>	P*	P*
<i>Home Occupations Level 1</i>	P*	P*
<i>Home Occupations Level 2</i>	S*	S*
<i>Individual Television/Radio Reception Tower</i>	P*	P*
<i>One-Family Dwelling</i>	P	P
<i>Temporary Manufactured Homes or Recreational Vehicles</i>	P*	P*
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING		
<i>Airports, Landing Fields, Aviation Support, Aviation Development, & other functions related to aviation.</i>	S*	S*
<i>Helistops</i>	S*	S*
<i>Storage Buildings for RV, Travel Trailer, Boat, Water Craft, and Similar – not sales, servicing or commercial warehousing.</i>	S*	S*
UTILITIES & ENERGY		
<i>Public Utility Facilities (without storage yards)</i>	P	P
<i>Public Utility Facilities (with storage yards)</i>	P	P
<i>Wind Site Assessment Systems</i>	S*	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*	S*
<i>Wind Energy Systems: Utility Grid</i>	S*	S*

Section 8.02 District Development Standards

A. Lot & Structure Standards		
	FF-1	FF-2
1. Minimum Lot Area	1 acre	2 acres
2. Minimum Lot Width	150 feet	200 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses. 	
		
4. Maximum Lot Coverage by the Area of All Buildings	<p>35%</p> <p>This provision does not apply to structures four (4) feet in height or less.</p>	
5. Minimum Floor Area	<p>560 feet</p> <p>This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.</p>	

B. Setbacks	
1. Minimum Front Yard	<p>40 feet</p> <p>a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.</p>  <p>b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.</p>
2. Minimum Rear Yard	<p>35 feet</p> <p>Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</p>
3. Minimum Side Yard	<p>20 feet</p> <p>a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one accessory residential building.</p> <p>d. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.</p> <p>e. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.</p> 
<p>4. Other Regulations</p> <p>a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.</p> <p>b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.</p> <p>c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access</p> <p>d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.</p>	

Article 9

FR

Forest Recreation District

Section	Name	Pg
9.00	Intent	9-1
9.01	Purposes	9-1
9.02	Principal Uses & Special Uses Permitted	9-3
9.03	District Development Standards	9-4

Section 9.00 Intent

The FR District is intended to apply to large tracts of land, as those in state forests and such other large tracts as their owners consider beneficial to protect natural resources by the application of the FR District.

Section 9.01 Purposes

- A. To keep significant blocks of public land that are major features of public interest, promoting the health, safety, peace and general welfare of citizens in the State of Michigan.
- B. To preserve and reserve valuable resource lands which are critical to the forest industry, a sustainable and renewable sector of the economic base (local and state).
- C. To continue and perpetuate the use of forest resource lands for broad scale outdoor recreation use, specifically directed at hunting (large & small game), snowmobiling, skiing, hiking, mushrooming, bird watching and the like.
- D. To provide habitat for wildlife (plant and animal) with the least amount of disruption from development activities such as building and small lot fragmentation.
- E. To keep and perpetuate resource valuable lands in blocks of ownership and sizes to facilitate effective resource management (forestry, wildlife, recreation, etc.).
- F. To implement and support the implementation of major components of the vision statement published by the Michigan Land Use Leadership Council, that includes:
 1. Small towns that serve surrounding Agricultural, Forestry, Mining and tourist economies.
 2. A healthy, vibrant agricultural and forest products industry in the State.
 3. Public and private lands are managed to sustain long term use while providing for open space and wildlife habitat.

4. Promote an understanding that a healthy environment and healthy economy go hand in hand.
 5. Preserving ecologically significant natural habitats.
 6. A solution to Land Use Issues that recognize the unique character, history, economics and culture of the State.
- G. To recognize blocks of publicly owned land that now have historic significance and have been an integral feature of Emmet County's natural environment since the 1930s.
- H. To protect the value of private properties adjacent to or near large blocks of public land and which private properties have experienced valuation enhancement due to their proximity to valuable outdoor open space resources.
- I. To carry out the visions of the Emmet County Master Plan that includes protecting the County's rural character, promoting rural open space, discouraging the fragmentation of large resource parcels (forest and farm) and promoting land use policies that discourage sprawl.
- J. To sustain the local economy by perpetuating multi-use forest management to encourage broad scale outdoor recreation uses, such as rifle/bow hunting, snowmobiling, skiing and related activities traditional in the northern Michigan environment, and which may suffer diminishment or loss if the public forest base were parceled off and/or fragmented.
- K. To recognize the importance of large forest tracts in the natural chemistry of air purification, water quality protection, soil replenishment and bio-diversity.

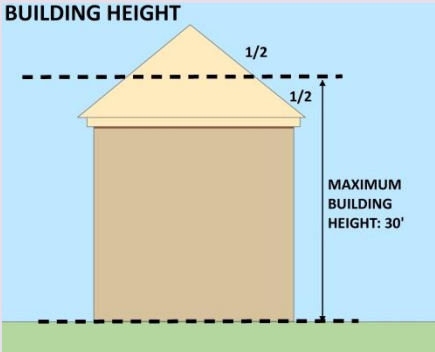
Section 9.02 Principal Uses & Special Uses Permitted

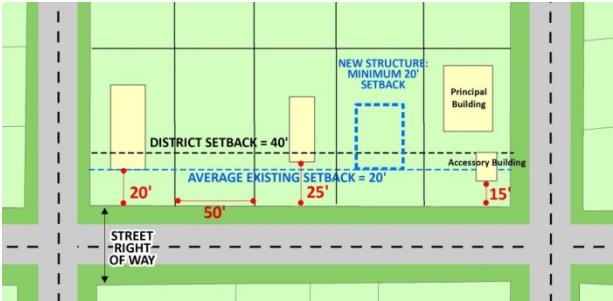
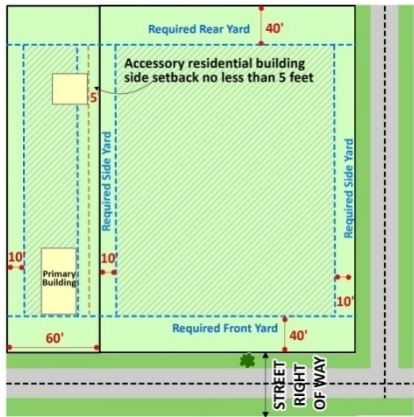
No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FR
AGRICULTURE & FORESTRY	
<i>Farms, domestic</i>	P*
<i>Forest products processing (limited)</i>	S*
<i>Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related.</i>	P*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Nature Parks/Nature Areas/Wildlife Preserves</i>	P
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands</i>	P
<i>Recreation Areas, private, nonprofit</i>	S*
<i>RV Parks/Travel Trailer Courts</i>	S*
COMMERCIAL	
<i>Cemeteries</i>	S*
EDUCATIONAL SERVICES & RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	P
<i>Public or private schools</i>	P
<i>Religious Institutions</i>	P
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Family Child Care Home (6 or less)</i>	P
<i>Group Child Care Home (7 -12)</i>	S
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care – 6 or less adults)</i>	P
MFG, INDUSTRIAL, MINING, & WASTE MGMT	
<i>Home-Based Industry</i>	S*
<i>Mines, quarries, and gravel pits</i>	S*
<i>Sanitary Landfills</i>	S*
MISCELLANEOUS	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S
<i>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</i>	S

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	FR
PUBLIC FACILITIES	
<i>Community Centers (public)</i>	P
<i>Government Offices</i>	P
<i>Libraries</i>	P
<i>Police/Fire Stations</i>	P
<i>Post Office</i>	P
<i>Public Works Facilities with Outdoor Storage</i>	P
<i>Public Works Facilities w/o Outdoor Storage</i>	P
RESIDENTIAL USES	
<i>Accessory Building without a Principal Building</i>	P*
<i>Cabins, hunting and fishing</i>	P
<i>Cottages and Recreation Homes</i>	P
<i>Duplex</i>	P*
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>One-Family Dwelling</i>	P
<i>Temporary Manufactured Homes or Recreational Vehicles</i>	P*
TRANSPORTATION, WAREHOUSE, WHOLESALE, STORAGE & SHIPPING	
<i>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other functions related to aviation.</i>	S*
UTILITIES & ENGERY	
<i>Public Utility Facilities (without storage yards)</i>	P
<i>Public Utility Facilities (with storage yards)</i>	P
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*
<i>Wind Energy Systems: Utility Grid</i>	S*

Section 9.03 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	40 acres
2. Minimum Lot Width	300 feet
3. Maximum Building Height	30 feet
	<p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos.
	<p>b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	35%
	This provision does not apply to structures four (4) feet in height or less.
5. Minimum Floor Area	560 feet
	This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.

B. Setbacks	
1. Minimum Front Yard	<p>40 feet</p> <p>a. On nonconforming lots measuring 100 feet or less in width, where two or more primary residences or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet.</p>  <p>b. For non-residential lots, parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.</p>
2. Minimum Rear Yard	<p>40 feet</p> <p>Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</p>
3. Minimum Side Yard	<p>10 feet</p> <p>a. On nonconforming lots measuring sixty (60) feet in width or less, one side yard setback may be reduced to five (5) feet for one accessory residential building.</p> <p>b. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.</p> <p>c. Nonresidential Uses -On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.</p> 
4. Other Regulations	<p>a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.</p> <p>b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.</p> <p>c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.</p> <p>d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.</p>

Article 10

B-1

Local Tourist Business District

Section	Name	Pg
10.00	Intent	10-1
10.01	Principal Uses & Special Uses Permitted	10-1
10.02	District Development Standards	10-3

Section 10.00 Intent

The B-1 Local-Tourist Business District is designed to give the County a Business District that is somewhat more selective than a General Business District, to provide for the establishment of neighborhood shopping areas, personal services and professional office areas that are compatible with and of service to township residential uses. Tourist services are also included as being in character with the District.

Section 10.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-1
ACCOMODATION & FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	P
<i>Bed & Breakfasts</i>	P
<i>Cabin Courts</i>	P
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Drinking Establishments (Bar)</i>	P
<i>Hotels & Motels, & Motor Inns (attached or detached units)</i>	P
<i>Microbreweries, Wineries, Distilleries</i>	P
<i>Restaurants</i>	P
<i>Restaurants with Outdoor Dining</i>	P
<i>Tourist Homes</i>	P
AGRICULTURE & FORESTRY	
<i>Greenhouse, nursery, landscaping and floriculture</i>	S
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades</i>	P
<i>Archery Ranges (& as accessory use to a business)</i>	P
<i>Boat Docks, tourist/commercial</i>	S
<i>Boat Tours</i>	P
<i>Dive Shops/Dive Tours</i>	P
<i>Marinas (including boat fuel sales, boat supplies, & accessories)</i>	S
<i>Museums & Galleries</i>	P
<i>Private Clubs; Fraternal Lodges</i>	P
<i>Skating Rinks (indoor)</i>	S

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-1
COMMERCIAL	
<i>Boat and Boating Accessory Sales</i>	S*
<i>Boat Repair & Storage</i>	S
<i>Building & Garden Equipment & Supplies Dealers</i>	S
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	P
<i>Cash Advance Stores</i>	P
<i>Clothing & Clothing Accessories Stores</i>	P
<i>Convenience Stores</i>	P
<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	P
<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Extermination & Pest Control Services</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Food & Beverage Stores</i>	P
<i>Funeral Homes & Mortuaries</i>	P
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>Gasoline Service Station</i>	S*
<i>General Merchandise Stores</i>	P
<i>General Rental Centers</i>	P
<i>Hardware Stores</i>	P
<i>Health & Personal Care Stores</i>	P
<i>Interior Designers/Showrooms</i>	P

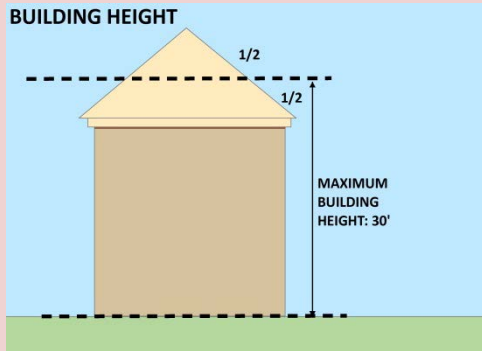
Local Tourist Business District

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-1
COMMERCIAL continued	
Medical Equipment Sales	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor Vendors	P
Pawn Shops/Resale Shops	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Pet Care (except Veterinary and Animal Shelters)	S
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	S
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales Office	P
Seasonal Use Sales	P
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance, physical exercise and music	P
COMMUNICATIONS	
Television/Radio Broadcasting Stations (no tower)	P
CONSTRUCTION & CONTRACTING	
Special trade contractors (ex: electrical, plumbing, heating, building) Offices/Showrooms – indoor storage of materials/equipment	S*
EDUCATIONAL SERVICES & RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	S*
Public or private schools	S*
Religious Institutions	P*
HUMAN CARE & SOCIAL ASSISTANCE	
Child Care Center or Day Care Center/Nursery School	S
Health Care /Dental /Optical Clinics	P
Residential Human Care and Treatment Facility (for example, a homeless shelter or a halfway house) unless otherwise exempt by law	P
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-1
MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT	
Mines, quarries, and gravel pits	S*
Sanitary Landfills	S*
MISC	
Accessory Buildings & Uses Incidental to Main Permitted Uses	P
Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use	S
PUBLIC FACILITIES	
Government Offices	P*
RESIDENTIAL USES	
Dwelling Units above/attached to Commercial Establishment	P
Individual Television/Radio Reception Towers	P*
Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.	S
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
Mail Order Establishments	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	S
Wholesale Trade	S*
UTILITIES & ENERGY	
Public Utility Facilities (without storage yards)	P
Wind Site Assessment Systems	S*
Wind Energy Systems, On-Site, greater than 60' in height	S*
Wind Energy Systems, On-Site, up to 60' in height	S*

Section 10.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>b. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	None
5. Minimum Floor Area	None



B. Setbacks**1. Minimum Front Yard****25 feet**

Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.

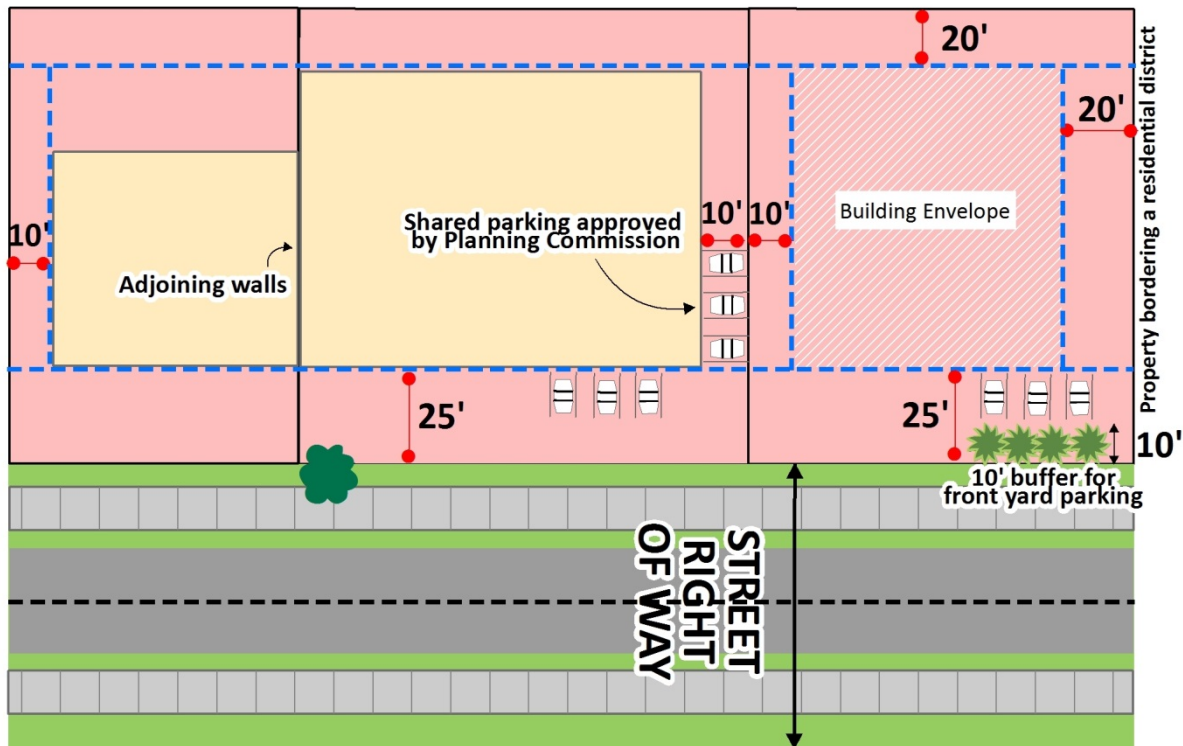
2. Minimum Rear Yard**20 feet**

Refer to [Section 22.11.2](#) for Minimum Waterfront Setback.

RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.

3. Minimum Side Yard**10 feet**

- Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
- On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.
- For non-residential uses, driveways, sidewalks, parking areas, loading zones shall not occupy required side yards and/or required rear yards unless the Planning Commission approves a plan for shared parking, shared loading, or shared access.

**4. Other Regulations**

Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Article 11

B-2

General Business District

Section	Name	Pg
11.00	Intent	11-1
11.01	Principal Uses & Special Uses Permitted	11-1
11.02	District Development Standards	11-3

Section 11.00 Intent

The B-2 General Business District is designed to provide sites for more diversified business types and are located so as to serve passer-by traffic.

Section 11.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-2
ACCOMODATION & FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	P
<i>Bed & Breakfasts</i>	P
<i>Cabin Courts</i>	P
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	P
<i>Drinking Establishments</i>	P
<i>Hotels & Motels, & Motor Inns (attached or detached units)</i>	P
<i>Microbreweries, Wineries, Distilleries</i>	P
<i>Restaurants</i>	P
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	S*
<i>Restaurants with Outdoor Dining</i>	P
<i>Tourist Homes</i>	P
AGRICULTURE & FORESTRY	
<i>Animal Shelter/Kennels</i>	S*
<i>Greenhouse, nursery, landscaping and floriculture</i>	S
<i>Lumber yards (pre-planned, finished lumber)</i>	S*
<i>Riding Arenas/Academies or Boarding Stables</i>	S
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades</i>	P
<i>Archery Ranges (& as accessory use to a business)</i>	P
<i>Assembly Halls</i>	P
<i>Boat Docks, tourist/commercial</i>	S
<i>Boat Tours</i>	P
<i>Bowling Centers/Billiard Parlors</i>	P
<i>Dive Shops/Dive Tours</i>	P

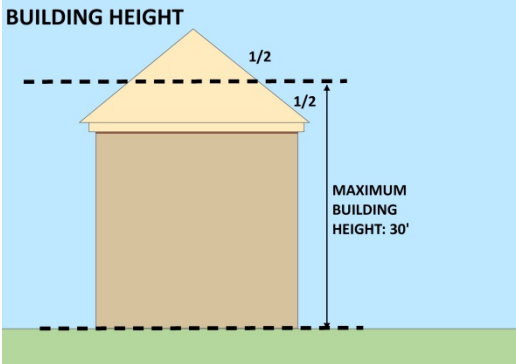
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-2
<i>Marinas (including boat fuel sales, boat supplies, & accessories)</i>	S
<i>Museums & Galleries</i>	P
<i>Outdoor Performance Facilities/Theaters</i>	S
<i>Outdoor Recreation Facilities (commercial: ex – go karts, mini-golf)</i>	S*
<i>Private Clubs; Fraternal Lodges</i>	P
<i>Race Tracks (including midget auto and carting tracks)</i>	S*
<i>Skating Rinks (indoor)</i>	P
<i>Theaters/Performing Arts Facilities</i>	P
COMMERCIAL	
<i>Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change</i>	S*
<i>Automotive Equipment Rental/Leasing</i>	S
<i>Boat and Boating Accessory Sales</i>	S*
<i>Boat Repair & Storage</i>	S
<i>Building & Garden Equipment & Supplies Dealers</i>	S
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	P
<i>Carwashes</i>	P
<i>Cash Advance Stores</i>	P
<i>Clothing & Clothing Accessories Stores</i>	P
<i>Commercial/Industrial Equipment Rental & Leasing</i>	S
<i>Commercial Equipment Repair & Maintenance</i>	S
<i>Convenience Stores</i>	P
<i>Crematoriums</i>	S
<i>Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)</i>	S*
<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-2
COMMERCIAL continued	
<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Extermination & Pest Control Services</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Food & Beverage Stores</i>	P
<i>Funeral Homes & Mortuaries</i>	P
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>Gas Stations</i>	S*
<i>General Merchandise Stores</i>	P
<i>General Rental Centers</i>	P
<i>Hardware Stores</i>	P
<i>Health & Personal Care Stores</i>	P
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Manufactured Home Dealers</i>	S
<i>Medical Equipment Sales</i>	P
<i>Movie Rental Stores</i>	P
<i>Office Supply Stores</i>	P
<i>Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and similar units.</i>	S*
<i>Outdoor Vendors</i>	P
<i>Pawn Shops/Resale Shops</i>	P
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	P
<i>Pet Care (except Veterinary and Animal Shelters)</i>	P
<i>Pet Stores</i>	P
<i>Pharmacies/Medical & Optical Supplies</i>	P
<i>Photofinishing/Photographers</i>	P
<i>Printing/Binding/Publishing of Printed Materials</i>	P
<i>Professional Cleaning Services</i>	P
<i>Professional Offices</i>	P
<i>Real Estate Sales Office</i>	P
<i>Retail Uses with Outdoor Storage</i>	S
<i>Seasonal Use Sales</i>	P
<i>Sexually Oriented Businesses</i>	P*
<i>Shopping Center – Multiple Businesses</i>	S
<i>Small-Scale Craft Making</i>	P
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P
<i>Studios for dance, physical exercise and music</i>	P
CONSTRUCTION & CONTRACTING	
<i>Special trade contractors (ex: electrical, plumbing, heating, building) Offices/Showrooms – indoor storage of materials/equipment</i>	S*

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-1
COMMUNICATIONS	
<i>Commercial Television & Radio Towers</i>	S*
<i>Public Utility Microwaves</i>	S*
<i>Public Utility TV Transmitting Towers</i>	S*
<i>Television/Radio Broadcasting Stations (no tower)</i>	P
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures (See Section 26.01)</i>	S*
EDUCATIONAL SERVICES & RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	S
<i>Public or private schools</i>	S
<i>Religious Institutions</i>	P
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Child Care Center or Day Care Center/Nursery School</i>	S
<i>Health Care /Dental /Optical Clinics</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).</i>	P
MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT	
<i>Food/beverage bottling & packaging</i>	P
<i>Mines, quarries, and gravel pits</i>	S*
<i>Sanitary Landfills</i>	S*
MISC	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S
<i>Parking lots, Off Street & Accessory Loading Areas</i>	P
<i>Parking Structures</i>	P
PUBLIC FACILITIES	
<i>Government Offices</i>	P
RESIDENTIAL USES	
<i>Dwelling Units above/attached to Commercial Establishment</i>	P
<i>Individual Television/Radio Reception Tower</i>	P*
<i>Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.</i>	S
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
<i>Couriers/Parcel Packing/Shipping/Delivery Establishments</i>	P
<i>Mail Order Establishments</i>	P
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>	P
<i>Warehousing & Storage (including ministorage)</i>	S*
<i>Wholesale Trade</i>	P*
UTILITIES & ENERGY	
<i>Public Utility Facilities (without storage yards)</i>	P
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

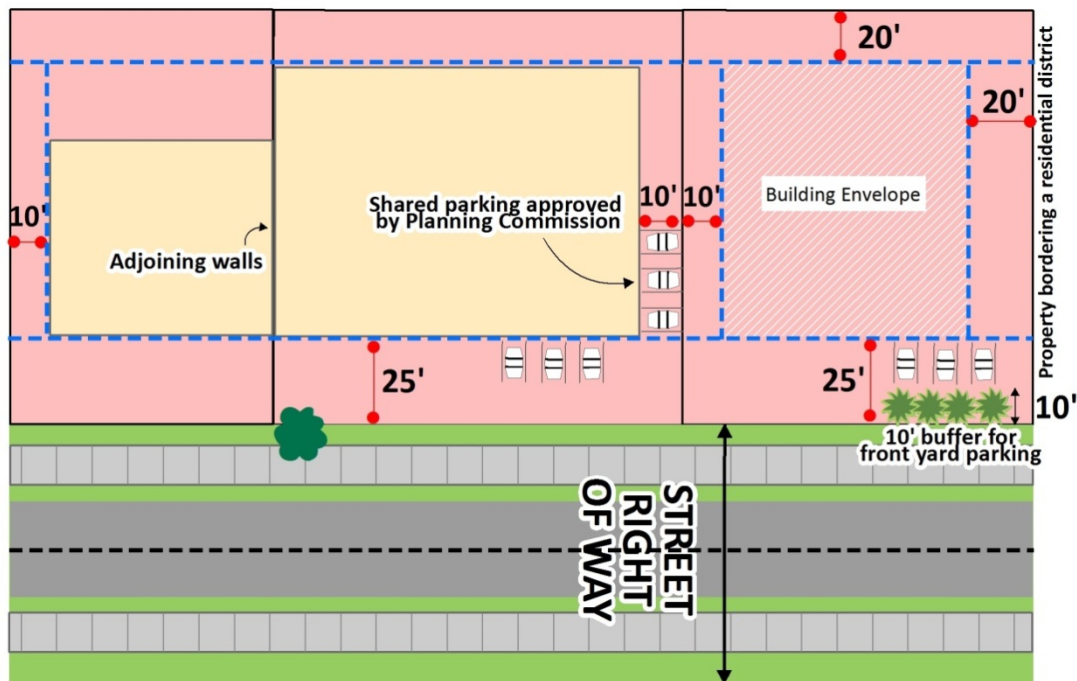
Section 11.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>a. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	None
5. Minimum Floor Area	None



B. Setbacks

1. Minimum Front Yard	25 feet Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.
2. Minimum Rear Yard	20 feet Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.
3. Minimum Side Yard	10 feet <ol style="list-style-type: none"> Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District. For nonresidential uses, driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.

**4. Other Regulations**

Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Article 12

B-3

Commercial/Industrial District

Section	Name	Pg
12.00	Intent	12-1
12.01	Principal Uses & Special Uses Permitted	12-1
12.02	District Development Standards	12-3

Section 12.00 Intent

The B-3 Commercial/Industrial District is intended to accommodate selected industrial uses in locations that also have the potential for general business use. Based on physical site characteristics related to existing buildings, road access, natural buffer features, and other transition conditions with housing and resort areas, the B-3 District can offer greater flexibility in situations where selected industrial uses and commercial uses are feasible. The District is particularly intended to accommodate technical industries suited to Emmet County, and whose physical operational effects can be confined to the site.

Section 12.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

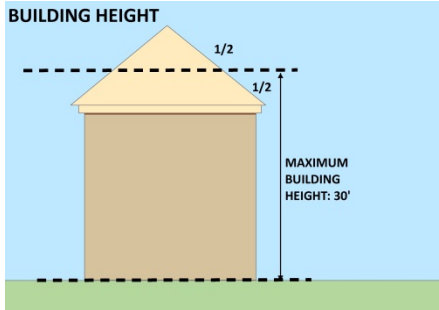
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-3	P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-3
ACCOMMODATION & FOOD SERVICES		COMMERCIAL	
Bakeries (goods produced & sold on-site)	P	Bowling Centers/Billiard Parlors	P
Bed & Breakfasts	P	Dive Shops/Dive Tours	P
Cabin Courts	P	Museums & Galleries	P
Caterers/Food Service Contractors	P	Private Clubs; Fraternal Lodges	P
Coffee Shops	P	Skating Rinks (indoor)	P
Convention Centers/Conference Centers/Banquet Halls	P	Theaters/Performing Arts Facilities	P
Drinking Establishments (Bar)	P		
Hotels & Motels, & Motor Inns (attached or detached units)	P	Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Microbreweries, Wineries, Distilleries	P	Carwashes	P
Restaurants	P	Cash Advance Stores	P
Restaurants with Drive-Through (Drive-In or Eat in Car)	S*	Clothing & Clothing Accessories Stores	P
Restaurants with Outdoor Dining	P	Convenience Stores	P
Tourist Homes	P	Crematoriums	S
AGRICULTURE & FORESTRY		Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)	S*
Greenhouse, nursery, landscaping and floriculture	S	Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Lumber yards (pre-planned, finished lumber)	S*	Electronic & Precision Equipment Repair & Maintenance	P
Riding Arenas/Academies or Boarding Stables	S	Electronics & Appliance Stores	P
ARTS, ENTERTAINMENT, AND RECREATION		Extermination & Pest Control Services	P
Amusement Arcades	P	Financial Institutions	P
Archery Ranges (& as accessory use to a business)	P	Florists	P
Assembly Halls	P		
Boat Tours	P		

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-3
COMMERCIAL continued	
Food & Beverage Stores	P
Funeral Homes & Mortuaries	P
Furniture & Home Furnishings Stores; Antique Stores	P
General Merchandise Stores	P
General Rental Centers	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in enclosed structure)	P
Interior Designers/Showrooms	P
Medical Equipment Sales	P
Medical Laboratories	P
Movie Rental Stores	P
Office Supply Stores	P
Pawn Shops/Resale Shops	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Pet Care (except Veterinary and Animal Shelters)	P
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Printed Materials	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales Office	P
Seasonal Use Sales	P
Sexually Oriented Businesses	P*
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance, physical exercise and music	P
COMMUNICATIONS	
Television/Radio Broadcasting Stations (no tower)	P
EDUCATIONAL SERVICES & RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	P
Religious Institutions	P
Trade Schools	P*
HUMAN CARE & SOCIAL ASSISTANCE	
Health Care /Dental /Optical Clinics	P
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).	P

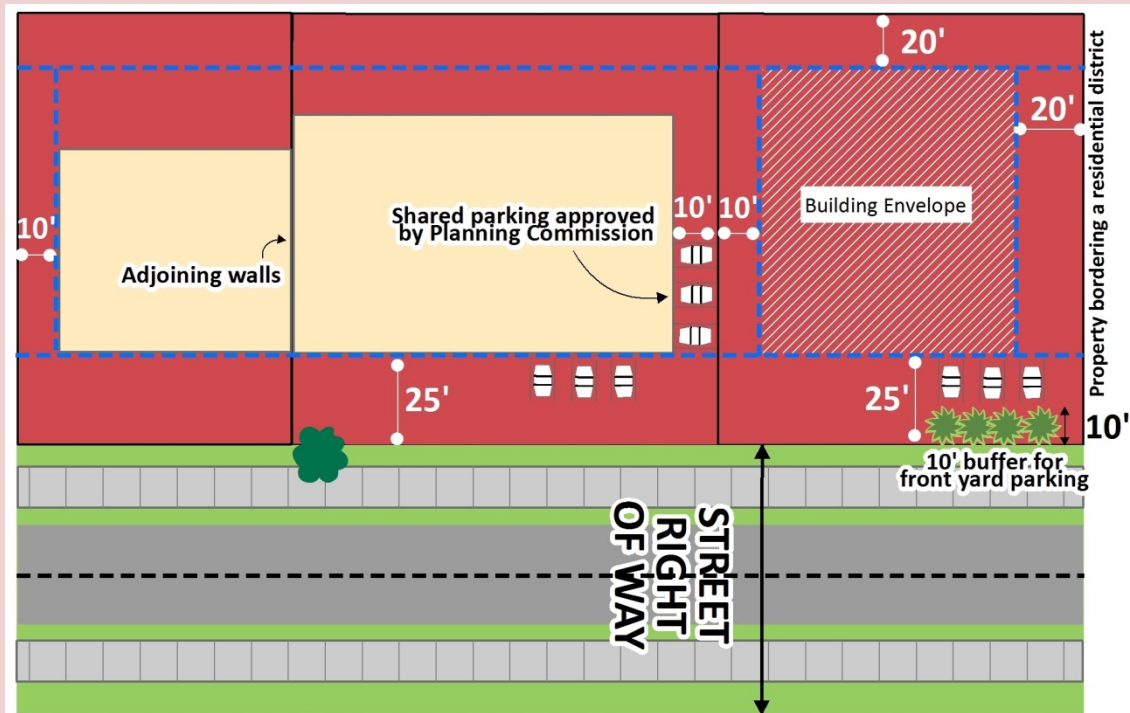
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	B-3
MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT	
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products	P*
Computer, Electronic, & Appliance Product Mfg	P*
Craft Product Mfg	P*
Food/beverage bottling & packaging	P
Laboratories	P*
Leather & Allied Product Mfg	P*
Machine Shops	P*
Mines, quarries, and gravel pits	S*
Plastics Mfg (when cooling towers are not required)	P*
Research/Design/Experimental Product Development (within a completely enclosed building)	P*
Sanitary Landfills	S*
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg	P*
Textile & Apparel Mfg	P*
Tool & Die Shops	P*
Wood Product Mfg (not mills)	P*
MISC	
Accessory Buildings & Uses Incidental to Main Permitted Uses	P
Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use	S
Parking lots, Off Street & Accessory Loading Areas	P
Parking Structures	P
RESIDENTIAL USES	
Dwelling Units above/attached to Commercial Establishment	P
Individual Television/Radio Reception Tower	P*
Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.	S
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
Couriers/Parcel Packing/Shipping/Delivery Establishments	P
Mail Order Establishments	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Wholesale Trade	P*
UTILITIES & ENERGY	
Public Utility Facilities (without storage yards)	P
Wind Site Assessment Systems	S*
Wind Energy Systems, On-Site, greater than 60' in height	S*
Wind Energy Systems, On-Site, up to 60' in height	S*

Section 12.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>a. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined by that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	None
5. Minimum Floor Area	None



B. Setbacks	
1. Minimum Front Yard	25 feet Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.
2. Minimum Rear Yard	20 feet Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.
3. Minimum Side Yard	10 feet <ol style="list-style-type: none"> Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District. For nonresidential uses, driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.

**4. Other Regulations**

Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

C. Required Conditions

Each use permitted in the B-3 District shall comply with the following site development conditions:

- No open storage of finished goods or raw materials in front or side yards, except screened dumpster locations for normal waste disposal purposes.
- Any machinery used in the production process shall be of an operational character that is confined to the premises, and any noise, vibration, glare, smoke, dust, or other operational effects shall not be discernible from off the premises or exceed nuisance levels of other uses permitted in the B-3 District.

The Planning Commission may modify or waive required conditions in this section if the applicant can demonstrate that no good or practical purpose would be served by strict compliance with such requirements, provided however, that any or all waivers or modifications be documented on the site plan and are agreed to by the applicant.

Article 13

P-T

Parking Transition District

Section	Name	Pg
13.00	Intent	13-1
13.01	Principal Uses & Special Uses Permitted	13-1
13.02	Required Conditions	13-3
13.03	District Development Standards	13-3

Section 13.00 Intent

The Parking Transition District is intended for application in those land use situations where Non-residential Districts and Residential Districts face or may face across a common fronting street, and the nonresidential uses have access from another street or road, primarily on double frontage lots. The P-T District provides for expanded business uses and establishes minimum transition standards.

Section 13.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	P-T
ACCOMMODATION & FOOD SERVICES	
<i>Bakeries (goods produced & sold on-site)</i>	P
<i>Bed & Breakfasts</i>	P
<i>Cabin Courts</i>	P
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Drinking Establishments(Bar)</i>	P
<i>Hotels & Motels, & Motor Inns (attached or detached units)</i>	P
<i>Microbreweries, Wineries, Distilleries</i>	P
<i>Restaurants</i>	P
<i>Restaurants with Outdoor Dining</i>	P
<i>Tourist Homes</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades</i>	P
<i>Archery Ranges (& as accessory use to a business)</i>	P
<i>Boat Tours</i>	P
<i>Dive Shops/Dive Tours</i>	P
<i>Museums & Galleries</i>	P
<i>Private Clubs; Fraternal Lodges</i>	P
<i>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, and public lands</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	P-T
COMMERCIAL	
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	P
<i>Cash Advance Stores</i>	P
<i>Clothing & Clothing Accessories Stores</i>	P
<i>Convenience Stores</i>	P
<i>Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	P
<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Extermination & Pest Control Services</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Food & Beverage Stores</i>	P
<i>Funeral Homes & Mortuaries</i>	P
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>General Merchandise Stores</i>	P
<i>General Rental Centers</i>	P
<i>Hardware Stores</i>	P
<i>Health & Personal Care Stores</i>	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	P-T
COMMERCIAL continued	
<i>Interior Designers/Showrooms</i>	P
<i>Medical Equipment Sales</i>	P
<i>Movie Rental Stores</i>	P
<i>Office Supply Stores</i>	P
<i>Outdoor Vendors</i>	P
<i>Pawn Shops/Resale Shops</i>	P
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	P
<i>Pet Care (except Veterinary and Animal Shelters)</i>	S
<i>Pet Stores</i>	P
<i>Pharmacies/Medical & Optical Supplies</i>	P
<i>Photofinishing/Photographers</i>	P
<i>Professional Cleaning Services</i>	P
<i>Professional Offices</i>	P
<i>Real Estate Sales Office</i>	P
<i>Seasonal Use Sales</i>	P
<i>Small-Scale Craft Making</i>	P
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P
<i>Studios for dance, physical exercise and music</i>	P
COMMUNICATIONS	
<i>Television/Radio Broadcasting Stations (no tower)</i>	P
EDUCATIONAL SERVICES & RELIGION	
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	P
<i>Public or private schools</i>	P
<i>Religious Institutions</i>	P
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Shelter for Battered Women and Children(in a residence)</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).</i>	P

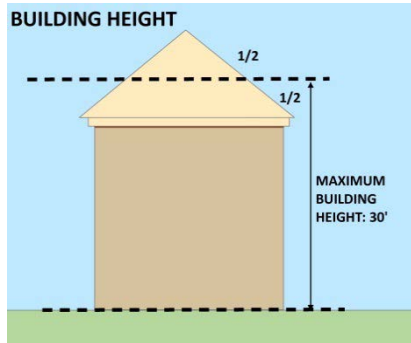
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	P-T
MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT	
<i>Food/beverage bottling & packaging</i>	P*
<i>Mines, quarries, and gravel pits</i>	S*
<i>Sanitary Landfills</i>	S*
MISC	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S
<i>Parking lots, Off Street & Accessory Loading Areas</i>	P
<i>Uses that are an expansions of existing business properties from an adjoining B-1, B-2, or B-3 District</i>	P
PUBLIC FACILITIES	
<i>Community Centers (public)</i>	P
<i>Government Offices</i>	P
<i>Libraries</i>	P
<i>Police/Fire Stations</i>	P
<i>Post Office</i>	P
RESIDENTIAL USES	
<i>Duplex</i>	P*
<i>Dwelling Units above/attached to Commercial Establishment</i>	P
<i>Home Occupations Level 1</i>	P*
<i>Home Occupations Level 2</i>	S*
<i>Individual Television/Radio Reception Tower</i>	P*
<i>One-Family Dwelling</i>	P
<i>Multiple-Family Dwelling Units</i>	P
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
<i>Wholesale Trade</i>	P*
UTILITIES & ENERGY	
<i>Public Utility Facilities (without storage yards)</i>	P
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 13.02 Required Conditions

Parking lots occupying P-T District properties shall maintain a minimum of 15 feet of setback when such parking faces or is across from residential zoned property. The 15 foot yard shall be planted with screening materials, fences and/or otherwise treated so as to obscure or break-up the view of parked vehicles.

Section 13.03 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	<p>30 feet</p> <p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos. <p>a. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Minimum Building Width	20 feet for at least 1/2 its length
5. Maximum Lot Coverage by the Area of all Buildings	None
6. Minimum Floor Area	None



B. Setbacks	
1. Minimum Front Yard	25 feet Parking lots occupying P-T District properties shall maintain a minimum of 15 feet of setback when such parking faces or is across from residential zoned property. The 15 foot yard shall be planted with screening materials, fences and/or otherwise treated so as to obscure or break-up the view of parked vehicles.
2. Minimum Rear Yard	20 feet Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.
3. Minimum Side Yard	10 feet a. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes. b. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.

4. Other Regulations	a. For residential lots with less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable. b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use. c. For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access. d. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
----------------------	---

Article 14

I-1

Light Industrial District

Section	Name	Pg
14.00	Intent	14-1
14.01	Principal Uses & Special Uses Permitted	14-1
14.02	District Development Standards	14-4

Section 14.00 Intent

The I-1 Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

Section 14.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-1
ACCOMMODATION & FOOD SERVICES	
Bakeries (goods produced & sold on-site)	P
Cabin Courts	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls	P
Drinking Establishments (Bar)	P
Hotels & Motels, & Motor Inns (attached or detached units)	P
Microbreweries, Wineries, Distilleries	P
Restaurants	P
Restaurants with Drive-Through (Drive-In or Eat in Car)	S*
Restaurants with Outdoor Dining	P
Tourist Homes	P
AGRICULTURE & FORESTRY	
Animal Shelter/Kennels	P*
Greenhouse, nursery, landscaping and floriculture	P
Riding Arenas/Academies or Boarding Stables	S
Sawmills, Planing Mills, Veneer Mills and related operations	S*
Veterinary Services/Animal Clinics/Animal Hospitals	S*
ARTS, ENTERTAINMENT, AND RECREATION	
Assembly Halls	P
Bowling Centers/Billiard Parlors	P
Museums & Galleries	P
Outdoor Performance Facilities/Theaters	S
Private Clubs; Fraternal Lodges	P

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-1
Race Tracks (including midget auto and carting tracks)	S*
Theaters/Performing Arts Facilities	P
COMMERCIAL	
Agricultural products processing and storage (excluding concentrated animal feeding operations)	P
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change	P*
Automotive Equipment Rental/Leasing	S
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)	P
Carwashes	P
Cash Advance Stores	P
Clothing & Clothing Accessories Stores	P
Commercial/Industrial Equipment Rental & Leasing	S
Commercial Equipment Repair & Maintenance	P
Convenience Stores	P
Crematoriums	P
Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)	S*
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Electronic & Precision Equipment Repair & Maintenance	P
Electronics & Appliance Stores	P
Extermination & Pest Control Services	P
Financial Institutions	P
Florists	P
Food & Beverage Stores	P
Funeral Homes & Mortuaries	P

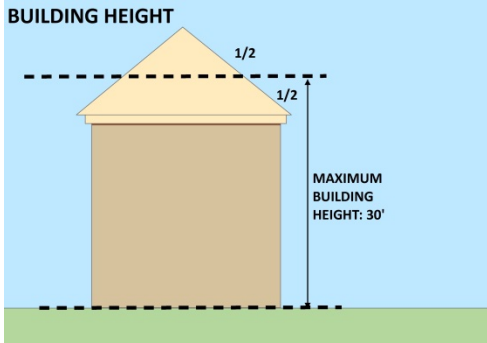
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-1
COMMERCIAL continued	
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>General Merchandise Stores</i>	P
<i>General Rental Centers</i>	P
<i>Hardware Stores</i>	P
<i>Health & Personal Care Stores</i>	P
<i>Home Improvement Centers (lumber stored in encl. structure)</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Manufactured Home Dealers</i>	S
<i>Medical Equipment Sales</i>	P
<i>Medical Laboratories</i>	P
<i>Movie Rental Stores</i>	P
<i>Office Supply Stores</i>	P
<i>Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and similar units</i>	S*
<i>Pawn Shops/Resale Shops</i>	P
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>	P
<i>Pet Care (except Veterinary and Animal Shelters)</i>	S
<i>Pet Stores</i>	P
<i>Pharmacies/Medical & Optical Supplies</i>	P
<i>Photofinishing/Photographers</i>	P
<i>Professional Cleaning Services</i>	P
<i>Professional Offices</i>	P
<i>Real Estate Sales Office</i>	P
<i>Retail Uses with Outdoor Storage</i>	S
<i>Seasonal Use Sales</i>	P
<i>Sexually Oriented Businesses</i>	P*
<i>Small-Scale Craft Making</i>	P
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P
<i>Studios for dance, physical exercise and music</i>	P
COMMUNICATIONS	
<i>Commercial Television & Radio Towers</i>	S*
<i>Public Utility Microwaves</i>	S*
<i>Public Utility TV Transmitting Towers</i>	S*
<i>Television/Radio Broadcasting Stations (no tower)</i>	P
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures</i>	S*
CONSTRUCTION & CONTRACTING	
<i>Storage Facilities for Contractors</i>	S
EDUCATIONAL SERVICES & RELIGION	
<i>Religious Institutions</i>	P
<i>Trade Schools</i>	P
HUMAN CARE & SOCIAL ASSISTANCE	
<i>Health Care /Dental /Optical Clinics</i>	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).</i>	P
MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT	
<i>Central Dry Cleaning Plants (not dealing directly w/customers)</i>	P*
<i>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products</i>	P*
<i>Computer, Electronic, & Appliance Product Mfg</i>	P*

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-1
<i>Food/beverage processing</i>	P*
<i>Food/beverage bottling & packaging</i>	P*
<i>Furniture & Related Product Mfg</i>	P*
<i>Incinerator Plant (pyrolysis type)</i>	S*
<i>Junkyards/salvage yard/scrap yards, motor vehicle impoundment and wrecking yards</i>	S*
<i>Laboratories</i>	P*
<i>Leather & Allied Product Mfg</i>	P*
<i>Machine Shops</i>	P*
<i>Metal Plating/Buffering/Polishing/Cutting/ Slitting/Shearing</i>	S*
<i>Mineral Processing Facilities & Operations</i>	S*
<i>Mines, quarries, and gravel pits</i>	S*
<i>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</i>	P*
<i>Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution</i>	S*
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	S*
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	P*
<i>Sanitary Landfills</i>	S*
<i>Sign Painting & Mfg</i>	P*
<i>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</i>	P*
<i>Textile & Apparel Mfg</i>	P*
<i>Tool & Die Shops</i>	P*
<i>Wood Product Mfg (not mills)</i>	P*
MISC	
<i>Accessory Buildings & Uses Incidental to Main Permitted Uses</i>	P
<i>Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use</i>	S
<i>Parking lots, Off Street & Accessory Loading Areas</i>	P
<i>Parking Structures</i>	P
PUBLIC FACILITIES	
<i>Water & Wastewater Treatment Plants & Reservoirs</i>	S
RESIDENTIAL USES	
<i>Dwelling Units above/attached to Commercial Establishment</i>	P
<i>Individual Television/Radio Reception Towers</i>	P*
<i>Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.</i>	S
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>	S*
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
<i>Couriers/Parcel Packing/Shipping/Delivery Establishments</i>	P
<i>Freight Terminals/Trucking Facilities</i>	P
<i>Helistops</i>	S*
<i>Mail Order Establishments</i>	P
<i>Meat Lockers and/or Freezer Plants</i>	P

Light Industrial District

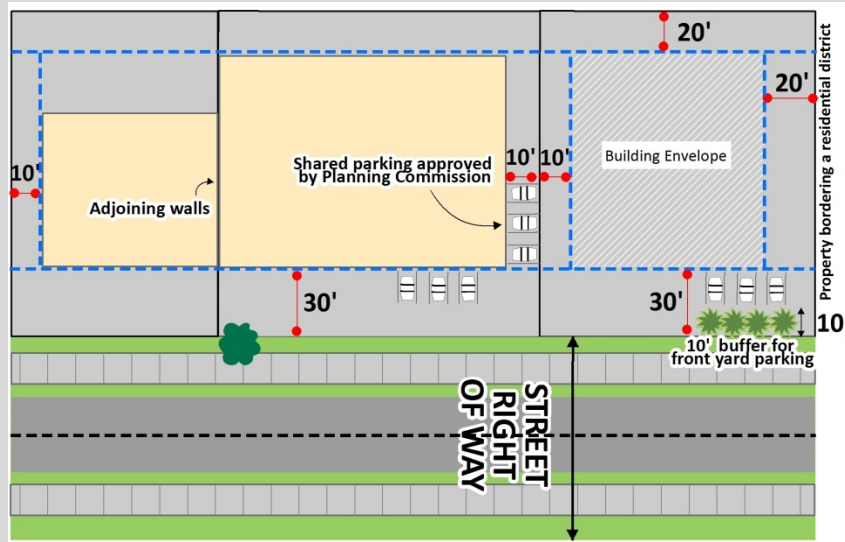
<i>Rail yards</i>	P
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>	P
<i>Warehousing & Storage (including ministorage)</i>	P*
<i>Wholesale Trade</i>	P*
UTILITIES & ENERGY	
<i>Electrical Transformer Stations & Substations</i>	P
<i>Gas Regulator Stations</i>	P
<i>Public Utility Facilities (without storage yards)</i>	P
<i>Public Utility Facilities (with storage yards)</i>	P*
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 14.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	30 feet
	<p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos.
	<p>a. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
4. Maximum Lot Coverage by the Area of all Buildings	None
5. Minimum Floor Area	None

B. Setbacks

1. Minimum Front Yard	30 feet a. Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.
2. Minimum Rear Yard	20 feet Refer to Section 22.11.2 for Minimum Waterfront Setback.
3. Minimum Side Yard	10 feet a. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes. b. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.



4. Other Regulations

- Driveways, sidewalks, parking areas, loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.
- Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

C. Required Conditions

- For all Special Uses and for any industrial uses, which in the opinion of the Zoning Administrator, would constitute a special nuisance or danger because of the nature of the operation (fire, explosion, radiation, noise, air pollution, emissions and the like), the applicant for a permit may be required to submit certified statements that the proposed industrial use meets at least the minimum safety-health environmental standards prescribed by state and/or federal standards pertaining to the specific use.
- The extent of walls or fences in the I-1 District, where required, and for all Special Uses, shall be determined by the Planning Commission. Fences or walls shall not be less than four feet six inches (4' 6") in height, and may be required to be eight (8) feet in height. A chain link type fence, with heavy evergreen shrubbery inside of the fence, shall be considered to be an obscuring fence.

The Planning Commission may waive, or modify, any wall, fence, greenbelt or special setback provision in the I-1 District, where in its determination no good or practical purpose would be served, including such reasons as large site area, natural isolation, land ownership patterns, natural barriers or screens and the like.

Article 15

I-2

General Industrial District

Section	Name	Pg
15.00	Intent	15-1
15.01	Principal Uses & Special Uses Permitted	15-1
15.02	District Development Standards	15-4

Section 15.00 Intent

The General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The District is intended to permit the manufacturing, processing and compounding of semi-finished products or products from raw materials as well as from previously prepared material.

Section 15.01 Principal Uses & Special Uses Permitted

No building or land shall be used and no building shall be erected except for one or more of the following specified uses (also shown in [Article 18: Land Use Matrix](#)):

Any other use may be permitted which shall be determined by the Planning Commission to be in the same general character as the uses listed below and in [Article 18](#). The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-2	P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-2
ACCOMODATION & FOOD SERVICES		ARTS, ENTERTAINMENT, AND RECREATION	
<i>Bakeries (goods produced & sold on-site)</i>	P	<i>Assembly Halls</i>	P
<i>Cabin Courts</i>	P	<i>Bowling Centers/Billiard Parlors</i>	P
<i>Caterers/Food Service Contractors</i>	P	<i>Museums & Galleries</i>	P
<i>Coffee Shops</i>	P	<i>Outdoor Performance Facilities/Theaters</i>	S
<i>Convention Centers/Conference Centers/Banquet Halls</i>	P	<i>Private Clubs; Fraternal Lodges</i>	P
<i>Drinking Establishments (Bar)</i>	P	<i>Race Tracks (including midget auto and carting tracks)</i>	S*
<i>Hotels & Motels, & Motor Inns (attached or detached units)</i>	P	<i>Theaters/Performing Arts Facilities</i>	P
<i>Microbreweries, Wineries, Distilleries</i>	P	COMMERCIAL	
<i>Restaurants</i>	P	<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>	P
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	S*	<i>Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change</i>	P*
<i>Restaurants with Outdoor Dining</i>	P	<i>Automotive Equipment Rental/Leasing</i>	S
<i>Tourist Homes</i>	P	<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	P
AGRICULTURE & FORESTRY		<i>Carwashes</i>	P
<i>Animal Shelter/Kennels</i>	P*	<i>Cash Advance Stores</i>	P
<i>Greenhouse, nursery, landscaping and floriculture</i>	P	<i>Clothing & Clothing Accessories Stores</i>	P
<i>Riding Arenas/Academies or Boarding Stables</i>	S	<i>Commercial/Industrial Equipment Rental & Leasing</i>	S
<i>Sawmills, Planing Mills, Veneer Mills and related operations</i>	S	<i>Commercial Equipment Repair & Maintenance</i>	P
<i>Slaughter Houses/Meat Packing Plants</i>	P	<i>Convenience Stores</i>	P
<i>Veterinary Services/Animal Clinics/Animal Hospitals</i>	S*		

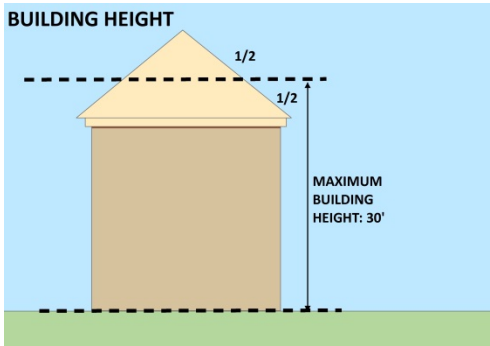
P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-2
COMMERCIAL continued	
Crematoriums	P
Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)	S*
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	P
Electronic & Precision Equipment Repair & Maintenance	P
Electronics & Appliance Stores	P
Extermination & Pest Control Services	P
Financial Institutions	P
Florists	P
Food & Beverage Stores	P
Funeral Homes & Mortuaries	P
Furniture & Home Furnishings Stores; Antique Stores	P
General Merchandise Stores	P
General Rental Centers	P
Hardware Stores	P
Health & Personal Care Stores	P
Home Improvement Centers (lumber stored in encl. structure)	P
Interior Designers/Showrooms	P
Manufactured Home Dealers	S
Medical Equipment Sales	P
Medical Laboratories	P
Movie Rental Stores	P
Office Supply Stores	P
Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and similar units	S*
Pawn Shops/Resale Shops	P
Personal Services (barber/beauty shops, tailoring, massage)	P
Pet Care (except Veterinary and Animal Shelters)	S
Pet Stores	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Professional Cleaning Services	P
Professional Offices	P
Real Estate Sales Office	P
Retail Uses with Outdoor Storage	S
Seasonal Use Sales	P
Sexually Oriented Businesses	P*
Small-Scale Craft Making	P
Sporting Goods, Hobby, Book & Music Stores	P
Studios for dance, physical exercise and music	P
COMMUNICATIONS	
Commercial Television & Radio Towers	S*
Public Utility Microwaves	S*
Public Utility TV Transmitting Towers	S*
Television/Radio Broadcasting Stations (no tower)	P
Wireless Telecommunications Towers & Facilities & Alternative Tower Structures	S*
CONSTRUCTION & CONTRACTING	
Storage Facilities for Contractors	S

P = Permitted by right S = Permitted with a Special Use Permit *Uses with Supplemental Regulations	I-2
EDUCATIONAL SERVICES & RELIGION	
Religious Institutions	P
Trade Schools	P
HUMAN CARE & SOCIAL ASSISTANCE	
Health Care /Dental /Optical Clinics	P
State-Licensed Residential Facilities (Adult Foster Care, 6 or less adults).	P
MANUFACTURING, INDUSTRIAL, MINING & WASTE	
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S*
Central Dry Cleaning Plants (not dealing directly with customers)	P*
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products	P*
Computer, Electronic, & Appliance Product Mfg	P*
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	S*
Food/beverage processing	P*
Food/beverage bottling & packaging	P*
Furniture & Related Product Mfg	P*
Incinerator Plant (non-pyrolysis)	S*
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards	S*
Laboratories	P*
Leather & Allied Product Mfg	P*
Machine Shops	P*
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	S*
Mines, quarries, and gravel pits	S*
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	P*
Oil and Gas Processing Facilities	S*
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	S*
Research/Design/Experimental Product Development (within a completely enclosed building)	P*
Research/Design/Experimental Product Development (those which are not permitted in I-1)	S*
Sanitary Landfills	S*
Sign Painting & Mfg	P*
Smelting Industries	S*
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg	P*
Textile & Apparel Mfg	P*
Tool & Die Shops	P*
Wood Product Mfg (not mills)	P*
MISC	
Accessory Buildings & Uses Incidental to Main Permitted Uses	P
Customary Accessory Buildings (200 sq. ft. and greater) without a Main Use	S
Parking lots, Off Street & Accessory Loading Areas	P
Parking Structures	P
PUBLIC FACILITIES	
Water & Wastewater Treatment Plants & Reservoirs	P

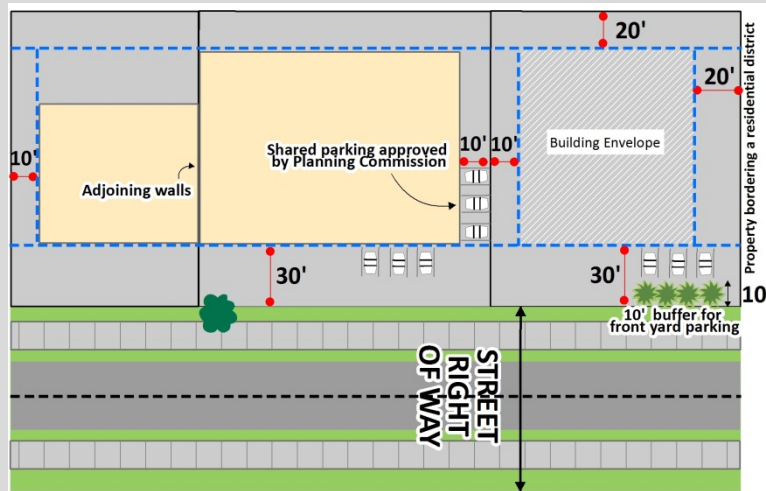
RESIDENTIAL USES	
<i>Dwelling Units above/attached to Commercial Establishment</i>	P
<i>Individual Television/Radio Reception Tower</i>	P*
<i>Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.</i>	S
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</i>	S*
TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING	
<i>Couriers/Parcel Packing/Shipping/Delivery Establishments</i>	P
<i>Freight Terminals/Trucking Facilities</i>	P
<i>Heliports</i>	S*
<i>Helistops</i>	S*
<i>Mail Order Establishments</i>	P
<i>Meat Lockers and/or Freezer Plants</i>	P
<i>Rail yards</i>	P
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>	P
<i>Warehousing & Storage (including ministorage)</i>	P*
<i>Wholesale Trade</i>	P*

UTILITIES & ENERGY	
<i>Electrical Transformer Stations & Substations</i>	P
<i>Gas Regulator Stations</i>	P
<i>Heating & Electric Power Generating Plants</i>	P
<i>Public Utility Facilities (without storage yards)</i>	P
<i>Public Utility Facilities (with storage yards)</i>	P*
<i>Wind Site Assessment Systems</i>	S*
<i>Wind Energy Systems, On-Site, greater than 60' in height</i>	S*
<i>Wind Energy Systems, On-Site, up to 60' in height</i>	S*

Section 15.02 District Development Standards

A. Lot & Structure Standards	
1. Minimum Lot Area	None
2. Minimum Lot Width	100 feet
3. Maximum Building Height	30 feet
	<p>a. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:</p> <ol style="list-style-type: none"> (1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area. (2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos.
	<p>a. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:</p> <ol style="list-style-type: none"> (1) It is determined that the added height will not significantly interfere with line-of-sight views. (2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations. (3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed fifty (50) percent. (4) If applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities. (5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
Maximum Lot Coverage by the Area of all Buildings	None
Minimum Floor Area	None

1. Minimum Front Yard	30 feet
	a. Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.
2. Minimum Rear Yard	20 feet
	Refer to Section 22.11.2 for Minimum Waterfront Setback.
3. Minimum Side Yard	10 feet
	a. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes.
	b. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.



- a. Driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.
- b. Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.

Article 16

PUD-RO

Planned Unit Development Residential Overlay

Section	Name	Pg
16.00	Intent	16-1
16.01	Preliminary PUD Residential Overlay Plan	16-2
16.02	Final PUD Residential Overlay Plan	16-2
16.03	Procedures	16-3
16.04	Land Use Standards in Residential PUD-RO Overlays	16-7
16.05	Design Standards	16-8

Section 16.00 Intent

The Planned Unit Development (PUD) Residential Overlay is structured and designed to advance the following goals:

- A. To encourage a more imaginative planned residential community through the application of comprehensive land use planning techniques at the project level.
- B. To provide for a controlled mix of land use types when coordinated into an overall property use plan without the incidence of spot zoning.
- C. To offer incentives to cluster uses in order to reduce development costs and provide more protection for natural habitats and open spaces.
- D. To coordinate development on larger tracts of land and encourage efficiency within the project with respect to housing, circulation (pedestrian ways, roads, etc.), integrated design features, utility services, and environmental concerns.
- E. To encourage a necessary balance between physical improvements, community needs, and site amenities such as scenic views, open space, recreation areas, and environmentally sensitive habitats.
- F. To allow more flexibility in land development with respect to building setbacks, building densities and other standard zoning requirements.
- G. Provide a forum for communication between the developer, community officials, and the public concerning PUD Residential Overlay projects.
- H. To encourage housing development with a mixture of land uses primarily to serve the residential development.
- I. To encourage residential developments which support multi-modal transportation (e.g. connections to non-motorized trails; transit-oriented development, etc.).

The PUD RESIDENTIAL OVERLAY is a LAND USE OPTION, which would not result in an underlying zoning district change. All proposed uses must be detailed in the Preliminary PUD Residential Overlay Plan review process.

Section 16.01 Preliminary PUD Residential Overlay Plan

The Preliminary PUD Residential Overlay Plan shall include details concerning the following:

- A. A generalized Plan Map of the Project Area:
 - 1. Drawn to scale.
 - 2. Indicating all lands under the control and/or ownership of the applicant or persons representing the owner, if that person is not the applicant.
- B. Sufficiently detailed to show the arrangement of land uses over the entire project area in a clear and concise manner.
 - 1. But need not show specific building shapes or sizes. A Preliminary PUD Residential Overlay Plan Map should be detailed with respect to existing conditions and proposed land uses, property boundaries, delineation of natural features, road, easements, utilities, a vicinity or location map, and other major interest features on or near the project that may impact the plan.
- C. The applicant shall consider impact to and design standards related to: sanitary sewers, stormwater drains, utilities, roads, soil erosion, environmentally sensitive areas (for example: wetlands, dunes, flood plains, etc.), and construction codes (building, electrical, plumbing, and mechanical).

Section 16.02 Final PUD Residential Overlay Plan

The Final PUD Residential Overlay Plan shall include details concerning the following:

- A. Densities of all proposed uses - such as the number of single family and multiple family dwelling units.
- B. Building envelopes for residences within the development.
- C. General building configurations and locations of all non-residential uses.
- D. Heights of buildings.
- E. Public and/or private roads including how the roads connect to existing transportation services.

- F. A contour map including final elevations.
- G. Identification and size of recreation areas and open space.
- H. Identification of environmentally sensitive areas.
- I. A planned schedule for phases and estimated time-line for development.
- J. An evaluation from the municipality or agency having jurisdiction regarding the impact of the development on public utilities and services including:
 - 1. Sewer
 - 2. Water
 - 3. Roads
 - 4. Fire Protection
 - 5. Schools
 - 6. Non-motorized trail connections
 - 7. Transit connections
 - 8. Others as applicable

Section 16.03 Procedures

All applications for Planned Unit Development (PUD) Residential Overlay projects shall be in accordance with the procedures outlined as follows:

Section 16.03.1 Pre-Application Conference

A Pre-Application Conference with the Zoning Administrator to review the basic requirements of the Zoning Ordinance as well as to review the procedures and design standards for a PUD Residential Overlay is required. As one option, the applicant may schedule an informal information meeting with the Planning Commission, but no official action on the PUD Residential Overlay may be taken at such meeting.

Section 16.03.2 Preliminary PUD Residential Overlay Plan Review

Following the Pre-Application Conference, the applicant may file a request with the Zoning Administrator seeking Planning Commission review of a Preliminary PUD Residential Overlay Plan for the subject property. Final approval of the Preliminary PUD Residential Overlay Plan shall be by the County Planning Commission with the recommendation from the township within which the project is located.

Preliminary review does not imply approval of the Final PUD Residential Overlay Plan, but is a step to determine levels of agreement and/or disagreement. Necessary requirements for a Preliminary PUD Residential Overlay Plan are as follows:

A. Filing requirements (Preliminary PUD Residential Overlay Plan)

1. Filing of the existing conditions map and the Preliminary PUD Residential Overlay Plan with the Zoning Administrator at least twenty-four (24) days prior to the date of the Planning Commission meeting, at which a Public Hearing on the plan is to be scheduled.

2. At least two (2) full-sized, and fourteen (14) reduced sized copies of all maps and graphic documentation shall be submitted at the time of filing.
3. Notice shall be given as required by **PA 110 of 2006, as amended**.
4. Map scale and identification information as prescribed for Site Plans under **Section 20.03** of this Ordinance.

B. Plan Requirements (Preliminary PUD Residential Overlay Plan).

The Preliminary PUD Residential Overlay Plan must contain information showing existing site conditions and proposed land uses, the rationale for the particular use arrangement selected, the identification of special site features recognized in the design, and pertinent density or quantity data to reflect demands on community services.

There are two graphic requirements for the Preliminary PUD Residential Overlay Plan step:

1. An Existing Conditions Map which includes:

- a. A property location map.
- b. Property dimensions and boundaries.
- c. Major tree stands.
- d. Water bodies (streams, rivers, lakes, and ponds).
- e. Rock outcrops.
- f. Wetlands – both regulated and unregulated.
- g. Drainage courses.
- h. Steep slopes.
- i. Generalized soil conditions.
- j. Dunes.
- k. Other natural features.
- l. Existing roads within and bordering the project.
- m. Buildings.
- n. Easements.
- o. Utilities.

2. The Preliminary PUD Residential Overlay Plan Map, Per **Section 16.01:**

The applicant must submit copies of the Preliminary PUD Residential Overlay Plan to government review agencies, as applicable, to gain compliance with health laws, drain laws, environmental laws, road agency laws, as well as rules governing road construction. Local fire protection agencies must be contacted in the preliminary phase. Specific items to include on or with the plan include:

- a. Total number of acres in the project for which PUD Residential Overlay designation is being sought.
- b. The number of residential units.
- c. The type and character of nonresidential uses.
- d. The acreage to be allotted to each use type.

- e. Any known deviations from ordinance provisions or items requiring a modification to design standards.
 - f. The number of acres devoted to on-site open space and/or recreation uses.
 - g. Any natural features or resources to be preserved.
- C. **Review for Decision (Preliminary PUD Residential Overlay Plan).**
The Planning Commission, upon a review of the Preliminary PUD Residential Overlay Plan and all supporting documentation, shall act to approve, conditionally approve or reject the plan. Any conditional approval shall include a listing of conditions necessary to attain approval, and any rejection shall enumerate the reason for rejection.

Approval of Preliminary PUD Residential Overlay Plan authorizes the applicant to proceed with the preparation of the Final PUD Residential Overlay Plan.

Section 16.03.3 Final PUD Residential Overlay Plan Review

The Final PUD Residential Overlay Plan shall contain all of the elements prescribed for the Preliminary Plan, as defined in this Ordinance and shall take into account all of the following:

A. **Necessary Documentation: Final PUD Residential Overlay Plan**

1. No Final Plan can be approved until the Preliminary Plan has been reviewed and given final approval by the Planning Commission.
2. The Final Plan shall be in basic accord with the approved Preliminary PUD.
3. Residential Overlay Plan and shall include the following details:
 - a. A definitive Use Plan for the entire land area intended to be approved for the project or for the known uses in the project area.
 - b. Use plans must show residential building envelopes, and the general building configurations and locations, but need not show the exact dimension or shape of buildings, unless their detail for certain specific buildings is critical to the approval of the Final PUD Residential Overlay Plan. Land allocations for each use area shall be defined.
 - c. All arrangements for design, construction, maintenance and operation of utility systems shall have been finalized, although working drawings need not be completed for this element.
 - d. The PUD Residential Overlay's ownership, management, and construction have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.

- e. All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.
- f. On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.
- g. Any existing or proposed deed restrictions, easements, or covenants pertinent to the project property shall be presented at this time. Actual filing of the documents need not occur until after site plan review, but before a zoning permit is issued.
- h. Final PUD Residential Overlay Plan shall include details concerning the following:
 - (1) Building configurations, including locations and heights of buildings.
 - (2) Specific arrangement of uses.
 - (3) Public and/or private roads.
 - (4) Identification of permanent open spaces.
 - (5) A contour map.
 - (6) Recreation areas.
 - (7) Environmentally sensitive areas.
 - (8) Evaluation of the impact on public utilities including sewer, water, solid, waste.
 - (9) Evaluation of the impact on community services such as schools, roads, fire, and police protection.
- i. Detailed information concerning densities of all proposed uses shall include:
 - (1) The number of single family and multiple family dwelling units.
 - (2) Design capacities of hotels and/or motels.
 - (3) Number and type of commercial units.
 - (4) Acreage of proposed open space/recreation areas.

B. Filing Requirements: Final PUD Residential Overlay Plan

1. The complete application packet shall be filed with the Zoning Administrator at least twenty-four (24) days prior to the date of the Planning Commission meeting, at which a public hearing on the Plan and PUD Residential Overlay designation is to be scheduled.
2. At least two (2) full-sized and fourteen (14) reduced-sized copies of all maps and essential graphic documentation shall be submitted at the time of filing.
3. Review procedures and graphic requirements shall be the same as that prescribed for the Preliminary PUD Residential Overlay Plan.

4. Map scale identification information as prescribed for site plans under [Section 20.03](#) with allowable modification for parcels that are too large to practically map under those standards.

C. Review for Decision (Final PUD Residential Overlay Plan)

1. The Planning Commission, upon a thorough review of the Final PUD Residential Overlay Plan and all essential supporting documentation shall act to approve, conditionally approve, or reject the Final PUD Residential Overlay Plan.
2. With the approved Final PUD Residential Overlay Plan the Applicant may proceed with the preparation of Site Plans as provided for in Ordinance [Article 20](#) and subsequent thereto, seek the necessary Permits for Construction.

D. PUD Residential Overlay Plan Revisions (Final PUD Residential Overlay Plan)

1. The project must be constructed as indicated on the approved Final PUD Residential Overlay Plan with respect to lot configurations, uses, density, and all other details as illustrated, unless a formal request for revision is made.
2. Changes or revisions to an approved Final PUD Residential Overlay Plan may be initiated by the applicant. Requests for revisions shall follow the procedures as set forth in [Section 16.03.3: Final PUD Residential Overlay Plan Review](#), which will include all relevant filing, hearing, and graphic requirements.
3. To add flexibility, the Zoning Administrator, with the approval of the Emmet County Planning Commission, may approve minor working changes to the Final PUD Residential Overlay Plan as follows:
 - a. Reorientation of buildings provided the intent, concept, and objectives of the PUD Residential Overlay are not circumvented, and no greater impact is exerted on adjacent properties.
 - b. Redistribution of the dwelling units among the proposed structures provided building height is not increased, and the dwelling unit density is not increased.
 - c. Realignment of roads, pedestrian ways, and/or parking lots based on the need to respect site features (topography, soils, bedrock, vegetation); or respond to minor reorientations of buildings.

E. Site Plan (Final PUD Residential Overlay Plan)

1. Following the approval of the **FINAL PUD RESIDENTIAL OVERLAY PLAN**, the applicant shall prepare a site plan pursuant to [Article 20 Plot Plans & Site Plan Review](#). Approval of the site plan shall be necessary before zoning and construction permits can be issued. Site Plans may be for all or part of the project as elected by the

applicant and as approved by the Planning Commission. If sufficiently detailed, a Final PUD Residential Overlay Plan may also be submitted as the Site Plan. Individual residences, if shown on the Final PUD Residential Overlay Plan and if constructed within the building envelope, may be approved by the Zoning Administrator following the Final PUD Residential Overlay Plan approval.

Section 16.03.4 Mutual Consent

No Preliminary or Final PUD Residential Overlay Plan shall be approved unless the proposed project, the plan for the project and the land use(s) are mutually agreeable to the applicant, the township within which the project is located and the Emmet County Planning Commission.

Section 16.03.5 A Final PUD Residential Overlay Plan Expiration, Repeal, or Renewal

The expiration, repeal and renewal of a PUD Residential Overlay Plan shall be in accord with the following standards:

A. Plan Expiration

An approved Final PUD Residential Overlay Plan shall automatically expire after 24 months, following the effective approval date, if all of the following apply:

1. No earthwork or construction activities have started, and no valid construction permits are in effect.
2. The project appears to be abandoned, there is no apparent interest in beginning the PUD-RO as established, and no applications for renewal have been received.
3. No apparent effort is being made to market the PUD-RO project or operate it as an active development.

B. Plan Renewal

In order to renew a PUD-RO Plan, the PUD-RO owner must request the renewal in accordance with the following standards:

1. The PUD-RO owner must request renewal of the PUD-RO Plan before the expiration date.
2. Renewal shall be by formal action of the Planning Commission.
3. Renewal requests shall be filed at least twenty-four (24) days prior to the scheduled meeting date of the review body, but no formal public hearing is required.
4. Renewals shall be for periods not to exceed 12 months, and only two (2) such renewals shall be permitted.

Section 16.03.6 A Preliminary PUD-RO Plan Expiration or Repeal

Preliminary PUD-RO Plans are considered a zoning overlay district under this Section and shall remain in effect until the Final PUD-RO Plan is approved and commenced or for 24 months, whichever occurs first.

Section 16.03.7 Fees

Fees for PUD-RO reviews shall be set by the County Board of Commissioners.

Section 16.04 Land Use Standards in Residential PUD-RO Overlays

The Planned Unit Development Residential Overlay (PUD-RO) shall permit uses and services on lands and in buildings according to the following standards.

- A. As a minimum, the uses permitted in the PUD Residential Overlay shall include those RESIDENTIAL uses listed in the R-2 General Residential District, as regulated therein.
- B. The PUD-RO District is an overlay and those uses within the underlying zoning district and those specifically identified on or in the approved Preliminary PUD Residential Overlay Plan shall be permitted in the PUD-RO. The permitted uses are to be reviewed as Special Land Uses and may be approved in a PUD Overlay District, as follows:
 1. The applicant can demonstrate by plan or by supporting documentation that there are sound functional reasons for all of the identified uses. Non-residential uses within the development shall primarily serve the development and local community.
 2. The applicant can demonstrate that specific uses or use complexes are desired or necessary to the project's success and/or would have a desired benefit to the township in which it is located.
 3. All essential services, public buildings, public or private utilities, and related facilities needed to support the development are available.
- C. Non-residential uses which are permissible in a PUD Residential Overlay include: accessory site services, pools, recreation buildings and grounds, accessory maintenance garages and yards, essential services, and accessory utility buildings and structures. Any other non-residential uses must be specifically identified in the Preliminary PUD-RO.
- D. Based on site features of topography, scenic view plains, surface water and vegetation; and based on neighborhood characteristics related to road capacity, prevailing architectural design, adjoining land uses and essential community services; the Planning Commission may allow reduced lot size, reduced lot width, reduced interior lot setbacks, reduced minimum floor area for permanent dwellings, and increased height. If appropriate, a mixture of cluster housing, one story garden apartments, and single family detached housing may be required to attain a compatible land use transition with adjoining properties.

- E. The proposed uses are determined to be in compliance with the Preliminary PUD-RO Plan, and would not be contrary to the goals or objectives of the Emmet County Master Plan.

Section 16.05 Design Standards

Projects proposed to be designed and developed as Planned Unit Development Residential Overlays shall comply with the following design standards:

Section 16.05.1 Perimeter Setbacks

- A. All PUD-RO projects shall establish and maintain perimeter setback of fifty (50) feet, except where more severe zoning setback standards may apply on water-impacted sites. Reduced perimeter setbacks may be proposed by the applicant who must show that the reduction is in the best interest of the community to allow continuity of a neighborhood or for other reasons subject to approval by the Planning Commission.
- B. The setback area shall be maintained as open space in lawns, landscaping, or wooded areas, and shall exclude paved surfaces (except ingress/egress), parking areas, or buildings of any kind.
- C. Pathways and trails may occupy a perimeter setback area, and such space may be used for storm water management, snow storage, and/or drainage systems.

Section 16.05.2 Dwelling Unit Density in a PUD-RO

- A. The density of residential units within a designated PUD Residential Overlay Project shall not exceed a gross density of the R-2 General Residential zoning district. Single family dwelling units shall utilize the R-1 One & Two Family Residential district standards for density.

Section 16.05.3 Other Density Standards in PUD-ROs

- A. The calculation of gross site density shall exclude land areas proposed for non-residential uses. Accessory uses of club houses, maintenance garages, golf courses, and similar community service uses may be counted in the acreage for gross allowable density.
- B. Land included in the calculation of dwelling unit density may include bodies of surface water and any land designated as or determined to be wetlands by the State of Michigan, provided that these areas are buffered by a 60-foot setback and are designated as common use areas. The 60-foot setback may also be included in the density calculations.
- C. In the case of need to interpret the facts of whether or not the property has wetlands for the purpose of this Section, the Planning Commission may require the expertise of recognized outside agencies or qualified professionals in the field.

Section 16.05.4 Density Bonus

Any lands dedicated to the community for public use (trails, water access, open spaces, etc.) or public services (parks, trails, fire halls, schools, etc.) may be counted in the project for density calculation purposes at 1.5 times the allowable density.

Section 16.05.5 Building Height, Bulk and Arrangement

A. The height, bulk, and arrangement of structures and buildings are declared to be critical elements of a PUD-RO Project, because of the following objectives:

1. Remain in scale with fire protection equipment and services that are within reasonable response time of the project.
2. Avoid overshadowing adjacent properties and/or buildings, which indicates mutual respect for property values.
3. Keeping in scale with the community as a whole, recognizing the role of community image in tourism, recreation, industrial attraction, and other aspects of economic development.
4. To the extent feasible or practical, respect scenic views from adjacent parcels, other on-site buildings, and tourist travel routes.

B. **Structure/Building Height**

The intended height of all structures proposed to exceed a height of thirty (30) feet shall be indicated at the time of filing a Final PUD-RO Plan. Structures above 30 feet may be approved, if the following criteria are met:

1. The structure is located a minimum of 100 feet from the PUD-RO perimeter.
2. Buildings that are proposed to exceed 30 feet are determined to be good land use in terms of the arrangement of the buildings, and open spaces, in relationship to other buildings and uses on the same property or on adjacent properties, and in terms of the specific location in the community.
3. If applicable, the taller buildings result in more protection of on-site environmental features including scenic views, wildlife habitat, wetlands, farmlands, forest stands and the like.
4. The project site area is large enough to be in scale with the specific height of proposed taller structures.
5. The proposed structure must not present an intrusion upon the skyline or shoreline and must not be out of character with adjacent land uses.

6. The height of the building must not be out of scale with fire-fighting and other emergency equipment. Fire agency review required.

C. Bulk, Arrangement and Spacing

The bulk and arrangement of buildings must be critical to the PUD-RO being satisfactorily sited within the community. In reviewing the PUD-RO Plan, the Planning Commission may require building spacing and building mass to be modified or altered in order to:

1. Comply with the stated objectives in this Article and Section: Building Height, Bulk and Arrangement.
2. Discourage long, unbroken building walls where it could detract from scenic views and/or other aesthetic values.
3. Arrange uses within the PUD-RO Project to serve use transition objectives, where such may be necessary to harmoniously blend the PUD-RO into the specific community area.
4. Buildings shall be spaced a minimum of twenty (20) feet apart. Add an additional two feet of separation for each foot of approved height above thirty feet.

Section 16.05.6 Other Zoning Standards That May Apply

The design standards of the PUD-RO shall apply to all PUD-RO projects. Any PUD-RO Project proposing or requiring standards not specifically included in Article 16 of this Ordinance, shall be subject to the standards in the Zoning Ordinance that apply to the particular design element. These include, but are not necessarily limited to: fencing, parking, signing, lighting, greenbelts, and related standards.

Section 16.05.7 Site Consolidation for Coordinated Development

The PUD-RO process may be applied for the purpose of consolidating several properties, under separate ownership, to encourage a coordinated planned development as though the properties were a single parcel. The use of the following permitted PUD-RO recommendations, under this subsection, will allow adjoining properties to establish a more desirable plan; primarily because the two or more parcels may vary in area, width, depth, and shape. By cooperating on a PUD-RO, which consolidates two or more ownerships, the following advantages are offered:

- A. Joint planning for the most opportune building sites.
- B. The promotion of architectural unity.
- C. Providing an integrated road system, including service roads, and/or integrated utility easements and facilities.

- D. Provide for connectivity to off-site non-motorized facilities.

A PUD-RO Plan for site consolidation for coordinated development shall be binding upon the two or more properties over which projected roads and/or utility improvements have been planned.

Section 16.05.8 Modification to Design Standards

- A. It is declared that the design of any given PUD Residential Overlay is strongly influenced by the specific characteristics of each individual site, and that a universal application of adopted design standards may not be in the best interest of the community and/or applicant. The modifications may be authorized by the Planning Commission. The Planning Commission is therefore granted authority, in specific cases, to modify and/or alter the PUD-RO design standards where it can be demonstrated that a strict application of those standards would have no good or practical purpose, because of one or more of the following:
1. Unusual shape or dimension of the site or to encourage the joint planning of adjacent parcels.
 2. Presence of limiting conditions relating to soils, topography, bedrock, or other natural conditions that would inhibit good design.
 3. The need to respond appropriately to the influence of adjacent land uses, transportation services, or utility needs.
 4. Typical applications of setbacks, lot dimensions within the PUD-RO Project may be waived or modified as determined to be appropriate, within the PUD-RO Project boundaries.
- B. In granting modifications to a particular PUD-RO development, it shall be determined that by implementing the specified modifications, a more desirable PUD-RO plan will be created; particularly in terms of the PUD-ROs impact on adjacent, non-PUD-RO properties and/or the community as a whole.
- C. Modifications shall not be granted if they are found to be contrary to the spirit and intent of this Zoning Ordinance, or would be contrary to the principles and objectives of any County or Township Master Plan.
- D. Modifications shall not be permitted to the basic standards of dwelling unit density.

Section 16.05.9 Township Review of a PUD Residential Overlay

The authority to condition a PUD-RO approval (or denial) on the action of a Township Unit of Government is not statutorily feasible. However, it is the declared intent of the PUD-RO process

to solicit recommendations from the Township Unit of Government that may be impacted by a proposed PUD-RO, and to consider input, facts and determinations of the Township's decision.

Article 17

PUD

Planned Unit Development District

Section	Name	Pg
17.00	Intent	17-1
17.01	Procedures	17-2
17.02	Land Use Standards in PUDs	17-6
17.03	Reserved	17-7
17.04	Design Standards	17-7

Section 17.00 Intent

The Planned Unit Development (PUD) District is structured and designed to advance the following goals.

- A. To encourage a more imaginative planned community through the application of comprehensive land use planning techniques at the project level.
- B. To provide for a controlled mix of land use types when coordinated into an overall property use plan without the incidence of spot zoning.
- C. To allow clustering of intensive uses to reduce development costs and provide more protection for natural features and open spaces.
- D. To coordinate development on larger tracts of land and encourage efficiency within the project with respect to roads, pedestrian-ways and utility services.
- E. To encourage a necessary balance between physical improvements, community needs, and site amenities such as scenic views, open space, recreation areas, and environmentally sensitive areas.
- F. To allow more flexibility in land development with respect to building setbacks, building densities and other standard zoning requirements.
- G. To encourage a unified and hence potentially more desirable development of large areas of land based on a Project Development Plan.
- H. Provide a forum for communication between the developer, community officials, and the public concerning PUD projects.

Section 17.01 Procedures

All applications for Planned Unit Development (PUD) projects shall be in accordance with the procedures outlined for: (1) Pre-application Conference, (2) Preliminary Development Plan, and (3) Final Development Plan.

17.01.1 Pre-Application Conference

The applicant is required to schedule a Pre-Application Conference with the Zoning Administrator to review the basic requirements of the Zoning Ordinance as well as to review the procedures and design standards for a PUD. As one option, the applicant may schedule an informal meeting with the Planning Commission, but no official action on the PUD may be taken at such meeting.

The applicant is urged to meet informally with the township within which the project is located, and to obtain all pertinent design information from other agencies, including but not limited to the following responsibilities: sanitary sewers, drains, utilities, roads, soil erosion, wetlands, and construction codes (building, electrical, plumbing, and mechanical).

17.01.2 Preliminary PUD Development Plan Review (Rezoning)

Following the Pre-Application Conference, the applicant may file a request with the Zoning Administrator seeking Planning Commission review of a Preliminary PUD for the subject property. The application will be processed as a Zoning Ordinance Map Amendment (Rezoning). Final approval of the Preliminary Development Plan shall be by the County Board of Commissioners, who shall have reference to the review findings of the Planning Commission.

Preliminary review shall not imply approval of the Final Development Plan, but is a directional step to show levels of agreement or disagreement under the existing conditions and with the information available at the time of preliminary review.

17.01.3 Filing Requirements (Preliminary)

- A. Filing of the existing conditions map and the plan with the Zoning Administrator at least twenty-four (24) days before the date of the Planning Commission meeting, at which a Public Hearing on the plan is to be scheduled.
- B. At least two (2) full-sized and fourteen (14) reduced sized copies of all maps, and graphic documentation shall be submitted at the time of filing.
- C. Map scale and identification information as prescribed for Site Plans under [Article 20](#) of this Ordinance.

17.01.4 Plan Requirements (Preliminary)

Planned Unit Development District

The Preliminary Development Plan must contain information concerning existing site conditions and proposed land uses, the rationale for the particular use arrangement selected, the identification of special site features recognized in the design, and pertinent density or quantity data to reflect demands on community services.

There are two graphic requirements for the preliminary step:

A. An Existing Conditions Map:

Includes a property location map, property dimensions and boundaries, major tree stands, water bodies (streams, rivers, lakes, and ponds), rock outcrops, wetlands - both regulated and unregulated, drainage courses, steep slopes, generalized soil conditions, and other natural features. Also, human made features including existing roads within and bordering the project, buildings, easements and utilities.

B. The Preliminary Development Plan Map:

The applicant shall submit copies of the preliminary plan to government review agencies, as applicable, to gain compliance with health laws, drain laws, environmental laws, as well as rules governing road construction. Local fire protection agencies must be contacted in the preliminary phase. Specific items to include on or with the plan include: total number of acres in the project for which PUD designation is being sought, the number of residential units, the type and character of nonresidential uses, the acreage to be allotted to each use type, any known deviations from ordinance provisions, the number of acres devoted to on-site open space and/or recreation uses, and any natural features or resources to be preserved.

17.01.5 Review for Decision (Preliminary)

The Planning Commission, upon a review of the Preliminary Development Plan and all supporting documentation, shall recommend approval, conditional approval, or rejection of the plan to the Board of Commissioners. Any conditional approval shall include a listing of conditions necessary to attain approval, and any rejection shall enumerate the reason for rejection. If the Plan has been reviewed and approved by the Board of Commissioners, then the applicant may proceed with the preparation of the Final Development Plan.

17.01.6 Final Development Plan Review

- A. No PUD plan can be approved until a Final Development Plan has been reviewed and given approval by the Planning Commission.
- B. The Final Development Plan shall be in basic accord with the approved Preliminary Development Plan and shall be detailed with respect to the following:
 - 1. A definitive Use Plan for the entire land area intended to be approved for PUD project or for the known uses in the project area.
 - 2. Use plans must show the general building configurations and locations, but need

Planned Unit Development District

not show the exact dimension or shape of buildings, unless their detail for certain specific buildings is critical to the approval of the Final PUD Plan. Land allocations for each use area shall be defined.

3. All arrangements for design, construction, maintenance and operation of utility systems shall have been finalized, although working drawings need not be completed for this element.
4. The PUD's ownership, management, and construction have been determined and documented, and where to be phased, a plan to demonstrate development continuity shall be presented.
5. All common open space areas, greenbelts, transition areas, and setback areas shall be documented on the plan, and no use of these areas other than those identified on the plan shall be permitted without a formal revision of the plan.
6. On-site circulation routes for vehicles, pedestrians, parking lots, bicycles, and the like shall be included as specific elements of the plan as well as the ingress and egress points from bordering public/private roads.
7. Any existing or proposed deed restrictions, easements, or covenants pertinent to the project property shall be presented at this time. Actual filing of the documents need not occur until after site plan review, but before a zoning permit is issued.

17.01.7 Filing Requirements (Final)

- A. The Final Development Plan shall be filed with the Zoning Administrator at least twenty-four (24) days before the date of the Planning Commission meeting, at which the Plan is to be reviewed.
- B. At least two (2) full-sized and fourteen (14) reduced-sized copies of all maps and essential graphic documentation shall be submitted at the time of filing.
- C. Review procedures and graphic requirements shall be the same as that prescribed for the Preliminary PUD Project Development Plan.
- D. Map scale identification information as prescribed for site plans under [Article 20](#), with allowable modification for parcels that are too large to practically map under those standards.

17.01.8 Review for Decision (Final)

- A. The Planning Commission, upon a thorough review of the Final Development Plan and all essential supporting documentation shall act to approve, conditionally approve, or reject the Final Development Plan.

Planned Unit Development District

- B. With the approved Final Development Plan the Applicant may proceed with the preparation of Site Plans as provided for in Ordinance ([Article 20](#)), and subsequent thereto, seek the necessary Building and Environmental Permits for Construction.

17.01.9 PUD Plan Revisions (Final)

- A. The project must be constructed as indicated on the approved Final Development Plan with respect to lot configurations, uses, density, and all other details as illustrated, unless a formal request for revision is made.
- B. Changes or revisions to an approved Final Project Development Plan may be initiated by the applicant. Requests for revisions shall follow the procedures as set forth for Final Development Plan approval, including the filing, hearing, and graphic requirements.
- C. To add flexibility, the Zoning Administrator, with the approval of the Emmet County Planning Commission, may approve minor working changes to the PUD Development Plan as follows:
1. Reorientation of buildings provided; no such structure is moved more than twenty five (25) feet from the original plan location, the move is determined to be necessary based on site conditions not previously known, and the intent, concept, and objectives of the PUD are not circumvented, and no greater impact is exerted on adjacent properties.
 2. Redistribution of the dwelling units among the proposed structures, provided building height is not increased, and the dwelling unit density is not increased.
 3. Realignment of roads, pedestrian ways, and/or parking lots based on the need to respect site features (topography, soils, bedrock, vegetation); or respond to minor reorientations of buildings.

17.01.10 Reserved

17.01.11 Site Plan

Following the approval of the FINAL Development Plan, the applicant shall prepare a site plan pursuant to [Article 20](#). Approval of the site plan shall be necessary before zoning permits can be issued. Site Plans may be for all or part of the project as elected by the applicant and as approved by the Planning Commission. If sufficiently detailed, a Final PUD Project Development Plan may also be submitted as the Site Plan and reviewed simultaneously.

17.01.12 Mutual Consent

No Preliminary or Final PUD shall be approved unless the proposed project, the plan for the project and the land uses(s) are mutually agreeable to the applicant, the municipality and County of Emmet.

17.01.13 Fees

Fees for PUD Project Development Plan review shall be set from time to time by the County Board of Commissioners.

Section 17.02 Land Use Standards in PUDs

The Planned Unit Development Districts shall permit uses and services on lands and in buildings according to the following standards.

- A. As a minimum, the uses permitted in the PUD District shall include those uses listed in the R-1 One and Two Family Residential District, as regulated therein. If the regulations of the PUD District are more restrictive, then the standards of the PUD District shall apply.
- B. All PUD Projects shall include only those uses and services identified on or in the approved Final Development Plan. The permitted uses, therefore, are Principal Uses Permitted and may be approved in a PUD, as follows:
 1. The applicant can demonstrate by plan or by supporting documentation that there are sound functional reasons for all of the identified uses. If a shopping center is proposed, it is necessary only to identify the use as "shopping center", but must state the intended market and level of service (PUD area, local community, regional area). Similar use group identification may be made for other functional complexes within a PUD, so long as there is a full identification of the usage.
 2. The applicant can demonstrate that specific uses or use complexes are desired or necessary to the project's success and/or would have a desired benefit to the political unit in which it is located.
 3. All essential services, public buildings, public or private utilities, and related facilities needed to support the project in the political unit of its location are available.
- C. Non-residential uses which are permissible in a Residential PUD include: accessory site services, pools, recreation buildings and grounds, accessory maintenance garages and yards, essential services, and accessory utility buildings and structures.
- D. Based on site features of topography, scenic view plains, surface water and vegetation; and based on neighborhood characteristics related to road capacity, prevailing architectural design, adjoining land uses and essential community services; the Planning Commission may limit a PUD cluster housing development to no more than four (4) dwellings per cluster. If appropriate, a mixture of cluster housing, one story garden apartments and single family detached housing may be required to attain a compatible land use transition with adjoining properties.

Planned Unit Development District

- E. The proposed uses are determined to be in compliance with the Project Development Plan, and would not be contrary to the goals or objectives of any Comprehensive Land Use Plan.
- F. A Planned Unit Development shall not be permitted in any RR or SR Districts.
- G. On the basis of findings at the Public Hearing, specific site conditions, community land use plans, and the applicant's intent in establishing nonresidential uses, the Planning Commission may reject a PUD District as not being in accord with the land use goals of the community, and/or as not being appropriate for the specific property under consideration. In a PUD District, the County Board of Commissioners may reject the PUD plan for the reasons stated in this paragraph.

Section 17.03

Reserved

Section 17.04 Design Standards

Projects proposed to be designed and developed as Planned Unit Developments shall comply with the following design standards:

17.04.1 Perimeter Setbacks

All PUD projects shall establish and maintain perimeter setback of fifty (50) feet, except where more severe zoning setback standards may apply on water impacted sites. The setback area shall be maintained as open space in lawns or be landscaped, or wooded areas, but shall exclude paved surfaces, parking areas, or buildings of any kind. Pathways and trails may occupy a perimeter setback area, and such space may be used for storm water managements, snow storage, and/or drainage systems.

17.04.2 Dwelling Unit Density

The density of residential units within a designated PUD District Project shall not exceed a gross density of 1.980 units per acre.

17.04.3 Other Density Standards

- A. The calculation of gross site density shall exclude land areas proposed for non-residential uses, such as hotels, shopping centers, commercial amusement, and the like. Accessory uses of club houses, maintenance garages, golf courses, and similar community service uses may be counted in the acreage for gross allowable density.
- B. Any lands dedicated to the community for public use or public service (parks, fire halls, schools, etc.) may be counted in the project for density calculation purposes at two times (double) the allowable density, provided such lands are determined to be suitable for

Planned Unit Development District

development and use (consider slope, water table, soils, bedrock, useable shape, etc).

- C. Land included in the calculation of dwelling unit density shall exclude natural bodies of surface water and any lands designated as or determined to be wetlands by the State of Michigan.
- D. In the case of need to interpret the facts of whether or not the property has wetlands for the purpose of this Section, the Planning Commission shall make the interpretation and may enlist the expertise of recognized outside agencies, such as, the United States Soil Conservation Service, the Michigan Department of Natural Resources, or other professionals in the field.

17.04.4 Building Height, Bulk and Arrangement

- A. The height, bulk, and arrangement of structures and buildings are declared to be critical elements of a PUD Project, because of the following objectives:
 - 1. Remain in scale with fire protection equipment and services that are within a reasonable response time of the project.
 - 2. Avoid overshadowing adjacent properties and/or, adjacent buildings, a reflection of mutual respect for property values.
 - 3. Keeping in scale with the community as a whole, recognizing the role of community image in tourism, recreation, industrial attraction, and other aspects of economic development.
 - 4. To the extent feasible or practical, respect scenic views from adjacent parcels, other on-site buildings, and tourist travel routes.

B. Structure / Building Height

The intended height of all structures proposed to exceed a height of thirty feet shall be indicated at the time of filing a Preliminary PUD Development Plan. Structures above 30 feet shall not be approved, unless all of the following criteria are met:

- 1. The applicant can demonstrate that by having taller structures, there will be more ground level space left in a natural condition or in open yard.
- 2. Buildings that are proposed to exceed 30 feet are determined to be good land use in terms of the arrangement of the buildings, and open spaces, in relationship to other buildings and uses on the same property or on adjacent properties, and in terms of the specific location in the community.
- 3. If applicable, the taller buildings result in more protection of on-site environmental features including scenic views, wildlife habitat, wetlands,

Planned Unit Development District

farmlands, forest stands and the like.

4. The project site area is large enough to be in scale with the specific height of proposed taller structures.
5. A taller structure request may be denied or scaled back if the surrounding lands are evolving as a single family neighborhood, or otherwise would suffer potential devaluation.
6. The height increase can be shown to satisfy the stated objectives for regulating height as listed in this Ordinance Section, Par 3 above.
7. The proposed structure must not present an intrusion upon the skyline or shoreline and must not be out of character with adjacent land uses.
8. The height of the building must not be out of scale with fire-fighting and other emergency equipment.

C. Bulk, Arrangement and Spacing

The bulk and arrangement of buildings must be critical to the PUD being satisfactorily sited within the community. In reviewing the PUD Development Plan, the Planning Commission may require building spacing and building mass to be modified or altered in order to:

1. Comply with the stated objectives in this Article, and in this Section; Building Height, and Bulk and Arrangement.
2. Discourage long, unbroken building walls where it could detract from scenic view resources and/or aesthetic values.
3. Arrange uses within the PUD Project to serve use transition objectives, where such may be necessary to harmoniously blend the PUD into the specific community area.

Buildings shall be spaced a minimum of thirty feet apart. Add an additional two feet of separation for each foot of approved height above thirty feet.

17.04.5 Other Zoning Standards That May Apply

The design standards of the PUD District shall apply to all PUD projects. Any PUD Project proposing or requiring standards not specifically included in the PUD Section, shall be subject to the standards in the zoning ordinance which apply to the particular design element. These include, but are not necessarily limited to, fencing, parking, signing, lighting, greenbelts, and related standards.

Planned Unit Development District

17.04.6 Site Consolidation for Coordinated Development

The PUD process may be applied for the purposes of consolidating several properties under separate ownership to encourage a coordinated planned development as though the properties were a single parcel. The use of PUD under this subsection will permit adjoining properties to establish a more desirable plan because the two or more parcels may vary in area, width, depth, and shape. By cooperating on a PUD which consolidated two or more ownerships, the following advantages occur:

- A. Joint planning for the most opportune building sites.
- B. Promote architectural unity.
- C. Provide for an integrated road system, including service roads, and/or integrated utility easements and facilities.

A PUD Development Plan for site consolidation for coordinated development shall be binding upon the two or more properties over which projected roads and/or utility improvements have been planned.

17.04.7 Modification to Design Standards

- A. It is declared that the design of any given PUD is strongly influenced by the specific characteristics of each individual site, and that a universal application of adopted design standards may not be in the best interest of the community and/or the applicant. The modifications are authorized by the approving body and subject to recommendations of the Planning Commission. The approving body is therefore granted authority, in specific cases, to modify and/or alter the PUD design standards where it can be demonstrated that a strict application of those standards would have no good or practical purpose, because of one or more of the following:
 - 1. Unusual shape or dimension of the site or to encourage the joint planning of adjacent parcels.
 - 2. Presence of limiting conditions relating to soils, topography, bedrock, or other natural conditions that would inhibit good design.
 - 3. The need to respond appropriately to the influence of adjacent land uses, transportation services, or utility needs.
 - 4. Typical applications of setbacks, lot dimensions within the PUD Project may be waived or modified as determined to be appropriate, within the PUD Project boundaries.
- B. In granting any modification to the standards for PUD development, it shall be determined that a better PUD plan can be put into place because of the modification,

Planned Unit Development District

particularly in the terms of the PUD's impact on the adjacent non-PUD properties and the community as a whole.

- C. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance, or would be contrary to the principles and objectives of any County or Township Land Use Plan.
- D. Modifications shall not be permitted to the basic standards of dwelling unit density.

17.04.8 Township Review of a PUD

The authority to condition a PUD approval (or denial) on the action of a Township Unit of Government is not statutorily feasible. However, it is the declared intent of the PUD process to solicit recommendations from the Township Unit of Government that may be impacted by a proposed PUD, and to consider input, facts and determinations of the Township's decision.

Article 18

Land Use Matrix

Section	Name	Pg
18.00	Construction of Land Use Matrix	18-1

Section 18.00 Construction of Land Use Matrix

The Land Use Matrix contained in this Article contains all uses Permitted by Right and by Special Land Permits within all zoning districts within Emmet County.

The following shall apply to the Land Use Matrix:

- A. All uses denoted with a “P” are allowed by right in the district column in which they appear. A zoning permit may be required.
- B. All uses denoted with an “S” are allowed by Special Use Permit in the district column in which they appear. A Special Use Permit may be granted after the required public hearing.
- C. Uses in which no letter appears in a particular district column shall not be allowed within that district.
- D. Uses with an asterisk “*” next to the title of the use have supplemental regulations found in [Article 26](#).

R-1	R-2	RR	SR	B-1	B-2	B-3	P-T	I-1	I-2	FF-1	FF-2	FR
-----	-----	----	----	-----	-----	-----	-----	-----	-----	------	------	----

ACCOMODATION & FOOD SERVICES

Bakeries (goods produced & sold on-site)					P	P	P	P	P	P			
Bed & Breakfasts		S			P	P	P	P			S	S	
Cabin Courts					P	P	P	P	P	P			
Caterers/Food Service Contractors					P	P	P	P	P	P			
Coffee Shops					P	P	P	P	P	P			
Convention Centers/Conference Centers/Banquet Halls						P	P		P	P			
Drinking Establishments (Bar)					P	P	P	P	P	P			
Hotels & Motels, & Motor Inns (attached or detached units)		S*			P	P	P	P	P	P			
Microbreweries, Wineries, Distilleries					P	P	P	P	P	P			
Recreation Camps, Recreation Lodges, & Resorts (for profit)			S*	S*									
Restaurants					P	P	P	P	P	P			
Restaurants with Drive-Through (Drive-In or Eat in Car)						S*	S*		S*	S*			
Restaurants with Outdoor Dining					P	P	P	P	P	P			
Tourist Homes		S*			P	P	P	P	P	P			

AGRICULTURE & FORESTRY

Animal Shelter/Kennels						S*			P*	P*	S*	S*	
Farms, domestic	P*	P*	P*	P*							P*	P*	P*
Forest products processing (limited)											S*	S*	S*
Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related.											P*	P*	P*
Greenhouse, nursery, landscaping and floriculture					S	S	S		P	P			
Lumber yards (pre-planed, finished lumber)						S*	S*						
Riding Arenas/Academies or Boarding Stables						S	S		S	S	S	S	
Sawmills, Planing Mills, Veneer Mills and related operations									S*	S	S*	S*	
Slaughter Houses/Meat Packing Plants										P			
Veterinary Services/Animal Clinics/Animal Hospitals						S*			S*	S*	S*	S*	
Wineries and Hard Cider Operations	S*	S*	S*	S*							S*	S*	

ARTS, ENTERTAINMENT & RECREATION

Amusement Arcades					P	P	P	P					
Archery Ranges (& as accessory use to a business)					P	P	P	P			S	S	
Art Studios and/or Handcrafted Products when operated in the character of a home occupation.		S*											
Assembly Halls						P	P		P	P			
Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings)			S	S									
Boat Docks, tourist/commercial					S	S							
Boat Tours					P	P	P	P					
Bowling Centers/Billiard Parlors						P	P		P	P			
Campgrounds			S*	S*							S*	S*	
Country Clubs	S*		S*	S*							P	P	
Dive Shops/Dive Tours					P	P	P	P					
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)	S	S*											
Golf Courses	S*		S*	S*							S	S	
Marinas (including boat fuel sales, boat supplies, & accessories)					S	S							
Museums & Galleries					P	P	P	P	P	P			
Nature Parks/Nature Areas/Wildlife Preserves											P	P	P
Outdoor Performance Facilities/Theaters						S			S	S			
Outdoor Recreation Facilities (commercial: ex – go karts, mini-golf)						S*							
Private Clubs; Fraternal Lodges		S			P	P	P	P	P	P			
Public Parks, Playgrounds, Recreation Areas													

R-1	R-2	RR	SR	B-1	B-2	B-3	P-T	I-1	I-2	FF-1	FF-2	FR
-----	-----	----	----	-----	-----	-----	-----	-----	-----	------	------	----

including accessory shelters and apparatus, and public lands	P	P	P	P			P			P	P	P
Race Tracks (including midget auto and carting tracks)					S*			S*	S*			
Recreation Areas, private, nonprofit	S*		S*	S*						S*	S*	S*
RV Parks/Travel Trailer Courts										S*	S*	S*
Skating Rinks (indoor)					S	P	P					
Sportsmen's Associations		S								P	P	
Theaters/Performing Arts Facilities					P	P		P	P			
COMMERCIAL												
Agricultural products processing and storage (excluding concentrated animal feeding operations)								P	P		S	
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change					S*			P*	P*			
Automotive Equipment Rental/Leasing					S			S	S			
Boat and Boating Accessory Sales					S*	S*						
Boat Repair & Storage					S	S						
Building & Garden Equipment & Supplies Dealers					S	S						
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)					P	P	P	P	P			
Carwashes					P	P		P	P			
Cash Advance Stores		S			P	P	P	P	P			
Cemeteries										S*	S*	S*
Clothing & Clothing Accessories Stores					P	P	P	P	P			
Commercial/Industrial Equipment Rental & Leasing					S			S	S			
Commercial Equipment Repair & Maintenance					S			P	P			
Convenience Stores					P	P	P	P	P			
Crematoriums					S	S		P	P			
Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)					S*	S*		S*	S*			
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)					P	P	P	P	P			
Electronic & Precision Equipment Repair & Maintenance		S*			P	P	P	P	P			
Electronics & Appliance Stores					P	P	P	P	P			
Extermination & Pest Control Services					P	P	P	P	P			
Financial Institutions		S*			P	P	P	P	P			
Florists					P	P	P	P	P			
Food & Beverage Stores					P	P	P	P	P			
Funeral Homes & Mortuaries		S*			P	P	P	P	P			
Furniture & Home Furnishings Stores; Antique Stores					P	P	P	P	P			
Gas Station					S*	S*						
General Merchandise Stores					P	P	P	P	P			
General Rental Centers					P	P	P	P	P			
Hardware Stores					P	P	P	P	P			
Health & Personal Care Stores					P	P	P	P	P			
Home Improvement Centers (lumber stored in enclosed structure)					P	P	P	P	P			
Interior Designers/Showrooms					P	P	P	P	P			
Manufactured Home Dealers					S			S	S			
Medical Equipment Sales					P	P	P	P	P			
Medical Laboratories						P		P	P			
Movie Rental Stores					P	P	P	P	P			
Office Supply Stores					P	P	P	P	P			
Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and similar units.					S*			S*	S*			
Outdoor Vendors					P	P		P				

R-1	R-2	RR	SR	B-1	B-2	B-3	P-T	I-1	I-2	FF-1	FF-2	FR
-----	-----	----	----	-----	-----	-----	-----	-----	-----	------	------	----

<i>Pawn Shops/Resale Shops</i>				P	P	P	P	P	P			
<i>Personal Services (barber/beauty shops, tailoring, massage)</i>		S*		P	P	P	P	P	P			
<i>Pet Care (except Veterinary and Animal Shelters)</i>				S	P	P	S	S	S	S	S	
<i>Pet Stores</i>				P	P	P	P	P	P			
<i>Pharmacies/Medical & Optical Supplies</i>				P	P	P	P	P	P			
<i>Photofinishing/Photographers</i>		S*		P	P	P	P	P	P			
<i>Printing/Binding/Publishing of Printed Materials</i>				S	P	P						
<i>Professional Cleaning Services</i>		S*		P	P	P	P	P	P			
<i>Professional Offices</i>		S*		P	P	P	P	P	P			
<i>Real Estate Sales Office</i>		S*		P	P	P	P	P	P			
<i>Retail Uses with Outdoor Storage</i>					S			S	S			
<i>Seasonal Use Sales</i>				P	P	P	P	P	P			
<i>Sexually Oriented Businesses</i>					P*	P*		P*	P*			
<i>Shopping Center – Multiple Businesses</i>					S							
<i>Small-Scale Craft Making</i>		S		P	P	P	P	P	P			
<i>Sporting Goods, Hobby, Book & Music Stores</i>				P	P	P	P	P	P			
<i>Studios for dance, physical exercise and music</i>		S*		P	P	P	P	P	P			
COMMUNICATIONS												
<i>Commercial Television & Radio Towers</i>					S*			S*	S*	S*	S*	
<i>Public Utility Microwaves</i>					S*			S*	S*	S*	S*	
<i>Public Utility TV Transmitting Towers</i>					S*			S*	S*	S*	S*	
<i>Television/Radio Broadcasting Stations (no tower)</i>		S		P	P	P	P	P	P			
<i>Wireless Telecommunications Towers & Facilities & Alternative Tower Structures (See Section 26.01)</i>	S*	S*			S*			S*	S*	S*	S*	
CONSTRUCTION/CONTRACTING												
<i>Special trade contractors (ex: electrical, plumbing, heating, building) Offices/Showrooms – indoor storage of materials/equipment</i>				S*	S*							
<i>Storage Facilities for Contractors as Home Occupation (for Materials /Contractor's Equipment/Vehicles) within an enclosed building</i>										S*	S*	
<i>Storage Facilities for Contractors as Home Occupation – with outdoor storage</i>										S*	S*	
<i>Storage Facilities for Contractors</i>								S	S			
EDUCATIONAL SERVICES/RELIGION												
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>	S*	S		S*	S	P	P			P	P	P
<i>Public or private schools</i>	S*	S	S*	S*	S*	S	P			P	P	P
<i>Religious Institutions</i>	S*	S	S*	S*	P*	P	P	P	P	P	P	P
<i>Trade Schools</i>						P*		P	P			
HUMAN CARE & SOCIAL ASSISTANCE												
<i>Child Care Services (see following)</i>												
<i>Family Child Care Home (6 or less)</i>	P	P	P	P						P	P	P
<i>Group Child Care Home (7 -12)</i>	S	S	S	S						S	S	S
<i>Child Care Center or Day Care Center/Nursery School</i>	S				S	S						
<i>Health Care /Dental /Optical Clinics</i>					P	P	P		P	P		
<i>Hospitals</i>	S*	S*								S*	S*	
<i>Assisted Living Home Nursing/Convalescent Home</i>	S*	S*								S*	S*	
<i>Residential Human Care and Treatment Facility (for example, a homeless shelter or a halfway house) unless otherwise exempt by law</i>	S	S			P							
<i>Shelter for Battered Women & Children(in a residence)</i>	P	P	P	P				P		P	P	P
<i>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).</i>	P	P	P	P	P	P	P	P	P	P	P	P
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT												
<i>Blast Furnace, Steel Furnace, Blooming or Rolling Mill</i>									S*			

R-1	R-2	RR	SR	B-1	B-2	B-3	P-T	I-1	I-2	FF-1	FF-2	FR
-----	-----	----	----	-----	-----	-----	-----	-----	-----	------	------	----

Central Dry Cleaning Plants (not dealing directly with customers)								P*	P*			
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products						P*		P*	P*			
Computer, Electronic, & Appliance Product Mfg						P*		P*	P*			
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg									S*			
Craft Product Mfg						P*						
Food/beverage processing								P*	P*			
Food/beverage bottling & packaging					P	P	P*	P*	P*			
Furniture & Related Product Mfg								P*	P*			
Home-Based Industry										S*	S*	S*
Incinerator Plant (non-pyrolysis)									S*			
Incinerator Plant (pyrolysis type)								S*				
Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards								S*	S*	S*	S*	
Laboratories						P*		P*	P*			
Leather & Allied Product Mfg						P*		P*	P*			
Machine Shops						P*		P*	P*			
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing								S*	S*			
Mineral Processing Facilities & Operations								S*				
Mines, quarries, and gravel pits	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)								P*	P*			
Oil and Gas Processing Facilities									S*			
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution								S*	S*			
Plastics Mfg (when cooling towers are not required)						P*						
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.										S*	S*	
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection								S*				
Research/Design/Experimental Product Development (within a completely enclosed building)						P*		P*	P*			
Research/Design/Experimental Product Development (those which are not permitted in I-1)									S*			
Sanitary Landfills		S*			S*	S*	S*	S*	S*	S*	S*	S*
Sign Painting & Mfg								P*	P*			
Smelting Industries									S*			
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg						P*		P*	P*			
Textile & Apparel Mfg						P*		P*	P*			
Tool & Die Shops						P*		P*	P*			
Wood Product Mfg (not mills)						P*		P*	P*			
MISCELLANEOUS												
Accessory Buildings & Uses Incidental to Main Permitted Uses	P	P	P	P	P	P	P	P	P	P	P	P
Customary Accessory Buildings (200 sq. ft. and over) without a Main Use	S*	S*	S*	S*	S	S	S	S	S	S	S*	S
Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.	S		P	P						S	S	S
Parking lots, Off Street & Accessory Loading Areas						P	P	P	P			
Parking Structures						P	P		P			
Uses that are an expansions of existing business properties from an adjoining B-1, B-2, or B-3 District							P					

R-1	R-2	RR	SR	B-1	B-2	B-3	P-T	I-1	I-2	FF-1	FF-2	FR
-----	-----	----	----	-----	-----	-----	-----	-----	-----	------	------	----

PUBLIC FACILITIES												
Community Centers (public)	S*	S					P			P	P	P
Government Offices	S*	S			P*	P	P			P	P	P
Libraries	S*	S					P			P	P	P
Police/Fire Stations	S*	S					P			P	P	P
Post Office	S*	S					P			P	P	P
Public Works Facilities with Outdoor Storage										P	P	P
Public Works Facilities w/o Outdoor Storage	S*	S								P	P	P
Water & Wastewater Treatment Plants & Reservoirs								S	P			
RESIDENTIAL USES												
Accessory Building without a Principal Building										P*	P*	P*
Cabins, hunting and fishing										P	P	P
Cottages and Recreation Homes			P	P						P	P	P
Dwelling Units above/attached to Commercial Establishment		P			P	P	P	P	P			
Duplex	P*	P*					P*			P*	P*	P*
Home Occupations Level 1	P*	P*	P*	P*			P*			P*	P*	P*
Home Occupations Level 2	S*	S*	S*	S*			S*			S*	S*	S*
Individual Television/Radio Reception Tower	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.					S	S	S		S	S		
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)		S*							S*	S*		
One-Family Dwelling	P	P	P	P			P			P	P	P
Multiple-Family Dwelling Units		P					P					
Multiple-Family Dwelling Units for Seniors		P										
Rooming & Boarding Houses (group quarters)		S										
Temporary Manufactured Homes or Recreational Vehicles										P*	P*	P*
Townhouses		P										
TRANSPORTATION/WAREHOUSING/WHOLESALE/STORAGE/SHIPPING												
Airports, Landing Fields, Aviation Support, Aviation Development, & other functions related to aviation.										S*	S*	S*
Couriers/Parcel Packing/Shipping/Delivery Estab.						P	P		P	P		
Freight Terminals/Trucking Facilities									P	P		
Heliports										S*		
Helistops									S*	S*	S*	S*
Mail Order Establishments					P	P	P		P	P		
Meat Lockers and/or Freezer Plants									P	P		
Rail yards									P	P		
Scenic & Sightseeing Transportation/Ground Passenger Transportation					S	P	P		P	P		
Storage Buildings for RV, Travel Trailer, Boat, Water Craft, and Similar – not sales, servicing or commercial warehousing.										S*	S*	
Warehousing & Storage (including ministorage)						S*			P*	P*		
Wholesale Trade					S*	P*	P*	P*	P*	P*		
UTILITIES/ENERGY												
Electrical Transformer Stations & Substations									P	P		
Gas Regulator Stations									P	P		
Heating & Electric Power Generating Plants										P		
Public Utility Facilities (without storage yards)	S		S	S	P	P	P	P	P	P	P	P
Public Utility Facilities (with storage yards)									P*	P*	P	P
Wind Site Assessment Systems	S*	S*	S*		S*	S*	S*	S*	S*	S*	S*	S*
Wind Energy Systems, On-Site, greater than 60' in height	S*	S*	S*		S*	S*	S*	S*	S*	S*	S*	S*
Wind Energy Systems, On-Site, up to 60' in height	S*	S*	S*		S*	S*	S*	S*	S*	S*	S*	S*
Wind Energy Systems: Utility Grid										S*	S*	S*

Article 19

Schedule of Regulations

Section	Name	Pg
19.00	Limiting Height, Bulk, Density, and Area by Land Use	19-1
19.01	Notes to Section 19.00	19-2

Section 19.00 Limiting Height, Bulk, Density and Area by Land Use

DISTRICTS	Minimum Lot Size per Unit or Use		Maximum Height of Structure in Feet	Minimum Yard Setback in Feet			Maximum Percent of Lot Coverage by the Area of all Buildings (2)	Minimum Floor Area in Square Feet (1)
	Area	Width in Feet		Front (5)	Sides (5)	Rear (3,5)		
R-1 Single Family Residential	½ acre (a)	100 (a)	30 (f, h)	30 (e, g, i)	10 (d, g, i)	25 (i)	30%	560
R-2 General Residential	- (c)	100	30 (f, h)	30 (b, e, g, i)	20 (b, d, g, i)	35 (b, i)	35%	none
RR Recreation Residential	½ acre (a)	100	30 (f, h)	40 (e, g, i, j)	10 (d, g, i, j)	35 (i)	30%	560
SR Scenic Resource	30,000 Sq. ft. (a)	150	30 (f, h)	40 (e, g, i)	15 (d, g, i)	40 (i)	30%	720
B-1 Local Tourist Business	none	100	30 (f, h)	25 (e)	10 (d)	20	none	none
B-2 & B-3 General Business	none	100	30 (f, h)	25 (e)	10 (d)	20	none	none
P-T Parking Transition	-	-	30 (f, h)	See (4)	10 (d, i)	20 (i)	-	-
I-1 & I-2 Light & General Industrial	none	100	30 (f)	30 (e)	10 (d)	20	none	none
FF-1 Farm Forest	1 acre	150	30 (f, h)	40 (e, g, i)	20 (d, g, i)	35 (i)	35%	560
FF-2 Farm Forest	2 acres	200	30 (f, h)	40 (e, g, i)	20 (d, g, i)	35 (i)	35%	560
FR Forest Recreation	40 acres	300	30 (f, h)	40 (e, g)	20 (d, g)	35	35%	560

PUD

SEE ARTICLE 17

- (1) For permanent dwelling units and not cottages, cabins, motels or similar uses.
 (2) These provisions shall not apply to structures four (4) feet in height or less.
 (3) Refer to [Section 22.11](#) for Minimum Waterfront Setback.
 FOR RESIDENCES ONLY: Setback sixty (60) feet from the 1986 High Water Mark. (IGLD 582.35', 10/86)
 (4) Refer to [Article 13, Section 13.03](#) for setback standards in P-T Districts.
 (5) Outside stairways, fire escapes, vestibules, balconies, bay windows, and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
 (a)-(j) See notes to [Section 19.00](#), on the pages following.

Schedule of Regulations

Section 19.01 Notes to Section 19.00

- a. Unless approved central domestic water and sewage treatment facilities serve the development, the minimum lot requirements shall be stated in the "Schedule of Regulations". If central water and/or central sewage treatment facilities serve the development, the minimum lot requirements may be reduced to 12,000 square feet and in R-1 minimum lot width may be reduced to 60 feet.
- b. For the purpose of applying yard regulations, multiple dwellings shall be considered as one building occupying one lot. When more than one multiple dwelling building occupies one lot, the two or more structures must be separated by at least 20 feet when end to end and fifty feet when face to face or back to back for structures up to two stories. These isolation distances shall be increased by eight feet for each story above the first two stories.
- c. Multiple family buildings, shall not exceed a density expressed in dwelling units per acre as follows:

MULTIPLE FAMILY DENSITY SCHEDULES:

Multiple Family Dwelling Density Table				
Type of Units in R-2 Districts	WITHOUT PUBLIC SEWER		WITH PUBLIC SEWER	
	Minimum Land Area per Dwelling Unit Excluding Public Roads	Net Density in Units per Acre	Minimum Land Area Per Dwelling Unit (Excluding public roads)	Net Density in Units Per Acre
One Bedroom	6,000 Square Feet	7.260	4,000 square feet	10.890
Two Bedroom	8,500 Square Feet	5.125	5,667 square feet	7.687
Each Additional Bedroom	Add 4,000 Square Feet	n/a	Add 3,000 square feet	n/a

DENSITY NOTES:

- iii. A "den" or "library" or "extra room" shall count as a bedroom for the purposes of computing density.
- iv. In a rooming house, boarding house, group quarters, or residential care facility, every three (3) persons of occupancy shall count as being equivalent to one (1) bedroom for purposes of computing density.

Unless the construction plans include tying into an existing municipal or community sewer and/or water system, the on-site services to be constructed shall be designed so that central collection/distribution points are installed in anticipation of future tie-ins with a municipal type system. The local sewer/water authority having jurisdiction shall be consulted on matters of service tie-ins and pre-utility plans to minimize site disruption on future tie-in or hook-up projects.

Schedule of Regulations

- d. Side yards may be omitted for common walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through common walls if constructed to meet all codes. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the side abutting the Residential District.

For non-residential uses - driveways, sidewalks, parking areas, and loading spaces shall not occupy required side yards and/or rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.

- e. Parking may be permitted in the front yard, provided there is at least a ten (10) foot buffer area between the road right-of-way and the off-street parking lot.
- f. Subject to a Public Hearing and the conditions outlined in this Note, the Zoning Board of Appeals may approve controlled height increases above the maximum in all districts. The conditions for approving taller structures are as follows:
- 1) It is determined that the added height will not significantly interfere with line-of-sight views.
 - 2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations.
 - 3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces, shall not exceed fifty (50%) percent.
 - 4) If Applicable, the added height will keep or establish more open space areas for wildlife habitat, wetlands, woodlands, farmlands, shore lands and other resource features or will involve the reconstruction, duplication or restoration of historic buildings as so recognized by local historical authorities.
 - 5) The applicant can demonstrate that the added height will result in more ground level open space through the lot toward the scenic view to compensate for higher structures or otherwise demonstrate to the Zoning Board of Appeals that the added height will result in a better use of the premises from the standpoint of the arrangement of parking areas, buildings, open spaces and relationship to adjacent buildings and uses.
- g. On nonconforming lots measuring 60 feet in width, or less, one side yard setback may be reduced to five (5) feet for one detached accessory residential building.

On nonconforming lots measuring 100 feet or less in width, where two or more primary residences, or accessory buildings with more than 200 square feet of ground floor area, are on the same side of the road and located in the same block (or within 200 feet) and have less than the required front yard depth, then the front setback need not be greater than the average depth of the front yards of such buildings, but no such front yard shall be less than 15 feet. (Front yard does not include waterfront.)

Schedule of Regulations

- h. Structural appurtenances (architectural features) shall be permitted to exceed the building height limitations provided the structures are not used for human occupancy and can only be accessed for maintenance purposes – as follows:
- 1) Ornamental – Superstructures, e.g. church steeples, public monuments, belfries, cupolas, domes, ornamental towers, and spires if the structural elements do not exceed twenty (20) percent of the gross roof area.
 - 2) Mechanical and Structural functions – Building elements, e.g., chimney and smoke stacks, water tanks, elevator and stairwell, ventilators, bulkheads, aerials, fire and hose towers, cooling towers, solar panels, utility screens, or farm silos.
- i. For residential lots:
- 1) With less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
 - 2) Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.
- j. On a lot located within the Critical Dune Area regulated by the State of Michigan, in a recorded plat, fronting a private road, the minimum front yard setback standard shall be fifteen (15) feet. The rear yard setback of such lot may be reduced to 15 feet if the lot abuts property within the same plat.

Article 20

Plot Plans & Site Plan Review

Section	Name	Pg	Section	Name	Pg
20.00	Plot Plan Requirements	20-1	20.07	Application Process	20-8
20.01	Uses Requiring Site Plan Approval	20-1	20.08	Performance Guarantees	20-8
20.02	Pre-Application Conference	20-2	20.09	Decision	20-9
20.03	Graphic Requirements for Site Plans	20-2	20.10	As Built Review	20-9
20.04	Impact Statement	20-4	20.11	Environmentally Sensitive Areas	20-9
20.05	Site Plan Review Standards	20-4	20.12	Deviation from Site Plan	20-10
20.06	Certification	20-8	20.13	Expiration of Site Plan	20-11

Section 20.00 Plot Plan Requirements

Plot plans shall be submitted with all applications for Zoning Permits which do not require a site plan including one- and two-family dwellings and their associated accessory permitted or special land uses, and accessory buildings. The Plot Plan, drawn to scale, shall show the following:

- A. The shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed, including, but not limited to dimensions drawn to scale and certified survey.

Deviations from the approved Plot Plan may result in Enforcement action as outlined in [Section 27.08](#) of this Ordinance.

Section 20.01 Uses Requiring Site Plan Approval

- A. Site plans are required for the following uses:
 1. All new uses and/or structures except (1) single-family or two-family dwelling units; and (2) accessory structures to single-family or two-family dwelling units.
 2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.
 3. Changes of use for an existing structure or lot except for the circumstances listed in [subsection B \(below\)](#).

4. Any Special Land Use (except Special Land Uses conducted within a one- or two-family dwelling unit).
 5. Planned Unit Developments.
 6. Any use requiring off-street parking, except single-family or two-family dwelling units.
 7. Nonresidential accessory structures over one hundred twenty (120) square feet (require submission of plot plan data only).
 8. Other uses as required by this Ordinance.
- B. The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:
1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

Section 20.02 Pre-Application Conference

Emmet County Staff shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

Section 20.03 Graphic Requirements for Site Plans

Site Plans submitted in compliance with this Ordinance shall be presented in terms of the following:

- A. A map scale that provides a large enough image to adequately display the proposed site development and pertinent details, and existing site features considering legibility and site area.

- B. Date, north point, scale, property dimensions, boundary lines, street names, and necessary property identification information.
- C. At least two full sized and fourteen reduced size (maximum 11"x17") copies of all maps or graphics. Digital format including data layers may be required, if considered necessary by the Zoning Administrator.
- D. All existing and all proposed structures with dimensions on the subject property, including signs and lighting, other structures within 100 feet of the subject property, ingress drives, roads and parking areas; and indicate the height of all structures.
- E. Setback lines and distances between structures and lot lines.
- F. All existing easements, utility lines, rights-of-way and other services, including well and septic locations, within and bordering the subject property.
- G. Topography information based on United States Geological Survey (USGS), or selected on-site elevations; if considered necessary by the Zoning Administrator. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.
- H. Mapping of soil data as recognized in the United States Department of Agriculture, Soil Survey of Emmet County, Michigan (December 1973), or a more detailed analysis of soils, shall be included. Soil data and analysis should include engineering interpretations as to the suitability for the construction and maintenance of roads, building foundations, facilities for storing water, structures for controlling erosion, drainage systems, and systems for disposing of sewage. In addition, soil properties should include permeability, drainage, depth to water table, flooding hazard, depth to bedrock, and slope. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of the soils.
- I. An inventory of special site features that may be present including, but not necessarily limited to regulated wetlands as defined in law, critical dunes, bluff lines, wooded areas, water courses, and natural or man-made drains, as are known to the applicant or as may be suspected based on reviews of soil maps, aerial photographs, USGS Quadrangle maps, on-site inspections, and/or other competent sources.
- J. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained, if required.
- K. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
- L. The location of snow storage areas.

- M. All site plans shall comply with the terms of [Part 91, Soil Erosion and Sedimentation Control, 1994 PA 451](#).
- N. Site plans shall be prepared to reflect any changes or modifications required for any applicable regulatory agencies' approvals.

Section 20.04 Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- A. A complete description of the proposed development including: areas of the site, the number of lots or units; and characteristics of the demographic impact including, but not limited to: density, age and income level of population to be served, seasonal/permanent and other related statistics.
- B. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- C. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

Section 20.05 Site Plan Review Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards and considerations listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

A. Compliance with District Requirements

The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

B. Vehicular and Pedestrian Circulation

Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged.

1. Walkways from parking areas to building entrances

- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).
- b. The walkways shall be designed to separate people from moving vehicles.
- c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.
- d. The walkways must be designed in accordance with the Michigan Barrier Free Design Standards.
- e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

C. Emergency Vehicle Access

All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

D. Loading and Storage

All loading and unloading areas and outside storage areas which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

E. Snow Storage

Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

F. Buffers

To provide reasonable visual and sound privacy, buffer techniques, screening, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in

pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.

G. Drainage

Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.

The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and ½" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%.

All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.

Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

Sandy, for the purpose of this Section, shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

H. Spaces, Rights-Of-Way, Easements

Spaces, rights-of-way, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sanitary sewers, water supplies, solid waste, storm drainage systems, and related.

I. Waste Receptacles

Waste receptacle and enclosure requirements

1. Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section.
2. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. The requirement to provide a waste receptacle may be waived by the planning commission if the applicant provides documentation that the development will not necessitate a waste receptacle.
3. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials of the principal building.
4. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the planning commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
5. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater, but may not be less than four (4) feet in height.
6. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one (1) side of the enclosure.
7. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

J. Mechanical or Electrical Equipment

Mechanical or electrical equipment requirements.

1. Ground mounted mechanical or electrical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in side yards or in the rear yard.
2. Mechanical or electrical equipment shall be placed no closer than three (3) feet to any lot line.

Site Plan Review

3. Any ground, building, or roof mounted mechanical or electrical equipment or utilities, including water and gas meters, propane tanks, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - a. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - b. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Section 20.06 Certification

For developments regarded to be complex or where considered appropriate for such special conditions as questionable soils, steep grades or other environmental features, complex street patterns, housing density or similar conditions; the final approval of a Site Plan may be withheld pending the signature and seal of a Michigan registered landscape architect, architect, surveyor, or engineer, as applicable to the design subject.

Where required, the owner or applicant shall provide such certification within 45 days of the completed construction.

Section 20.07 Application Process

The Planning Commission shall begin formal review of the Site Plan at its next regularly scheduled meeting provided a complete Application is submitted at least twenty-four (24) days before that meeting. A complete application shall include the application form, property owner authorization, Site Plan which meets the requirements of [Section 20.04](#), [Impact Statement](#), Site Plan Review Checklist and applicable fees.

Section 20.08 Performance Guarantees

A performance guarantee in the form of a bond, cash, certified check, or irrevocable letter of credit may be required for all commercial projects and for all other projects with unusual or challenging site conditions determined by the Planning Commission. The performance guarantee shall be in the amount acceptable to the Planning Commission to guarantee completion of the project in accordance with the conditions of the permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator or Enforcement Officer. Performance guarantees will not be released if there are monies owed to the enforcing agency.

Section 20.09 Decision

Following the submittal of a Site Plan in accordance with the requirements of this Section, and any other rules governing Site Plan submittals in Emmet County, the Planning Commission shall approve, conditionally approve or reject the proposed development, with reasons stipulated.

No land use, zoning compliance, and/or building permits shall be issued except for uses that are in full compliance with the provisions and conditions specified in the Site Plan Review process. If no action is taken to establish a use and/or construct a building pursuant to an approved site plan, or an approved site plan amendment, such approval shall lapse and cease to be in effect after twenty-four (24) months from the date of approval.

Section 20.10 As-Built Review

An as-built site plan shall be submitted within 12 months of completion of the project. A site plan based upon as built condition shall be submitted within 24 months of permit issuance. If as built is substantially different from the design site plan, as determined by the Zoning Administrator, the permit holder will be required to remedy such discrepancies.

Section 20.11 Environmentally Sensitive Areas

The protection of areas of environmental concern, such as wetlands, high risk erosion, designated critical dune areas, floodplains, or steep slope areas, must be considered in conjunction with development and such areas must be developed in conformance with the following regulations of state and county agencies as applicable:

- A. Dune Formations and High Risk Erosion Areas are sensitive sandy and clay areas under protection of the [Michigan Natural Resources & Environmental Protection Act, 1994 PA 451, Parts 353 and 323](#) respectively (formerly, the Sand Dunes Protection Act, 1976 PA 222, as amended by 1989 PA 146 and 1989 PA 147, and the Shorelands Protection and Management Act, 1970 PA 245, as amended). The general areas subject to these regulations are indicated on the Dune Overlay District Map.
- B. Wetlands are defined by degree of soil wetness, generally including those soils classified by the [Michigan Natural Resources & Environmental Protection Act, 1994 PA 451, Part 303, Section MCL 324.30301 et seq.](#) (formerly, the Goemere-Anderson Wetlands Act, 1979 PA 203) as being able to support aquatic vegetation regardless of whether it has standing water or not. No activity shall be permitted on a site with regulated wetlands, unless a wetlands permit has been obtained by the applicant from the Michigan Department of Environmental Quality.
- C. Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosion and alterations of land may require a soil erosion and sedimentation control permit under [Part 91, Section MCL 324.9101 et seq. of the Michigan Natural Resources & Environmental Protection Act, 1994 PA 451](#), (formerly,

1972 PA 346). See also e. below.

- D. Inland Lakes are sensitive areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per [Part 301, Section MCL 324.30101 et seq. of the Michigan Natural Resources & Environmental Protection Act, 1994 PA 451](#), (formerly, 1966 PA 345).
- E. Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA) or an Intermediate Regional Flood map prepared by the Army Corps of Engineers. A structure proposed within a floodplain is not permitted to be erected until a permit from the Michigan Department of Environmental Quality is obtained pursuant to [Part 31 of the Michigan Natural Resource & Environmental Protection Act, 1994 PA 451](#).
- F. Shoreline Bluff Protection Zone. See [Section 22.10](#) of this Ordinance.

Section 20.12 Deviation from Site Plan

- A. The Zoning Administrator may authorize insignificant deviations from an approved site plan or from Zoning Permits. A deviation is insignificant if it has no discernible impact on the site, neighboring properties, the general public, or those intended to occupy or use the proposed development. All requests for modifications of an approved site plan or permit issued under the provisions of this Ordinance shall be in writing on a form provided by the Zoning Administrator. The Zoning Administrator shall keep a record of any authorized deviation.
- B. Minor site design modifications or changes in permits (including approved site plans) are permissible with the approval of the permit-issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor modifications are those which will have no foreseeable effect or discernible impact to natural features on the property, beyond the property boundary such as minor changes in the location of buildings or structures, the alignment of utilities, and the alignment of walkways, interior roadways and parking areas. Minor changes for good cause may be authorized provided no such changes shall increase the size or height of structures, increase the number or type of dwelling units or square feet of nonresidential uses, add another land use, reduce the efficiency or number of public facilities serving the development, reduce usable or other required open space, or encroach on or impair air, water, other natural resources and natural features. Minor modifications or changes shall not violate a requirement of this Ordinance, or involve a modification or change that otherwise would require a zoning variance from the ZBA. The Zoning Administrator shall keep a record of all minor design modifications or changes granted and report each modification as part of the annual report, except that for the first twelve months of employment, the Zoning Administrator must report each modification approved to the Planning Commission at the monthly meeting.

Site Plan Review

- C. Any modification, change, or deviation not qualifying as a minor or insignificant deviation is considered to be a major modification, change, deviation or amendment and must be approved by the permit issuing authority following the same procedure required for the original permit or approval.
- D. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Planning Commission or Zoning Board of Appeals, new or modified conditions may be imposed, but the applicant keeps the right to reject such additional conditions by withdrawing his request for a modification, change, deviation or an amendment and may then proceed in accordance with the previously issued permit.
- E. An applicant requesting approval of a request for an insignificant deviation or a minor design modification or change shall submit a written request to the Zoning Administrator identifying the requested changes and stating the reasons for making their quest. Action on all changes shall be given in writing, and may be appealed by an affected person to the Zoning Board of Appeals pursuant to [Article 25](#).

Section 20.13 Expiration of Site Plan

- A. The site plan shall expire unless construction of an approved site plan improvement has begun within two (2) years of approval.
- B. Any re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

Article 21

Special Land Uses

Section	Name	Pg
21.00	Intent	21-1
21.01	Special Land Use Review Procedures	21-1
21.02	Special Land Use Review Standards	21-2
21.03	Special Land Use Permit Termination	21-3
21.04	Modification of a Special Land Use Permit	21-4

Section 21.00 Intent

Special Land Use permits are required for proposed activities which are essentially compatible with other uses, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 21.01 Special Land Use Review Procedures

21.01.1 Authority to Approve Uses

- A. Unless otherwise provided for in this Ordinance, the Planning Commission is the body authorized to approve Special Land Uses. The Commission is authorized and directed to investigate the matter to conduct a Hearing where required, to make a determination, to either grant or refuse the approval and to do all things reasonably necessary to the making of the investigation and determination, subject to the provisions of this Ordinance.
- B. The Zoning Administrator may approve Special Land Uses only where stated in this Ordinance.

21.01.2 Hearing: Notice

Before conducting a Public Hearing, public notice, stating the time and place of Hearing, shall be published, at least fifteen (15) days before the Hearing date, in a newspaper of general circulation in the County; and written notices, stating the time and place of Hearing, shall be sent by mail at least fifteen (15) days before the Hearing date, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet in accordance with [2006 PA 110](#).

21.01.3 Surveys and Plans

Special Land Uses

Where the Planning Commission is empowered to approve certain uses of premises under the provisions of this Ordinance, or in cases where the Commission is required to make an investigation, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper evaluation and consideration of the matter.

21.01.4 Hearing: Matters to be Considered

In making any recommendations or approval authorized by the provisions of the Ordinance, the Planning Commission shall consider:

- A. Whether or not there has been compliance with the provisions of this Ordinance.
- B. Whether or not there is proper setback, parking facilities, loading space, percentage of lot coverage, greenbelts, size of buildings, lot area and other conditions required by this Ordinance.
- C. Whether or not the use involved is in accord with the spirit and purposes of this Ordinance.
- D. Whether or not the use involved would constitute a public or private nuisance.
- E. Whether or not the use involved would disturb or interfere with the natural or planned development of the surrounding neighborhood.

Section 21.02 Special Land Use Review Standards

In reviewing all requests for Special Land Uses the Planning Commission or Zoning Administrator shall require compliance with any of the following as may reasonably apply to the particular use under consideration (See also [Article 20](#) and [Section 21.01](#)):

- A. Non-detrimental impact upon the surrounding uses in the District, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic. A traffic impact study may be required by the Planning Commission
- B. A large enough size of the parcel or project site to accommodate the use, its future expansion, customary accessory uses and on-site services (such as but not limited to sewage disposal and water supply).
- C. Impact of the proposed use on the quality and quantity of water resources, domestic water supplies and capacity to absorb the anticipated sewage disposal demand.
- D. Entrance drives to the use and off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. Road agency review shall be required.

Special Land Uses

- E. The use does not conflict with the principles, goals, or objectives of the County Comprehensive Plan.
- F. Suitability of access to the use, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
- G. Allowance is made for vehicles to enter and exit the use safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.
- H. Open spaces and common areas, when offered by an applicant as an integral element of a Planned Unit Development or Special Land Use Project, may be required to be formally assured by one or more of the following instruments: Scenic Easement; Conservation Easement; Deed Restriction; or similar dedication mechanism.

The open space dedication instrument shall name the State, the County, a Local Unit of Government, or a land conservation/conservancy organization, as a party to the instrument, as determined to be most acceptable for the particular property and agency involved.

Section 21.03 Special Land Use Permit Termination

A special land use permit shall be valid for as long as the approved permitted use continues in accordance with the terms stated in the approved permit. A special land use permit shall expire or be discontinued by one or more of the following conditions:

- A. When a special use replaces or supersedes the original special use on a property, provided however, that the Planning Commission may approve two or more special uses as appropriate to occupy a site simultaneously.
- B. When the original special use is replaced by a Principal Permitted Use, and the applicant does not include the special use on his site plan.
- C. When the applicant requests the rescinding or removal of the Special Land Use, and a hearing is held to document the planned rescinding.
- D. The Planning Commission, by public hearing may declare a special land use to be null and void based on evidence of vacating, abandoning, or moving to another location. The Planning Commission may use the following types of physical evidence to determine that the owner's intent is to no longer continue the special use:
 - 1. Utilities have been disconnected for over 24 months,
 - 2. If there were signs, the signs have been removed or have fallen into disrepair,
 - 3. Fixtures within and outside the building have been removed,
 - 4. The property falls into disrepair,
 - 5. U.S. Mail delivery has been ended or mail is forwarded to another address,
 - 6. The classification of the property for tax purposes has been changed to reflect another use, and

Special Land Uses

7. Other similar changes to the Special Land Use.

Action to find a Special Use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

1. Property held in Probate;
2. Insurance settlement in dispute; or
3. Criminal investigation; or
4. Other similar legal land dispute.

E. When, after 24 months from the date of a signed permit, or the specified completion date in the signed permit, the specific terms of the Special Land Use Permit have been violated and are not in compliance. Notice of the expiration shall be given to the applicant in writing.

The general standards and regulations of this Section are applicable to all uses authorized by Special Land Use Permit in this Ordinance, except PUD Districts which have integral expiration terms.

Section 21.04 Modification of a Special Land Use Permit

Modifications to an approved Special Land Use permit shall be subject to the provision of [Section 20.12](#).

Article 22

General Provisions

Section	Name	Pg	Section	Name	Pg
22.00	General	22-1	22.09	High Risk Erosion & Environmental Areas	22-35
22.01	Accessory Buildings	22-3	22.10	Shoreline Bluff Protection	22-36
22.02	Parking Requirements	22-7	22.11	Minimum Waterfront Setback	22-44
22.03	Other Parking Related Requirements	22-14	22.12	Reserved	22-45
22.04	Fences, Greenbelts, and Walls	22-16	22.13	Reserved	22-45
22.05	Outdoor Speakers and Sound Devices	22-20	22.14	Temporary Dwellings	22-46
22.06	Outdoor Lighting	22-21	22.15	Subdivision & Site Unit Condominium Open Space	22-47
22.07	Signs and Billboards	22-25	22.16	Residential Building Clustering Plan	22-48
22.08	Reserved	22-34			

Section 22.00 General

22.00.1 Effects of Zoning

- A. Zoning affects every structure and use and extends vertically. The provisions of this Article shall apply to all districts, except as noted. Except as specified, each building, structure or premises shall be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained.
- B. If any lawful use, activity, building or structure exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing the construction does not require more than two (2) years from the effective date of this Ordinance for completion.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make the area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways.
- D. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- E. If construction of a building has lawfully started before adoption of this Ordinance, nothing in this Ordinance shall be considered to require any change in the planned or designed use of any such building.

General Provisions

22.00.2 Application of Regulations

- A. All buildings, structures or land may be used, constructed, altered or occupied, only when in conformity with all of the regulations specified for the district in which it is located.
- B. No building or other structure shall be altered:
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.
 - 2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
 - 3. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.
- C. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, the area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

22.00.3 Zoning Lots, Zoning Lot Occupancy, and Illegal Dwellings

A. Zoning Lots

- 1. **New Lots to be Buildable.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- 2. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.

B. Zoning Lot Occupancy

No single-family detached residential structure shall be erected upon a lot with another single family detached residential structure unless otherwise provided in this Ordinance. In addition, every building erected or structurally altered to provide dwelling units shall be located on a lot or a building site as defined.

C. Illegal Dwellings

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been

General Provisions

issued. Garages, accessory buildings, motor homes, recreational vehicles, recreational units, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

22.00.4 Restoration of Unsafe Buildings/Barrier-Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

22.00.5 Repair and Maintenance

Nothing in this Ordinance shall be considered to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Nothing in this Ordinance shall prevent compliance with the provisions of the [1972 PA 230, as amended, being the State Construction Code Act, MCL 125.1501 et. seq.](#), relative to the maintenance of buildings or structures; provided, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60) percent of the replacement value of such building at the time such work is done; and provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is begun; and provided, further, there shall be no change of use of the building or part thereof.

22.00.6 Access

Every principal structure erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off street parking.

Section 22.01 Accessory Buildings

22.01.1 Accessory Residential Buildings Setbacks and Floor Areas – Reviewed by Zoning Administrator unless otherwise indicated

A. Accessory Residential Buildings Setbacks and Floor Areas

1. Customary residential accessory buildings are permitted by right provided they are incidental to and customarily found in connection with a main residential use of the property on which it is located.
2. Accessory buildings 200 sq. ft. or less are authorized without a permit on a lot with or without a main use if they meet the applicable front yard setback standard,

General Provisions

and that they are placed a minimum of five (5) feet from the side lot line(s) and ten (10) feet from the rear lot line.

3. Accessory residential buildings greater than 200 sq. ft. shall be subject to the side and front setback requirements as regulated by District but one (1) accessory building with 600 sq. ft. or less floor area may meet a minimum setback of ten (10) feet from the rear lot line. This setback provision shall not apply to lots fronting on a lake, river or stream.
4. Residential accessory building sizes shall be regulated as follows:

Zoning District	Location on the Property	Maximum Ground Floor Area*
R-1, R-2, RR, and SR	Front, Side, or Rear Yard	1,200 Sq. Feet
FF-1, FF-2, and FR	Front or Side Yard	1,200 Sq. Feet
FF-1, FF-2, and FR	Rear Yard**	2,400 Sq. Feet
*On a corner lot, i.e. with two front yards, the Zoning Administrator may approve one yard to qualify for an accessory building that meets the size standards for a rear yard accessory building.		
**For the purpose of determining the Rear Yard for placement of an accessory building: the rear yard is an area behind the back wall of the main use, or is at a point 250 ft. or farther from the road right-of-way line.		

5. The front or side yard accessory building size may be increased to the maximum size as allowable in the rear yard in FF-1 and FF-2 Districts, provided all of the following standards can be met, as determined by the Zoning Administrator:
 - a. The lot is a minimum of five (5) acres in lot area and at least 300 feet of width.
 - b. The structure is located in such a manner as to attain natural screening by existing vegetation or topography to at least partially screen the use from the view of adjoining properties and/or public roads.
 - c. The structure meets all side, rear and waterfront setback standards, as applicable, of the zoning district.
 - d. The structure is sited a minimum of 100' from a private or public road right-of-way.
 - e. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building.

Only one such structure may be approved by the Zoning Administrator under these provisions.

6. Accessory Residential Buildings in all Residential Districts may be attached or detached. Detached accessory buildings shall be limited as follows:

- a. One (1) detached accessory residential building up to the maximum allowable size per parcel of five (5) acres or less.
 - b. For each additional five (5) acres of parcel area, above five (5) acres, one (1) additional accessory building up to the maximum allowed floor area may be permitted, but not more than four (4) such buildings.
 - c. In addition to the standards listed in 1) and 2) above, one (1) detached accessory building not to exceed 200 sq. ft. in ground floor area, may be permitted for such use as tool shed, wood storage, equipment housing, or animal shelter.
7. Existing accessory residential buildings shall be considered to be conforming buildings for the purposes of this Section.

B. Accessory Buildings (200 Square Feet and Greater) as a Main Use

1. In Residential Zoning Districts, customary accessory residential buildings two hundred (200) square feet and greater may be constructed without the requirement for a main building subject to a Hearing and approval of the Site Plan by the Planning Commission when the following conditions are met:
 - a. The structure is sited in such a manner as to permit the construction of a legal main use at a future time, but shall be subject to the size limitations listed in [Section 22.01.1 \(A.4\)](#). For these regulations, rear yard shall refer to a location 100 feet or deeper from the front property line, which is also the road right-of-way line.
 - b. The structure is constructed of materials and is consistent with existing dwellings in the immediate vicinity so it does not have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
 - c. The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
 - d. All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
 - e. Buildings constructed under this Section shall not be used for any purposes except to store personal property related to permitted uses of the site, and such structures shall not be occupied by or used to house persons or

General Provisions

animals (unless on a farm) or otherwise be a base for any activities not permitted in the district.

- f. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded before issuance of a zoning permit.
2. In FF-1 or FF-2 Farm and Forest Zoning Districts, one customary accessory residential building may be constructed without the requirement for a main building subject to review by the Zoning Administrator in the FF-1 or FF-2 Zoning Districts who shall find:
 - a. The structure is sited in such a manner as to permit the construction of a legal main use at a future time, but shall be subject to the size limitations stated in [Section 22.01.1\(A.4\)](#). For these regulations, rear yard shall refer to a location 250 feet or deeper from the front property line, which is also the road right-of-way line.
 - b. The structure is constructed of materials and is consistent with existing dwellings in the immediate vicinity so it does not have a devaluing influence, in the opinion of the Zoning Administrator. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
 - c. The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
 - d. All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
 - e. Buildings constructed under this Section shall not be used for any purposes except to store personal property related to permitted uses of the site, and such structures shall not be occupied by or used to house persons or animals (unless on a farm) or otherwise be a base for any activities not permitted in the district.
 - f. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded before issuance of a zoning permit.

General Provisions

22.01.2 Guest House

Guest Houses may be permitted as an accessory use in a Residential or Farm-Forest District provided sufficient parcel area can be provided so that the guest house can meet the lot size and yard requirements of the District.

22.01.3 Entranceway Gatehouses and Other Entrance Features

Structures marking entrances to subdivisions, condominiums, planned unit developments, and similar projects whether residential or non-residential are permitted in the front yard setback, and includes, walls, columns, gates, gatehouses and similar entrance markers. Gate houses shall meet the front yard setback standard of the Zoning District. No such structures shall constitute a visual safety hazard or impediment for persons entering, exiting, or passing by the entryway on adjacent streets (e.g. corner clearance).

22.01.4 Exemptions

The following uses of accessory buildings are exempt from size regulations under this Section.

- A. Accessory buildings when legally constructed in connection with an approved main use that is other than residential.
- B. Farm Use Buildings, as defined in [Article 2 - Definitions](#). In the case of farm use buildings, a plot plan submitted to the Zoning Administrator illustrating compliance with zoning setback requirements will suffice for the zoning permit.
- C. Accessory garages and carports in multiple family housing developments.

22.01.5 Exceptions

Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by strict compliance with the provisions of this [Section 22.01](#), the Planning Commission may waive or modify said standards subject to a Public Hearing and approval of the Site Plan by the Planning Commission and notifications to adjoining property owners as required for a Special Land Use.

Section 22.02 Parking Requirements

22.02.1 General Parking Requirements

Parking shall be reviewed during site plan review by the Planning Commission except for residential or farm use. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

General Provisions

- A. Off-street parking for other than residential uses shall be either on the same lot or on adjacent property within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- B. Any area once designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere.
- C. In the instance of dual function of off-street parking spaces where the off-street parking is located on the same lot or an off-street parking lot connected by a common drive the property owner(s) at their discretion may utilize the Shared Parking standards defined in [Section 22.02.03](#).
- D. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited on required off-street parking lots.
- E. Although single family residential uses are not subject to site plan review they must adhere to the parking space requirement enumerated in the [Section 22.02.2](#).
- F. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.
- G. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Administrator considers as being similar. The zoning administrator's decision may be appealed to the zoning board of appeals. The Zoning Administrator may choose to ask the zoning board of appeals to make a determination of what use is similar.
- H. For the purpose of computing the number of parking spaces required, the definition of **FLOOR AREA, GROSS**, also referred to as gross floor area, shall govern.
- I. Buildings which contain multiple uses are required to compute the required parking for each of the uses separately. These amounts when aggregated together shall comprise the total off-street parking required.
- J. The deferral of off-street parking spaces may be allowable on premises that at the time of submittal, the applicant does not know his future parking demands and he may, therefore, wish to determine actual parking needs by experience and research before investing in physical improvements. In allowing a deferral the Planning Commission does not waive its rights to require the development of the full number of spaces at a future time.
- K. The number of off-street parking spaces required by this Ordinance shall be governed within the range specified by the minimum and maximum parking requirements defined in [Section 22.02.2](#), however, the Planning Commission, subject to approval of the Site Plan, may defer until a future time the construction of the full number of parking spaces based on the following:

1. The proprietor/owner can demonstrate to the Planning Commission that providing 100% of the required parking would not be necessary to serve the level of the property use.
2. The land proposed for the full amount of parking would better serve the community or the use as landscaped yard or other on-site open space use.

At such time as the intensity of vehicle access to the use increases and/or the Planning Commission determines that the deferred parking spaces are needed to prevent congestion on adjacent streets, increase safety, and/or maintain patron convenience, the Planning Commission shall order that all or part of the deferred parking space shall be constructed at the earliest possible time.

Based on any determined construction limitations, the Planning Commission and the applicant shall establish and agree on a construction timetable within which any deferred off-street parking spaces will be completed. The construction schedule shall consider time limitations caused by weather/climate conditions; soils, land area, and site conditions; and the nature of the construction and steps involved in construction.

22.02.2 Number of Parking Spaces Required

The minimum number of off-street parking spaces by use shall be in accordance with the following schedule. The maximum number of off-street parking spaces shall not exceed 10% of the required minimum.

A. Residential Use	Number of Minimum Parking Spaces Per Unit by Measure
1. Single Family Dwelling	Two (2) per Dwelling and exempt from the maximum requirement.
2. Multiple Family Dwelling.	Two (2) per Dwelling.
3. Manufactured Home Parks	Two (2) per each Manufactured Home.
4. Housing for the Elderly	One (1) for each three (3) Dwelling Units.
5. Rooming Houses	One (1) for each two (2) beds.
6. Bed and Breakfast and Tourist Homes	One (1) space per bed and breakfast guest unit, plus required parking spaces for resident family and One (1) per employee.

General Provisions

B. Public and Quasi-Public Use	Number of Minimum Parking Spaces Per Unit by Measure
1. Studios specializing in the instruction of dance, physical exercise and	One (1) for each two hundred (200) square feet of gross floor area.
2. Churches, Temples, theaters, stadiums, auditoriums and assembly	One (1) for each three seats in the main unit, plus one for each two (2) employees.
3. Elementary and junior high schools	One (1) for each teacher, employee and administrator – adequate off-street bussing and parent drop-off/pick-up area.
4. High schools, colleges and universities	One (1) for each teacher, employee, administrator and one (1) for each ten (10) students.
5. Private clubs or lodges	One (1) for each four (4) members or one (1) for each one hundred and fifty (150) square feet of gross floor area whichever is less.
6. Regulation golf course	Six (6) per green.
7. Par “3” or mini golf	Four (4) for each golf hole.

C. Commercial & Business Use	Number of Minimum Parking Spaces Per Unit by Measure
1. Bank and ATM Kiosks	One (1) for each three hundred (300) square feet of gross floor area. Three (3) stacking spaces are required for each service bay, window or pedestal.
2. Professional and medical offices	One (1) for each two hundred (200) square feet of gross floor area in the waiting room, plus one (1) for each examining room or dental chair.
3. Retail stores except as otherwise specified	Minimum: One (1) for each two hundred (200) square feet of gross floor area.
4. Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade and other similar use	One (1) for each eight hundred (800) square feet of gross floor area, plus one (1) for each two (2) employees.
5. Planned commercial or shopping center by sq. ft. of floor area:	Spaces per square feet of gross floor area:
a. 1 to 15,000 sq. ft.	One (1) space per two hundred (200) square feet.
b. 15,001 to 45,000 sq. ft.	One (1) space per two hundred-fifty (250) square feet.
c. 45,001 sq. ft. and larger	One (1) space per three hundred (300) square feet.

General Provisions

6. Beauty parlor, barber shop or salon	Three (3) for each service chair.
7. Laundromat	One (1) for each three (3) wash and dry units.
8. Mortuary establishments	Three (3) for each one hundred (100) square feet of gross floor area.
9. Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of gross floor area of sales room, plus one (1) for each auto service stall in the service room.
10. Marine Sales and Service Centers, including RV's	One (1) space for each employee, and one (1) for each service stall. Add one (1) space for each 200 square feet of showroom, but not less than five (5) spaces with or without a showroom.
11. Pool hall, private club, dance hall or places for the consumption of food or beverages	One (1) for each two (2) persons of the legal capacity as established by health, fire or building officials.
12. Restaurants (sit down) and establishments for on premises sale and consumption of food, refreshments and/or beverages	One (1) per one hundred-fifty (150) square feet for first 2,500 square feet, plus One (1) per one hundred (100) square feet over 2,500 square feet including area designated for outdoor dining.
13. Food consumption services or drive-in, drive-thru or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of five (5) stacking spaces shall be provided for each service window where a drive-thru operation is present.
14. Bowling alleys	Five (5) for each bowling lane.
15. Hospitals	One (1) for each one (1) bed.
16. Hotels and motels	One (1) for each sleeping room, plus one (1) for each 150 square feet of meeting area and restaurant space.
17. Auto service stations	Two (2) for each service rack or pit: and one (1) for each (1) single or dual gas pump, but not less than six (6) spaces.
18. Gas station with convenience store	One (1) for each 250 square feet of gross floor area.
19. Auto Wash or drive through service stations other than fueling stations	One (1) for each employee and five (5) stacking spaces for each service bay.
20. Wineries, Distilleries, and Microbreweries	One (1) for each 300 square feet of gross floor area for tasting rooms. One (1) for each 300 square feet of gross floor area for office and administrative functions. One (1) space per fifteen hundred (1,500) square feet of promotional event parking.
21. Mini-Warehousing and Storage Unit Rental	One (1) space for each eight hundred (800) sq. ft. of gross floor area.

General Provisions

D. Industrial and Wholesale Use	Number of Minimum Parking Spaces Per Unit by Measure
1. Industrial or research establishments	Five (5), plus one (1) for every employee in the largest working shift.
2. Wholesale establishments	Five (5), plus one (1) for every employee in the largest working shift or one (1) for every two thousand (2,000) square feet of gross floor area, whichever is greater.
3. Warehouse	Five (5) spaces, plus one (1) for each employee over three (3) employees, or one (1) for every 2,000 square feet of gross floor area, whichever is greater.

22.02.3 Shared Parking

Shared parking, or Effective Parking, is allowed based on the following calculation which is based on the general type of land use or function of the property. The Shared Parking Factor for two land use functions, when divided into the sum of the two amounts as listed on the Required Parking table below produces the Effective Parking needed. For example, residential parking is calculated at 12 spaces and retail parking is calculated at 32. Summed they equal 44. Using the Shared Parking Table this amount is divided by 1.2 to derive an Effective Parking amount of 36.6 or 37 parking spaces.

Shared Parking Table				
	<i>Function</i>			
<i>Function</i>	Residential	Lodging	Office	Retail/Restaurant
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

22.02.4 Parking Space Dimensions

All required off-street parking spaces shall meet the following dimensional standards:

Parking Pattern in Degrees	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 (Parallel)	12 feet	8 feet	23 feet
30 to 53	12 feet	9 feet	20 feet
54 to 74	15 feet	9 feet	20 feet
75 to 90	20 feet	10 feet	20 feet*
* May include a maximum two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.			

General Provisions

22.02.5 Vehicle Stacking Space

Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet by ten (10) feet per space, but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-thru or similar service, but is not within the use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Commission determines to be most similar.

22.02.6 Bicycle Parking

- A. Scope of Regulations: Bicycle parking facilities, which include bicycle parking spaces and access aisles, shall be provided as required for all new structures and uses established or for changes in use as the effective date of this provision.
- B. Size: Required bicycle parking spaces shall be at two (2) feet by six (6) feet. An access aisle of at least five (5) feet and shall be provided in each bicycle parking facility. Such space shall have a vertical clearance of at least six (6) feet.
- C. Design and Maintenance: Accessory off-street parking for bicycle parking shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which the bicycle may be locked by the user. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location. The surfacing of such facilities shall be designed and maintained to be mud and dust free.
- D. Location: Bicycle parking facilities shall be located in a clearly designated safe and convenient location. The design and location of such facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of automobile parking spaces provided.
- E. Schedule of Required Off-Street Bicycle Parking Facilities: Bicycle parking facility spaces shall be provided in adequate number as determined by the Zoning Administrator. In making the determination, the Zoning Administrator shall consider when appropriate, the number of dwelling units or lodging rooms, the number of employees, and the number of automobile parking spaces in accordance with the following guidelines:

General Provisions

Land Use	Bike Space
Bed & Breakfast and Tourist Homes	One (1) per Three (3) lodging rooms
Hotels and Motels	One (1) per Twenty (20) employees and One (1) per Ten (10) rental rooms
Places of assembly, recreation, entertainment, and amusement	One (1) per Ten (10) automobile parking places
Commercial Establishments	One (1) per Ten (10) automobile parking places; up to a maximum of Twenty (20) bicycle parking spaces.

F. Reduction of Off-Street Automobile Parking:

1. Establishments Not Located Along a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by One (1) parking space.
2. Establishments Located on a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.
3. Establishments that Connect to a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.

Section 22.03 Other Parking Related Requirements

22.03.1 Off-Street Loading and Unloading

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, space for standing, loading spaces and unloading spaces in order to avoid undue interference with public use of dedicated streets or alleys.

Applicants must demonstrate that loading and unloading can be accomplished without using the abutting road right-of-way for maneuvering space, or required parking spaces. A registered professional engineer's certification of a loading/unloading plan may be required to assure compliance.

22.03.2 Snow Storage

Off-street parking lots three thousand (3,000) square feet or larger, provision shall be made for on-site snow storage in addition to the required parking lot; as follows:

- A. Snow storage shall be provided in the ratio of ten (10) square feet of storage area per one hundred (100) square feet of parking lot surface area.

General Provisions

- B. Snow storage areas shall be located so they do not interfere with clear visibility of traffic on internal roads or drives, adjacent streets, and highways.
- C. Snow storage areas shall not interfere with emergency vehicle access.

22.03.3 Low Impact Development Techniques

In addition to complying with [Section 20.05 G.](#); Drainage, parking lots shall incorporate low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures will be required on site as a component of the overall stormwater plan. The Planning Commission has the authority to review, approve or deny the type of LID that will be used as part of the approval process.



22.03.3 Performance Guarantees

A performance guarantee in the form of a bond, cash, certified check, or irrevocable letter of credit may be required to ensure completion of parking lots and other parking-related items approved by the Planning Commission pursuant to [Section 20.08 Performance Guarantees](#).

Section 22.04 Fences, Greenbelts, and Walls**22.04.1 Fences (General)**

Fences designed to enclose property in any district shall be subject to the following conditions:

- A. Fences in any platted subdivision, residential development or residential zoning district shall not contain barbed wire or be electrified.
- B. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link.
- C. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.
- D. Fences may be installed without a permit provided the following standards are met:
 - 1. A fence may locate at or along the property line. Adequate space should be allotted to permit access for maintenance without trespass.
 - 2. Fences in front setback areas or areas in front of the main building wall may be four (4) feet in height.
 - 3. Fences in side and rear yards may be up to six (6) feet in height.

Fences exceeding the height of #2 and #3 above shall meet the setback standard of the district in which it is located.

22.04.2 Greenbelts, Walls or Fences (Protective and Screening)

- A. For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 200 feet from an adjacent Residential District boundary.

General Provisions

Specific Non-residential Uses Requiring Fences	Greenbelt, Fence or Wall Height at Property line	Protective	Primary Function (s) Screening or Obscuring
Drive-in restaurants, gas station & vehicle repair	4 to 6 feet	X	X
Educational use and school playground	4 to 6 feet	X	
Parking lot accessory to nonresidential uses	4 to 6 feet		X
Hospital and Funeral home service entrances	4 to 6 feet		X
Utility buildings and substations	4 to 6 feet	X	X
Junk yards/Salvage Yards and Similar Uses	8 feet	X	X
Open storage areas larger than 200 square feet	4 to 6 feet	X	X
Dumpsters and propane tanks	6 feet		X

- B. Retaining walls shall meet the setback standard of the zoning district if the height of the wall exceeds four feet. Retaining walls exceeding 30” above grade shall be constructed with safety features such as guard rails.
- C. Rooftop mechanical equipment shall be effectively screened from public view unless a modification is permitted by the Planning Commission.
- D. All plans for greenbelts, fences or walls must be approved by the Planning Commission during site plan reviews for construction specifications and shall be designed and maintained to fulfill the primary function of protection and/or screening. Minor modifications may be approved by the Zoning Administrator.

22.04.3 Plant Materials

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within seven (7) months from the date of issuance of a Zoning Permit or before occupancy of the building whichever occurs first. Such planting or greenbelt shall be reasonably maintained, including permanence and health of plant materials to provide a screen to abutting properties and be free of weeds and foreign debris. Spacing and plant sizes, as required by this Section, shall be provided in any greenbelt or designated planting.

A. Plant Material - Minimum Sized - Maximum Spacing

- Plant material shall not be closer than four (4) feet from the property line, except for vines intended to attach to fence structures.

General Provisions

2. Where plant materials are installed in two or more rows, planting shall be staggered to provide for maximum screening.
3. Minimum plant sizes permitted and maximum on-center spacing in any required greenbelt shall be as follows:

General Plant Types	Maximum Spacing Center to Center (feet)		Minimum Allowable size		
	<u>Single</u>	<u>Row Grouping</u>	Height	Caliper	Spacing
TREES					
Large Deciduous (Canopy)	30	40	-	2½"	-
Large Evergreen	15	20	7'	-	-
Medium-Small Deciduous	10	15	-	1½"	-
Columnar Deciduous	8	10	10'	-	-
Narrow Evergreen	5	8	8'	-	-
SHRUBS					
Large: Upright Spreader	4	6	4'	-	-
	6	8	-	-	-
Medium: Upright Spreader	3	4	3'	-	-
	4	6	-	-	-
Small: Upright Spreader	1½	2	18"	-	-
	1½	2½	-	-	-
Conical	2	3	2'	-	-

B. The following plant materials are permitted:

General Plant Types	Materials Permitted – common name
Trees	
Large Deciduous	Oak, Linden, Hard Maple, Beech, Ash, Birch, Honey locust (seedless/thornless), Ginko (Male only)
Large Evergreen	Pine, Hemlock, Spruce, Cedar, Fir
Medium/Small Deciduous	Crabapple, Amelanchier, Cherry, Hawthorn (thornless), Plum, Redbud, Bradford Pear, Mountain Ash, Amur Maple, Russian Olive, Magnolia
Columnar Deciduous	Crabapple, Oak, Maple, Linden
Narrow Evergreen	Arborvitae, Cedar, Cypress, Yew, Juniper

General Provisions

Shrubs	
Large: Upright	Lilac, Forsythia, Privet, Viburnum, Dogwood, Honeysuckle, Sumac, Smoketree, Cotoneaster, Witch Hazel, Buckthorn, Common Ninebark, Bayberry, Mt. Laurel, Mockorange, Holly, Pyracantha
Large: Spreader	Juniper, Pine, Cotoneaster, Yew
Medium: Upright	Burning Bush, Rhododendron, Yew, Quince, Sumac, Forsythia, Viburnum, Barberry, Holly, Weigela, Rose, Arborvitae
Medium: Spreader	Juniper, Yew, Cotoneaster
Small: Upright	Azalea, Deutzia Yucca, Leucothoe, Weigela, Fl. Almond, Arborvitae, Rose, Potentilla, Spiraea, Yew
Small: Spreader	Juniper, Yew, Cotoneaster, Spruce, Barberry
Conical	Hinoki False Cypress, Yew, Arborvitae

- C. The following list of trees is prohibited for purposes of meeting the minimum planting requirements of this Ordinance: Box Elder, Tree of Heaven, Poplars, Willows, Soft Maples, Catalpa, Elms, Horse Chestnut (nut bearing).

22.04.4 Planting Plan

- A. Whenever greenbelts or any designated planting areas are required under provisions of this Ordinance, a detailed Planting Plan shall be submitted for approval during Site Plan Review. The Planting Plan shall indicate scale, location, spacing, starting size and description for each unit of plant material proposed for use within the required planting area and a maintenance plan. Detailed Planting Plans shall be submitted in accordance with the following:
1. Minimum Scale 1" = 20'.
 2. Planting Plan indicating location, size, and spacing of all plant materials.
 3. Typical straight cross section indicating slope, height and width of berms and type of ground cover, or height and type of construction of walls, including footings.
 4. Significant construction details to resolve specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 5. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
- B. The Planting Plan shall be reviewed relative to:
1. Proper spacing, placement and location of plant materials relative to the length and width of greenbelt so as to insure that the required horizontal and vertical obscuring effect of proposed land uses will be achieved.

2. The selection of plant materials so that branching of root systems not interfere with public utilities and so that fruit and other debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
 3. The proposed relationship between deciduous and evergreen plant materials so as to insure that the desired obscuring effect will be accomplished.
 4. The size of plant materials (both starting and ultimate) to insure adequate maturity and optimum screening effect of proposed plant materials.
- C. For any off-street parking lots of twenty (20) spaces or more, there shall be provisions for the planting of Large Deciduous trees as identified in the preceding table and subject to the following conditions:
1. One (1) such tree shall be required for each ten (10) surface parking spaces.
 2. Trees shall be of the deciduous type, not less than two and one-half (2-1/2") inch caliper.
 3. Trees shall be planted before the issuance of a Certificate of Occupancy and shall be maintained in a healthy, growing condition.
 4. The required trees may be evenly distributed or concentrated in clusters as approved by the Planning Commission. If evenly distributed each tree shall be provided with an open land area of not less than eighty (80) square feet to provide area for infiltration and with a minimum diameter of five (5) feet at the trunk base for added protection. Tree plantings shall also be protected from automobiles with curbing, bollards or other suitable devices.
 5. Rain gardens are encouraged.
- D. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and foreign debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant materials required by this Ordinance die or become diseased, they shall be replaced within forty-five (45) days of written notice from the County or within an extended time period as specified in the notice.

Section 22.05 Outdoor Speakers and Sound Devices

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not operate the equipment without the written consent of the Planning Commission, who shall determine that no public nuisance will be established.

Section 22.06 Outdoor Lighting

22.06.1 Intent and Purpose

It is acknowledged that the county's economic well-being is heavily dependent upon the resort and tourist industry. This makes preserving the visual quality of the nighttime experience critical to Emmet County.

The purpose of the Section is to help protect the health, safety and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility from both pedestrian and motorist viewpoints. The goal is to provide guidelines that balance the functional requirements of nighttime lighting with sensitivity to light pollution, visual comfort, and aesthetics and further, to preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow.

This Section provides standards for various forms of lighting that will: minimize light pollution and light trespass, conserve energy, and enhance safety.

22.06.2 General Provisions

A. Projects Requiring a Permit

An outdoor lighting permit shall be required for all new development projects, except for single-family homes on existing lots of record and farms. Projects which by addition or modification, increase the number of existing dwelling units, gross floor area and/or parking spaces by twenty-five (25) percent or greater are subject to the requirements of this Section.

B. Outdoor Lighting subject to review includes but is not limited to lights used for:

- Parking Lot Lighting
- Security Lighting
- Roadway Lighting
- Buildings & Structures
- Recreational Areas
- Landscape Lighting
- Building overhangs and open canopies
- Signage and advertisement

C. Shielding and Security Lighting

1. All outdoor luminaires subject to this Section shall be fully shielded lighting fixtures to minimize artificial sky glow.
2. All outdoor lighting fixtures shall be placed to prevent light trespass or glare beyond the property line.

General Provisions

3. All outdoor lighting shall be of a type, and placed, to prevent any light above the horizontal plane, as measured at the luminaire.
4. Flood or spot lamps shall be fully shielded and aimed no higher than 45 degrees above straight down (nadir) when the source is visible from any offsite residential property or public roadway.
5. All lighting for commercial, industrial, and any other non-residential activities including billboards and electronic message centers shall be extinguished between 10:00 p.m. or the close of business, whichever is later and 6:00 a.m. or the opening of business, whichever is earlier. Security lighting for these establishments shall be designated on the lighting plan and conform to the regulations of this Section.

D. Outdoor Lighting Districts

For the purposes of this Section there shall be three (3) lighting overlay districts established as follows:

1. Lighting Overlay District 1:

Those areas designated on the County Zoning map as B-1, B-2 and/or PUD along the State Trunk Lines north of Intertown Road and south of Graham and Powell Roads.

2. Lighting Overlay District 2:

Those areas designated on the County Zoning Map as B-1, B-2, B-3, PUD, I-1 and/or I-2 along State Trunk lines to a depth of 200' from the road right-of-way, excepting those properties in District 1.

3. Lighting Overlay District 3:

Those areas of Emmet County outside of Districts 1 and 2.

22.06.3 Outdoor Lighting District Standards

- A. The following lighting level measurement standards shall apply to uses established within each Outdoor Lighting District. The values shown are the maximum allowed outdoor light levels as measured from any spot that is illuminated, expressed in footcandles (fc).

USE	District 1	District 2	District 3
Parking Lots (non-display)	8 fc	7 fc	4 fc
Gas Station Canopy Lighting	30 fc	20 fc	20 fc
Display lots	24 fc	20 fc	16 fc
Private Roadway Lighting	3 fc	2 fc	1 fc
Building/Landscape ambient lighting	2 fc	1 fc	1 fc

- B. All uses regulated in this Section shall not exceed 0.5 footcandles at the property line. Where it can be demonstrated by the applicant that allowing a greater intensity at the property line would not negatively affect the lighting quality, health, safety, and welfare of the community, the Zoning Board of Appeals may modify the standards. This does not apply to the limits set in the table above.

C. Additional Uses

For those uses not listed above the Zoning Administrator may determine the appropriate District and use based on the location, adjacent uses, and type of use proposed. The applicant may provide industry data to support a different lighting level which may be reviewed by the Zoning Administrator. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals.

D. Luminaire Mounting Heights

1. All luminaires shall be located and/or mounted at a height no greater than twenty (20) feet measured from final grade to the bottom of the luminaire.
2. The reviewing agency may approve greater mounting/pole heights for the interior of development projects when all of the following conditions are met:
 - a. Fewer luminaires will be required for the site.
 - b. The greater mounting height will not cause light trespass and/or glare beyond the property line for reasons of topography, screening or similar circumstances.
 - c. The greater mounting height will contribute less artificial sky glow by reducing the intensity of the lighting beneath the luminaire.

E. Prohibited Lighting

1. Unshielded luminaires of any type.
2. Luminaires designed such that the light source is visible from off-site.

22.06.4 Application/Review Procedures

To obtain a permit required by this Section, a lighting plan shall be submitted for approval before installation. The lighting plan shall at a minimum, contain all of the following:

- A. Site plan including the location of all proposed and existing illuminating devices. All directional lighting shall have arrows indicating target areas of illumination indicated in drawings.

General Provisions

- B. Description of all illuminating devices, fixtures, lamps, supports, reflectors. The description shall include manufacturer's data sheets, illustrations and the like.
- C. Photometric data superimposed on the site plan; provided, that for smaller or less complex projects, the reviewing body may accept photometric data supplied by the manufacturer which is separate from the site plan.
- D. Such other information about the site or adjoining sites as may be essential for the reviewing body to determine if the requirements of this Section are being met.

Following submission of a complete lighting plan in accordance with this Section, the reviewing body shall act to approve, conditionally approve, or deny the lighting plan with reasons stated. The reviewing body shall begin formal review of the lighting plan at its next regularly scheduled meeting provided a complete plan has been submitted at least ten (10) days before the meeting.

22.06.5 Variances

Subject to a hearing and notification to adjoining property owners of record within 300 feet of the subject parcel, the **Zoning Board of Appeals** may grant a variance to the standards of this Section if all of the following are met:

- A. Neighboring properties will not be adversely affected.
- B. Unique conditions exist on the site.

No modifications shall be granted with respect to the standards regarding luminaire shielding.

22.06.6 Exempt Lighting

The following types of lighting are exempt from the standards of this Section.

- A. Holiday lighting.
- B. Lighting required by governmental agencies
- C. Airport lighting
- D. Emergency lighting as used by law enforcement, firefighters, and other public safety agencies.
- E. Temporary construction lighting when used for periods up to 30 days, which are fully shielded and do not emit lighting levels greater than 0.5 fc at the property boundary lines.”

Section 22.07 Signs and Billboards

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. The Zoning Administrator may refer any sign plan to the Planning Commission for review and approval.

22.07.1 Intent

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Emmet County, and are based on the following objectives:

- A. To promote signs which are visible at eye level and can be readily seen from moving vehicles with the least amount of eye distraction.
- B. To encourage native plants and other landscaping materials around all freestanding signs so as to complement the site and integrate the sign with the buildings, parking areas and natural site features.
- C. To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- D. To place and size signs in such a way that scenic views are protected and visual obstructions to the natural landscape are minimized.
- E. To maintain and enhance economic stability by keeping aesthetic appeal to tourists, resorters, and visitors, and encouraging sign planning that will complement the County's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
- F. To encourage the use of aesthetically pleasing sign materials and colors, and to encourage signs to be predominately natural in appearance, through the use of weather tolerant wood or material of equivalent character.
- G. To encourage the use of subdued colors, with bright colors used only for accent.
- H. To avoid creation of obstacles or traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, read other traffic signs, or see other vehicles.
- I. To enhance the effectiveness of necessary signs.
- J. To preserve property values from the negative impacts of unsafe, cluttered, and otherwise unregulated signs on abutting property or in the area.
- K. To avoid bright lights and reflection, and to protect views of the night sky against poorly

General Provisions

shielded lights.

- L. To encourage wall-mounted signs not to violate the architecture of the building to which it is attached. For example, signs should not cut across columns or be placed on architectural features.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.

Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

It is also acknowledged that the county's economic well-being is heavily dependent upon the resort and tourist industry. This dependence makes the preservation of the environment from unreasonable signage a matter of critical importance to this County.

General Provisions

22.07.2 Signs Authorized Requiring a Permit (unless stated otherwise)

	R-1, R-2, RR, and SR		FF-1 and FF-2		B-1, B-2, B-3, PT, and I	
	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed	Number allowed	Maximum size allowed
Freestanding Sign – Permit required for new signs	1	18 sq. ft. and 8 ft. in height	1	32 sq. ft. and 8 ft. in height	1	56 sq. ft. and 10 ft. in height (Signs located in the road right of way shall not exceed 32 sq. ft. and 8 ft. in height)*
			Shall not be longer than four (4) times its width.			
	AND/OR		OR		AND	
Wall-Mounted Sign – Permit required for new signs	1	8 sq. ft. May project outward up to three (3) feet Wood crafted or is a sign of equivalent character.	1	32 sq. ft. Shall not be longer than four (4) times its width.	1 or 2	15% of the surface area of the mounting wall (computed on the ground level story only – ground level story height may not exceed 12 feet) A second wall-mounted sign may be permitted on buildings located on a corner lot. A banner may be permitted in lieu of a wall-mounted sign provided it is securely attached to the wall and it meets all other requirements of a wall-mounted sign.
		Wood crafted or is a sign of equivalent character.	Shall not project beyond or overhang the wall face by more than five (5) feet. No sign shall project above the ridge line of a hip, gambrel, gable, or mansard roof, or above the parapet of a flat roof.			

General Provisions

	R-1, R-2, RR, and SR		FF-1 and FF-2		B-1, B-2, B-3, PT, and I	
	Number Allowed	Maximum size allowed	Number Allowed	Maximum size allowed	Number allowed	Maximum size allowed
Additional Signs – no permit required			Four (4) accessory signs not to exceed four (4) square feet in area on buildings; except that one sign may be located at each approved driveway not to exceed four (4) sq. ft. and six (6) feet in height.			
Additional Signs – no permit required	1	Non-illuminated – two (2) square feet	One (1) non-illuminated – three (3) square feet			
Additional Sign – no permit required			1	On a farm up to twenty-four (24) sq. ft. and 8 ft. in height		
Window Signs – no permit required		10% of the total window space		10% of the total window space		10% of the total window space
Canopy or Marquee Signs	Integral canopy signs shall be allowed in place of permitted wall mounted signs with message information, i.e., letters, numerals, symbols etc., not to exceed fifteen (15) percent of the canopy surface. For the purposes of calculation, the subject canopy will be considered to fall within a measurable square or rectangular enclosure					
<p>* Signs cannot obstruct the view of permanent signs, drives, roads, etc. Signs in a right-of-way are subject to any further rules, provisions, or prohibitions as determined by the governmental unit or agency having jurisdiction.</p> <p>It is intended that freestanding signs located at an approved driveway be included on the sign plan for approval as to location and number by the Zoning Administrator.</p>						

A. Accessory Signs in all Districts

In addition to the permitted signs, a development may have one non-illuminated free standing sign, located within the project area and not to exceed the freestanding sign size standard for the applicable district. Such sign shall not be readily visible from the frontage road. Additional signs mounted on and parallel with the wall may be permitted provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

B. Signs as a Main Use

Signs on vacant property shall be restricted to the B-2 District provided the area of the sign does not exceed fifty-six (56) square feet, the height of the sign does not exceed ten (10) feet, there is at least two thousand (2,000) feet of separation between any two

General Provisions

such signs on both sides of the road and two hundred (200) feet of separation between a sign as a main use and an accessory sign, and two hundred (200) feet of separation between a sign as a main use and any other existing building over two hundred (200) square feet.

A sign as a main use may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be obtained before erecting the sign as a main use.

C. Changeable Message Signs

One changeable message sign per business premise subject to the following: changeable message signs, including, but not limited to, electronic changeable message signs, shall be permanently affixed to, and be parallel with the wall of the main building or designed into the freestanding sign as an integral part of the freestanding sign structure.

1. Changeable message signs may not exceed 40% of the allowable sign area.
2. Such changeable message signs shall have no moving parts.
3. The background shall be unlit, and the letters shall be monochrome.
3. Electronic changeable message signs must meet all other standards of [Section 22.07](#).
4. Electronic changeable message signs may not be illuminated between the hours of 10:00 P.M. and 6:00 A.M., except for premises that are open for business after 10:00 P.M., then the lighting shall be turned off at the close of business.

D. Accessory Signs In PUD Districts

In PUD Zoning Districts, sign standards shall be determined by site plan, PUD development plan and the proposed uses. Residential PUD projects may be allowed signs as regulated in Residential Zoning Districts. Business and/or Industrial uses may be permitted to have signs as regulated in Business and/or Industrial Zoning Districts.

22.07.3 Non-Conforming Signs

It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Section although such sign or outdoor advertising structure may not conform to the provisions of this Article. It is also the intent that nonconforming signs shall not be enlarged upon, expanded, or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and ended upon their natural deterioration, destruction, removal, or replacement. The continuance of all

General Provisions

nonconforming signs and outdoor advertising structures within the County shall be subject to the conditions and requirements set forth below.

A. **Structural Changes**

Signs may be repaired, or renovated, and kept in good repair. The faces, supports, or other parts of any nonconforming sign shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign conforms to the provision of this Section.

B. **Placement**

No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized to conform to this Ordinance.

C. **Illumination**

Illumination may not be added to any nonconforming sign.

D. **Destruction**

Should any nonconforming sign be destroyed by any means, to the extent of 80 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.

E. **Change on Sign Face**

The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

22.07.4 Signs Prohibited

- A. Signs containing flashing, intermittent, or moving: lights, images, motion pictures, or similar mechanisms.
- B. Signs which are erected in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- C. Signs with moving or revolving parts and/or messages.
- D. Signs affixed to trees, rocks, shrubs, fences, utility poles, or other similar features.
- E. Signs which are insecurely fixed, unclear, or in need of repair.
- F. Portable signs utilizing vehicles, trucks, vans, or other wheeled devices; or tripod, sandwich boards, or changeable message signs, except that licensed vehicles painted or affixed with signs shall not be prohibited from properly parking in a designated parking space.

General Provisions

- G. Advertising devices such as banners, balloons, advertising flags, pennants, pinwheels and searchlights or other devices with similar characteristics unless otherwise permitted in this Section.
- H. Signs which overhang or extend into a dedicated public right-of-way without the written consent of the governmental unit having jurisdiction.
- I. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground and located so as to constitute a safety hazard to vehicle traffic.
- J. Signs using glass beads, and/or reflectors shall be prohibited as main background treatment of the sign, but may be used in minor proportions for lettering or incidental artistic details, provided there are no visual conflicts with official traffic signs.

22.07.5 Signs Not Requiring a Zoning Permit

The following, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

- A. Signs required by or approved by federal, state, or local units of government.
- B. Banners, balloons, advertising flags, pennants, and pinwheels, or other devices with similar characteristics may be used temporarily for periods not to exceed thirty (30) consecutive days upon the opening of a new type of business or use by a new owner.

C. **Replacement Signs**

An existing sign that is removed shall only be replaced if it conforms to the size, area, height, and lighting requirements of this ordinance. No permit is required; however, review of the proposed sign with the Zoning Administrator is recommended.

D. **Temporary Sign**

One additional temporary sign may be permitted in all zoning districts on property offered for sale or lease. Such sign shall not exceed ten (10) square feet and eight (8) feet in height on properties zoned R-1, R-2, RR, or SR. Such sign shall not exceed thirty-two (32) square feet and eight (8) feet in height in all other zoning districts.

Other temporary signs, not listed in this Section, shall be regarded and treated in all respects as permanent signs which require a permit.

22.07.6 Placement of Signs and Setbacks

- A. Accessory signs may be located at the right-of-way line, but shall not be located within the right-of-way unless permitted by the road agency having jurisdiction. Accessory signs shall be sited to prevent one sign from blocking the view of another sign.

General Provisions

- B. Signs as a main use shall be setback the required distance in the zone (front and side).

22.07.7 Flags

Flag pole heights shall not exceed thirty (30) feet. The total number of flagpoles shall be limited to three (3) per site. Flag poles may not be located in the road right-of-way unless permitted by the road agency having jurisdiction.

22.07.8 Sign Lighting

Sign lighting should be of no greater wattage than is necessary to make the sign visible at night and should not reflect onto adjacent properties. Lighting sources shall not be directly visible to passing pedestrians or vehicles and should be concealed so that direct light does not shine through, under, or over any element of a sign.

- A. Sign lighting other than street and security lights shall be turned off between the hours of 10:00 P.M. and 6:00 A.M., except for premises open for business after 10:00 P.M., then the lighting shall be turned off at the close of business.
- B. For internally lighted signs, the sign background, or field, shall be dark colored and opaque. Letters, numerals, logos, and similar message elements may be of a translucent material to permit internal lighting to reveal the message or information for which the sign is intended. All other lighted signs shall incorporate the lighting source as part of the sign structure, i.e. top, bottom, or side mounting. Ground mounted lighting sources are prohibited.
- C. Night lighting of flags shall be of sufficient wattage to illuminate flag surfaces only and shall not be excessive thus contributing to light pollution of the night sky. It is recommended that the flag be illuminated from the top down and directed so as not to interfere with passing pedestrians or vehicles. Ground mounted lighting is prohibited.
- D. Neon lighting and/or other gas filled light tubes are permitted when used for the indirect illumination of signs, and/or when placed in windows.
- E. Signs with reflective paint are encouraged in lieu of sign lighting.

22.07.9 Measuring - Area and Height of Sign

The area of sign shall be determined by circumscribing the exterior limits of each display erected on one sign structure, including the sign background (but not supporting features or roof like covers) with the smallest square, rectangle, triangle, circle, parallelogram, or trapezoid, that will connect all extreme points of the sign display and including voids, unused space, or air spaces between multiple display features. The structural features and supporting elements of a freestanding sign, including decorative facades, canopies, and base treatments,

General Provisions

shall not have a facing surface area that exceeds the area of the message portion of the sign.

The area of sign measurement shall be based on one display face, but both sides of the display face may be used for sign purposes without increasing the area of sign. Sign panels, if not back-to-back and the back face is separated or angled from the other by more than four (4) feet for parallel faces, and/or angled on the inside more than forty-five (45) degrees, the second face shall be added to the allowable area of sign.

The height of all free standing signs as specified in this ordinance shall be measured from the average existing grade at the base of the sign to the top of the sign and shall include roof like covers and supporting structures.

22.07.11 Sign Variances

In order to allow greater flexibility in property and use signing, the Emmet County Zoning Board of Appeals may permit signs that:

- A. Exceed the maximum number of signs permitted when there is more than one bordering County Primary or State Trunkline Highway, and the sign is placed directly in front of the building wall, which faces each road, or farther from the intersection line than the wall,
- B. Exceed the maximum sign area for the following reasons: Deep use setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use, or if the property shares a common front or side lot line with a B or I Zoning District.

In granting sign variances, the Zoning Board of Appeals shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. The purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

22.07.12 Application Procedure

Applications for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- A. Name, Address, telephone number, and email address of the applicant and property owner (if other than the applicant).
- B. Location of building, structure or lot to which the sign or other advertising structure is to be attached or erected.
- C. Site or plot plan showing the location of the sign.

D. One (1) graphic of the proposed sign(s), including dimensions, height, and lighting details (as applicable).

E. Written authorization of the property owner where the sign is to be erected.

Sign plans referred to the Planning Commission by the Zoning Administrator shall follow the process for Site Plan Review. The sign plan may be separately submitted or be an integral feature of the Site Plan. If submitted separately from the initial site plan review, a separate application process and fee applies. Sign Variances shall follow the procedures for Zoning Board of Appeals review. Sign Review applications and detailed procedures are available through the office of the Zoning Administrator.

No provision of this Section shall be construed to prevent an applicant from seeking prompt judicial review of a decision on an application.

22.07.13 Review

Sign permits shall be denied, approved, or approved with conditions within 45 days after submission of the complete application. If a decision on the application has not been made within 45 days, the application shall be considered approved. Sign Variances per [Section 22.07.11](#) shall be denied, approved, or approved with conditions within 90 days after submission of the complete application. If a decision on the Sign Exception application has not been made within 90 days, the application shall be considered approved.

22.07.14 Substitution Clause

Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

22.08.15 Sign Removal from Public Right-of-Way

Any unauthorized sign that is placed on public property or within the road right-of-way is subject to removal by the Zoning Administrator. If the owner or party responsible for such sign is known, the county shall provide the owner or responsible party with an opportunity to retrieve the removed sign. Any such sign that has not been retrieved within 30 days following removal is subject to disposal. The county shall not be responsible for any loss or damage incurred in connection with the removal or temporary storage of any unauthorized sign.

Section 22.08

Reserved

Section 22.09 High Risk Erosion and Environmental Areas

The following regulations are applicable to those areas of the County which are generally defined as to be controlled by [Part 323 Shorelands Protections and Management of the Natural Resources and Environmental Protection Act \(1994 PA 451, as amended\)](#).

The shore lands area affected consists of land which borders Little Traverse Bay and Lake Michigan situated at least one thousand (1,000) feet landward from the ordinary high water mark as defined in [Part 323 of 1994 PA 451, as amended](#). These regulations are intended to effectively control development of the shore lands where property damage during high water periods have resulted in or may result in:

- structural property damage (homes, cottages, marinas, boathouses, commercial developments, etc.)
- actual loss of physical property (land)
- loss of recreation swimming beaches
- loss of access to the lake
- occurrence of sedimentation along the shoreline areas

Further, developments permitted within environmental areas shall be controlled to assure the protection and maintenance of fish and wildlife.

- A. All uses permitted in the high risk erosion area are subject to the conditions imposed for each use and subject to Site Plan Review by the Planning Commission.
 1. The minimum setback from the bluff line for all uses, both above and below the ground, shall be no less than that which would prevent or is likely to prevent damage or destruction to permanent buildings or structures within a 30-year period of life. In no instance shall this setback be less than that which is required in the applicable zoning district. This distance shall be based upon the average recorded shoreline recession rates as determined by the Natural Resources Commission.
 2. Individual docks, boat hoists and related installations shall not exceed one per unit. Group docking, hoists and other related facilities shall be subject to review and approval by the Planning Commission.
 3. Removal of shore cover to a depth of one hundred (100) feet from all points along the ordinary high water mark shall be limited as follows:
 - a. Natural ground cover shall be preserved to the fullest extent feasible and where removed it shall be replaced with vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

General Provisions

- b. All development proposals submitted for an environmental area or High Risk Erosion Area shall include an environmental impact statement indicating how the natural character of the area and fish and wildlife will be protected and maintained. This statement shall address itself to some or all of the following conditions, wherever it pertains:
 - 1) Sewerage, drainage and water controls
 - 2) Street and traffic systems
 - 3) Topography
 - 4) Vegetation
 - 5) Wildlife
 - 6) Water areas or other natural features
 - 7) Construction effects
 - 8) Unusual site features
- c. The environmental impact statement shall be reviewed as part of the Site Plan. The Planning Commission shall request technical assistance from County and/or State agencies as may be necessary. Maps shall be provided to detail the characteristics of the site.

B. Maps

The mapping requirements of [Article 20 - Site Plan Review](#), shall apply to maps necessary to document the shoreline areas or environmental areas of this Section. A more detailed drawing may be required in those instances where site conditions and site treatment measures cannot be clearly shown on map scale standards in [Article 20](#).

Section 22.10 Shoreline Bluff Protection

22.10.1 Intent

The Shoreline Bluff regulations are established with the following intent:

- A. To protect the natural environment and the integrity of the Shoreline Bluff, which is a distinctive and valuable natural feature of Emmet County's Lake Michigan shoreline.
- B. To recognize the potential for hazards to health and safety to persons and property from Bluff development.
- C. To protect the stability of the Shoreline Bluff, and thereby reduce the risks of erosion, undermining, slumping, or collapse of the Bluff, and to protect the waters of Lake Michigan from unnatural sedimentation.
- D. To promote the recommendations of the Emmet County/City of Petoskey Comprehensive Plan relative to the constraints that should be considered in developments that impact hillside environments.

General Provisions

22.10.2 Regulation of Shoreline Bluff Protection Zone

A. Except as otherwise provided in this Section, excavation or construction activity is prohibited within the Shoreline Bluff Protection Zone. The Shoreline Bluff Protection Zone includes an area within fifteen (15) feet of the top of the bluff, the face of the Shoreline Bluff as it extends lakeward from the top of the bluff to the toe of the bluff and the area extending lakeward fifteen (15) feet from the toe of the bluff. For purposes of this Section, the following terms shall mean:

1. **Top of the Bluff** is the point where the slope toward Lake Michigan first exceeds a grade of 33%.
2. **Toe of the Bluff** is the point where the slope toward Lake Michigan first decreases to a grade of less than 33%.

B. This Section shall not apply to:

1. **Stairways.** The installation, repair and maintenance of open stairways, open landings of 200 square feet and under, pathways and trams, all intended to access the areas below the bluff.
2. **Remodeling.** Interior remodeling, changed floor plans, re-roofing, re-siding, replaced walls and the like, if no footing or foundation work within the Bluff Protection Zone is involved.
3. **Existing driveways.** The reconstruction of existing driveways including the replacement of existing surface materials and maintaining the existing driveway width or otherwise where no new excavation work would be needed.
4. **Utilities.** The repair, replacement or reconstruction of utility services to include all elements of sanitary sewage systems, wells and water services and other existing accessory service utilities.

22.10.3 Regulated Shoreline Bluff

The regulated Shoreline Bluff, for purposes of this Section, is the single continuous and highest bluff feature that generally parallels the west side of Highway M-119 and where applicable, N. Shore Drive and only on the west side of the roads. Any shoreline bluff feature that is regulated as a Critical Dune is not subject to the Shoreline Bluff regulation in this Section. Where the Shoreline Bluff is within a Critical Dune area, but is not regulated as a critical dune, it shall be subject to this Section.

Excavation and construction activity in the Shoreline Bluff is further subject to regulations related to soil erosion and sedimentation control, stormwater management, endangered species, and other pertinent environmental regulations, and regulations related to construction, sanitation,

General Provisions

access and the like.

22.10.4 Shoreline Bluff Identification

The Shoreline Bluff feature is best determined by on-site surveys, but is discernable on aerial photographs and on topographic maps published by the US Geological Survey (USGS). The extent of the Shoreline Bluff for purposes of this Section begins at the south 1/8th line in Section 30, T36N-R6W, Friendship Township and extends north through Friendship, Readmond and Cross Village Townships, (T37N-R6W) to a point on Chippewa Drive that is approximately 700 feet westerly of Shore Drive in the NE 1/4 of the NE 1/4 of Section 34, T38N-R6W, Cross Village Township. The Shoreline Bluff is illustrated on the Zoning Map.

22.10.5 Site Plan Review

Site plan approval by the Emmet County Planning Commission, in accordance with this Section, is required before any excavation or construction in the Shoreline Bluff Protection Zone.

A. Site Plan Content

In addition to the graphic requirements for site plans set forth in [Section 20.03](#) of this Ordinance, site plans required under this Section shall contain the following information:

1. All lake shorelines, streams, wetlands, groundwater seeps, springs, soil types, soil strata and groundwater table on the disturbed area at the site.
2. All existing roads, driveways, structures, culverts, and other pertinent features on the site or within 100' of the site area to be disturbed.
3. Existing ground contour lines and proposed ground contour lines at 5-foot intervals encompassing the area to be disturbed and in the immediate area of influence of the disturbed areas, e.g. within 15 feet.
4. All proposed construction activities on the site, including, but not limited to, the installation of the sanitary sewage disposal system, the storm water management system, including outflow and outlet facilities, and other areas proposed to be disturbed.
5. An inventory of existing vegetation and individual trees measuring three inches (3") or more in diameter (caliper) proposed to be disturbed/removed.
6. Slope stability assessment based on the proposed construction activity and the impact on the bluff.
7. Construction staging and progress schedule.

General Provisions

8. Additional information if determined necessary or helpful by the Planning Commission in reaching a decision.

B. Certification

All site plans required under this Section shall be signed and sealed by a Michigan Registered Professional Engineer.

In addition, upon the completion of construction, a Michigan Registered Professional Engineer shall certify that all work has been done in accordance with the approved site plan. Such certification shall be provided within forty-five (45) days of the completion of the work.

C. Impact Statement and Environmental Assessment

All site plans required under this Section shall meet the impact statement requirements for site plans set forth in [Section 20.04](#) of this Ordinance.

In addition, an environmental assessment shall be provided, and it shall include the following information concerning the site of the proposed use:

1. The name and address of the applicant
2. A description of the applicant's proprietary interest in the site.
3. The name, address, and professional qualifications of the person preparing the environmental assessment and his or her opinion as to whether the proposed development of the site is consistent with protecting features of environmental sensitivity and archaeological or historical significance that may be located on the site.
4. The description of the proposed use.
5. The location of existing utilities and drainage ways.
6. The general location and approximate dimensions of proposed structures.
7. Major proposed change of land forms such as new lakes or ponds, terracing, fills or berms, or excavating.
8. Sketches showing the scale, character, and relationship of structures, streets, or driveways, and open spaces.
9. Approximate location and type of proposed drainage, water, and sewage facilities.
10. Legal description or clear identification of the property.

General Provisions

11. A physical description of the site, including its dominant characteristics, its vegetative character, its present use, and other relevant information.
12. A natural hazards review consisting of a list of natural hazards such as periodic flooding, poor soil bearing conditions, and any other hazards peculiar to the site.
13. An erosion review showing how erosion control will be achieved, and illustrating plans or programs that may be required by any existing soil erosion and sedimentation ordinance.

Additionally the following environmental impact statement may be required if determined to be necessary or helpful in reaching a decision, it shall include all of the information of the previous 13 items, in addition to the following:

- A. Six (6) copies of a schematic use plan of the proposed site showing the general location of the proposed use and major existing physical and natural features on the site, including, but not limited to, watercourses, rock outcropping, wetlands, and wooded areas. One (1) reproducible transparency may be requested or more copies requested if necessary for proper review.
- B. Specific location and dimensions as applicable of the following existing and/or proposed features: utilities, drainage ways, public streets, parks, railroads, utility rights-of-way, driveways, sidewalks, pedestrian ways, trails, off-street parking, loading areas, existing structures and proposed structures.
- C. Approximate existing and proposed contours and drainage patterns, showing at least 5-foot contour intervals.
- D. Sketches showing the scale, character, and relationship of structures, streets or driveways, and open space.
- E. Approximate location and type of proposed drainage, water and sewage treatment and disposal facilities.
- F. A short description of the soil types found on the site and whether the soils hold limitations for construction and/or for on-site sanitary sewage treatment.
- G. At a minimum, plans for compliance with all of the following standards shall be required for construction and post construction periods:
 1. Surface drainage systems designed to prevent erosion through control of the direction, volume, and velocities of storm water runoff.
 2. The design shall provide for debris collection devices when handling street and parking drainage.

3. Water courses designed to control volumes, and velocities of water to prevent bottom and bank erosion.
4. If vegetation has been removed or has not been able to occur on exposed surface areas, stabilization measures shall be taken to prevent wind erosion and the blowing of surface material.

D. Procedure

The Emmet County Planning Commission shall review a site plan required under this Section, with due notice given to all owners of record within 300 feet of the subject property, and shall:

1. Determine whether or not the requirements of this Ordinance have been met.
2. Require an independent engineering review of the site plan, if determined to be necessary or helpful in reaching a decision.
3. Recommend alterations of the plan to minimize adverse effects on the natural environment and/or neighboring properties as a condition of approval.
4. Seek the assistance of the Natural Resource Conservation (NRCS) and/or Soil Erosion/Stormwater Management Officer relative to issues of soil erosion or stormwater runoff control, if determined to be necessary or helpful in reaching a decision.
5. Within forty (40) days of the filing of a complete application, render a decision to approve, reject or conditionally approve the plan, however, a decision may be postponed for up to an additional sixty (60) days to allow for an independent engineering review of a site plan, or with the consent of the applicant, establish a different schedule.
6. In approving a site plan under this Section, the Planning Commission may impose reasonable conditions to ensure compliance with the standards, requirements and intent of this Section and this Ordinance.

A site plan shall be approved if it contains the information required by this Ordinance and is in compliance with this Ordinance, and any conditions imposed under this Ordinance. An approved site plan shall become part of the record of approval, and subsequent actions relating to the activity permitted shall be consistent with the approved site plan unless a change conforming to this Ordinance receives the mutual agreement of the owner of the land affected and the Planning Commission.

General Provisions

E. Fees

In addition to any other fees required under this Ordinance, a supplemental fee shall be required from the applicant to cover the actual costs of any independent engineering review before, during and after excavation or construction.

F. Performance Guarantees

An adequate performance guarantee in the form of a surety bond, cash, certified or cashier's check, certificate of deposit, or irrevocable bank letter of credit, as selected by the applicant, may be required by the Planning Commission to insure faithful completion of construction/ improvements in accordance with the plan required under this Section. The amount of the guarantee shall be set by the Planning Commission based upon reliable estimates of the costs of completing the work. The guarantee shall be refunded upon satisfactory completion of the work, per engineer's certification as required in this Section

22.10.6 Shoreline Bluff Standards

- A. The Planning Commission shall not approve a site plan for a property where the planned construction is in the Bluff Protection Zone where there exists a feasible and prudent alternative location on the owner's lot of record, which shall include owner's land lying east of Highway M-119.
- B. The Zoning Board of Appeals may only hear and decide appeals from decisions of the Planning Commission regarding the existence of a feasible and prudent alternative location on the owner's lot of record. In addition to meeting the applicable requirements of [Article 25](#), the applicant must show that the lot of record was not created strictly for the purpose of avoiding the consideration of alternative locations under this Section.
- C. The necessity to prove a prudent/feasible alternative shall not apply to existing residential buildings within the Bluff Protection Zone that may be destroyed by fire or other means (even to 100%).
- D. To be approved by the Planning Commission, a site plan must comply with the standards set forth in [Section 20.05](#) of this Ordinance and with the following standards:
 1. The amount of disturbed area shall be minimized at any one time.
 2. The impact to wildlife and native vegetation shall be minimized by preserving the natural habitat.
 3. Existing native vegetation shall be preserved to the maximum extent possible. Where feasible, the existing soil mat (topsoil, root structure, tree stumps, etc.) shall be maintained when trees and brush are removed. Vegetation shall be restored in areas affected by construction activities, and where feasible, native vegetation shall be used in such restoration.

4. The site plan shall, as appropriate in each case, include a Shoreline Greenbelt to:
 - (a) act as a natural trap or barrier for soil/debris that slumps, falls or erodes from the bordering bluff slope, and (b) serve as a natural erosion control measure. The extent of the Shoreline Greenbelt shall be based on site plan information as pertinent to each specific property.
 5. All driveways intersecting public roads shall intersect at an angle between 70 and 110 degrees with the public road.
 6. The maximum longitudinal driveway entrance shall be no steeper than a 4% grade for a minimum of 30' from the edge of the traveled lane of a public road.
 7. The maximum longitudinal driveway grade shall be 12%.
 8. A vehicle safety barrier shall be installed along all driveway sections with parallel drop off grades steeper than 33% and greater than a 10-foot vertical height to level ground.
 9. New driveways may be constructed down the bluff face in those cases where there is a nearly level natural shelf below the face of the bluff that is of sufficient length and width to site a residence (or two) that will meet the bluff toe setback standards and the 1986 record high water mark setback. Driveways in the Bluff Protection Zone shall also meet the side setback standards of the District. Any such access drive shall be essentially straight and not have a switch-back feature that impacts the bluff face.
- E. The Planning Commission may waive or allow a modification of one or more of standards 1. through 8., but not 9., above, if supported by construction plans signed and sealed by a Michigan Registered Professional Engineer who shall take into account the concerns of affected road agencies, environmental protection agencies and public safety authorities.

22.10.7 Conflicting Regulations

The requirements of [Section 27.14](#), Conflicting Regulations notwithstanding, the terms, conditions and standards of the [Critical Dune Act \(P.A. 451 of 1994, as amended\)](#) shall supersede the terms, requirements and conditions of the Shoreline Bluffs regulations.

22.10.8 Lot of Record

A lot of record shall not be created strictly for the purpose of avoiding consideration of alternative locations under this Section.

Section 22.11 Minimum Waterfront Setback**22.11.1 Intent**

To provide minimum setback standards in the Zoning Ordinance to protect surface water resources and flood plains from adverse construction or alteration. These measures being considered to be the minimum necessary in order to:

- A. Avoid excessive structural encroachment of the natural waters and waterways, except uses traditionally depending upon direct water access.
- B. Promote high water quality through encouragement of an undisturbed natural area to trap nutrients and sediment from entering natural waters, and prevent erosion. It is suggested that a minimum shoreline greenbelt of 35 feet be maintained.
- C. Protect the natural environment of streams and lakes for wildlife habitat purposes and to preserve, to the extent practical, the natural image of landscapes.

22.11.2 Minimum Waterfront Setbacks

Any property which borders on or contains a natural river, stream, pond, or lake, which is identifiable on the U.S. Geological Survey Maps of Emmet County, shall be subject to waterfront setbacks for buildings and uses, as follows:

- A. No fill or permanent construction in any floodway appurtenant to a natural river, stream, pond, or lake, which is identifiable on U.S. Geological Survey Maps of the 7' or 15' quadrangle series, and further identified as an area that is prone to annual flooding, i.e. a natural storage basin during high water levels. Fill can be approved if accomplished in such a way as to not reduce or diminish the water holding capacity of the natural floodway, and that such is documented by a Registered Professional Engineer or similarly qualified professional.
- B. Permanent structures, parking lots, and other impervious surfaces, except boat docks, boat slips, ramps, or marinas, or other water dependent uses, shall observe a minimum setback of sixty (60) feet from the documented 1986 High Water Mark in all Residential and Farm-Forest Districts, and twenty-five (25) feet in Commercial and Industrial Districts. Except for a potential interference in floodways, the setbacks of this paragraph shall not apply to drains or intermittent streams. An intermittent stream is one which holds water at some time during each year, but for not more than eight (8) months. Where the shoreline of a lake, river, or stream is altered by any means, after the effective date of this ordinance, the setback shall be measured from the altered shoreline location or the documented 1986 High Water Mark, whichever is farther inland.
- C. Ground decking and patios without railings and which are less than eighteen (18) inches above the natural grade at the deck building line may extend into the setback area, but not

General Provisions

nearer to the shoreline than twenty-five (25) feet. Railed decks and enclosed patios over four (4) feet high shall observe the setback lines for main buildings, in the applicable zoning district. Walkways and pathways, if not wider than six (6) feet, and if perpendicular to the shoreline, are not restricted by this Section.

- D. Boat well covers may be permitted by the Zoning Administrator over existing boat wells approved by the state agency having jurisdiction provided that the structure is open-sided, has no greater than eight (8) foot side posts at the eave measured from the grade of the ground above the river, has an overall height not greater than twelve (12) feet measured from the finished grade to the peak, the structure meets the side yard setback standards of the zoning district, that it extends no greater than three (3) feet on either the sides or the land side of the boat well, and that it is located within the Crooked River of the Inland Waterway. The structure may not extend over the navigable portion of the river. Such structures are not subject to the waterfront setback but evidence that the existing boat well was established legally must be provided before the zoning permit may be issued.

22.11.3 Other Environmental Rules

Any filling or construction within flood plains or wetlands, or other environmental areas protected by State Law, or other laws, shall require appropriate permits from the government unit or agency having jurisdiction.

22.11.4 Schedule of Regulations

Property boundary setbacks contained in [Articles 4-17](#) are superseded by this [Section 22.11](#) for parcels bordering or containing surface waters. In case of a conflict in applying setbacks, the Ordinance Section with the deeper setback shall apply.

Section 22.12

Reserved

Section 22.13

Reserved

Section 22.14 Temporary Dwellings

- A. No person shall use or permit the use of any temporary dwelling, "recreation unit", or "recreational vehicle" as defined in this Ordinance as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except by zoning permit as follows:
1. As temporary quarters during the construction and installation of a dwelling conforming to this Ordinance when the following conditions are met:
 - a. The location of the temporary dwelling or Recreational Vehicle shall comply with all setback requirements of this Ordinance.
 - b. The use of the temporary dwelling or Recreational Vehicle shall not be contrary to the public health, safety or welfare.
 - c. The use of the temporary dwelling or Recreational Vehicle shall be limited to twelve (12) months beginning with the issuance of a permit. The permit may be renewed for not more than twelve (12) months at a time upon approval of the administrator for good cause shown.
 2. As part of a campground licensed by the Michigan Department of Public Health.
 3. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on public land where such activity is allowed by state or federal regulations or on one's own land not to exceed a period of sixty (60) days in a calendar year.
 4. Storage of temporary dwellings, recreational vehicles, trailers, etc. shall:
 - a. only be on a parcel on which exists a principal dwelling and;
 - b. inside a building or in the rear or side yard of the owner's dwelling; and
 - c. set back the required distance for the respective land use district, unless stored on a gravel or paved driveway; and
 - d. screened from view from the side and front property line.
- Unoccupied parking or storage of temporary dwellings on a road or front yard is prohibited.
- B. If electrical service is to be provided to the parcel, then anything else in this Section notwithstanding, the recreational vehicle or temporary dwelling shall be considered a permanent structure which shall comply with District Regulations, or shall not be permitted on the parcel.

General Provisions

- C. If a recreational vehicle or temporary dwelling is on a parcel on the effective date of this ordinance, and has an on-site sewage system, water well, and electricity the use of the temporary dwelling or recreational vehicle may continue, until replaced or removed from the parcel. If any one or more of the on-site sewage, water well, or electricity is not present, the recreational vehicle shall be removed within ninety (90) days of the effective date of this ordinance, regardless if on-site septic, water well, or electricity is added after the effective date.

Section 22.15 Subdivision and Site Unit Condominium Open Space Plans

Subject to a Public Hearing, the Emmet County Planning Commission may approve Open Space Subdivision and Site Unit Condominium Plans intended to preserve on-site open space, to protect natural resources, and to encourage site planning concepts that interrelate building sites and resource amenities in a freer pattern than that permitted by conventional subdivision techniques. No such plan shall be approved without first considering the recommendations of the affected Township Board and/or that Township's designated review agency.

In reviewing and approving the Open Space Subdivision and Site Unit Condominium Plans, the following requirements shall apply as permitted modifications to the standards as outlined in the **SCHEDULE OF REGULATIONS**:

- A. Provided the densities stated on the **SCHEDULE OF REGULATIONS** are maintained (allow for the initial lot size reduction for utilities), the lots used for dwelling purposes may be reduced as stated in the following Table. Corresponding reductions on lot width may also be permitted, but no lot shall be less than 80 feet wide.

Open Space Lot Zoning variances Minimum Lot Sizes by Available Community Utilities			
DISTRICTS	No Utilities Health Department Approval Required	Water or Sewer Services	Both Water and Sewer Services
R-1, R-2 and RR	None	12,000 square feet	9,600 Sq. Feet
SR, FF-1, FF-2	20,000 Sq. Feet	12,000 Sq. Feet	9,600 Sq. Feet

- B. Under the provisions of this Section for each square foot of land gained within a subdivision through the reduction of lot size below the minimum requirements as outlined in the **SCHEDULE OF REGULATIONS**, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision.

The land area necessary to meet the minimum requirements of this Section shall be of a useable shape and dimension and further shall not include bodies of water, swamps or lands that normally would not be developed. The entire area may, however, be located in a flood plain.

General Provisions

- C. Under this planned unit approach, the developer shall dedicate the total open space at the time of filing of the final plat on all or any portion of the plat, and indicate the use on the Preliminary Plan.

Section 22.16 Residential Building Clustering Plan

Subject to a Public Hearing, the Planning Commission may consider Cluster Housing Plans, subject to the following conditions:

- A. The gross dwelling unit density shall not exceed the maximum allowable for detached single family homes in the same District.
- B. Common open space areas dedicated for the use of residents in the development shall be shown on the Site Plan and the full extent of planned uses in the open space shown.
- C. Based on site features of topography, scenic view planes, surface water and vegetation; and based on neighborhood characteristics related to road capacity, prevailing architectural design, adjoining land uses, and essential community services; the Planning Commission may limit a cluster housing to no more than four (4) dwellings per cluster. If appropriate, a mixture of cluster housing, one story garden apartments and single family housing may be required to attain a compatible land use transition with adjoining properties.
- D. As determined by the Planning Commission on the basis of existing subdivisions, proposed subdivisions, existing homes, the level of road services, and any local or county plans for the area, the development does not break-up an established or evolving one family detached housing pattern.
- E. Because of the nature of cluster housing units and their greater demand for community type structures, including, but not necessarily limited to: club houses, swimming pools, tennis courts, carports, garages and maintenance buildings, and the like, the Planning Commission may specifically rule on the height, bulk, and/or location of buildings and all accessory facilities on the property, to harmonize with and be in character with uses on adjacent sites. The Planning Commission may exclude such accessory facilities where it determines such facilities would conflict with uses on adjacent sites.
- F. No such cluster building plan shall be approved in an area zoned R-1, RR or SR.
- G. A site proposed for the cluster housing option shall have a contiguous area (not divided by an existing public road) of at least twenty (20) acres, exclusive of existing road rights-of-way, and shall have at least 590 feet of frontage on a public road. Smaller and narrower sites may be approved by the Planning Commission in allowable Districts if one or more of the following apply:

General Provisions

1. It borders R-2, B-1, B-2, I-1 or I-2 zoned properties and would be a suitable transition use with detached housing areas.
 2. It abuts an existing cluster housing development and would be a suitable location for additional cluster housing uses in the opinion of the Planning Commission.
 3. It borders a State Trunkline Highway.
- H. The applicant or developer can construct a sanitary sewer system and domestic water system that will pass Health Department requirements.
- I. A Site Plan is submitted according to the terms of [Article 20](#).
- J. A Building Cluster Plan shall not be approved without first considering the recommendations of the Township Board or the Township's designated review agency in the affected Township.

Article 23

General Provisions: Nonconformities

Section	Name	Pg	Section	Name	Pg
23.00	Intent	23-1	23.02	Nonconforming Lots	23-1
23.01	Board of Appeals Variance: Nonconformities	23-1	23.03	Nonconforming Uses of Land and/or Structures	23-1

Section 23.00 Intent

It is recognized that there exists within the districts established by this Ordinance or by amendments, lots, structures and uses of land, which were lawful before this Ordinance was adopted or amended, which would be prohibited or restricted under the terms of this Ordinance or future amendment. These uses are referred to as nonconformities and may continue until they are discontinued, damaged, or removed.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their survival.

Section 23.01 Board of Appeals Variance: Nonconformities

Although it is the intent of this ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a Hearing, may allow an expansion or enlargement, if it is conclusively shown that such extension or enlargement:

- A. Will not further reduce the value or otherwise limit the lawful use of adjacent premises.
- B. Will essentially keep the character and environment of abutting premises.
- C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion and land over-crowding and related).

Section 23.02 Nonconforming Lots

A permitted single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width or both. Yard dimensions and other requirements not involving area or width or both shall conform to the regulations of the district in which such lot is located. The Board of Appeals shall consider and act on any non-use zoning variance from yard requirements.

Section 23.03 Nonconforming Uses of Land and/or Structures

Except as provided in [Section 23.01](#), the following shall apply:

23.03.1 Expansion of a Nonconforming Use

- A. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.
- B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied, unless such action will conform with the standards of this Zoning Ordinance.
- C. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.

23.03.2 Alteration of Nonconforming Structure

No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

23.03.3 Removal or Destruction of a Nonconforming Structure

- A. Should such structure be destroyed by any means to an extent of more than eighty (80) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- B. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

23.03.4 Maintenance of a Nonconforming Structure

- A. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this ordinance prevent compliance with the provisions of any Building Code in effect relative to the maintenance of structures.
- B. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act. Nothing in this ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

23.03.5 Change of Nonconforming Use

- A. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use if the proposed use is equally or more appropriate to the

district than the existing nonconforming use.

- B. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall conform to the regulations for the district in which such structure is located and the nonconforming use may not be resumed.
- C. Changes in tenancy and ownership of nonconforming uses and structures is permissible, provided there is no change in the nature or character of such nonconforming use or structure.

23.03.6 Abandonment of Nonconforming Use

- A. Any building, structure or land that has been used for nonconforming purposes but which has not intended to be continued as a nonconforming use by the owner shall not be used unless it conforms to the provisions of this Ordinance. The owners intent to no longer continue use of the nonconforming use shall be established by a preponderance of the following points of physical evidence:
 - 1. Utilities have been disconnected;
 - 2. If there were signs, the signs have been removed or have fallen into disrepair;
 - 3. Fixtures within and outside the building have been removed;
 - 4. The property falls into disrepair;
 - 5. U.S. Mail delivery has been ended or mail is forwarded to another address;
 - 6. The classification of the property for tax purposes has been changed to reflect another use; and
 - 7. Other similar changes to the nonconforming building or use.
- B. Action to find a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:
 - 1. Property held in Probate;
 - 2. Insurance settlement in dispute; or
 - 3. Criminal investigation.

Article 24

General Exceptions

Section	Name	Pg
24.00	Area, Height and Use Exception	24-1

Section 24.00 Area, Height and Use Exception

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

24.00.1 Essential Services

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

24.00.2 Voting Place

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

24.00.3 Commercial Farms

This Ordinance shall not be construed to interfere with commercial farm operations as defined in this ordinance and protected under the [Michigan Right To Farm Act \(Act 93 of 1981, as amended\)](#).

24.00.4 Height Limit

Height limitations shall not apply to farm silos, chimneys, church spires or public monuments; provided, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.

24.00.5 Yard Regulations

When yard regulations cannot reasonably be complied with, as in the case of a planned multiple family development, or where their application cannot be determined on lots existing and of record at the time this Ordinance became effective and on lots of peculiar shape, topography, or due to architectural or site arrangements, such regulations may be modified as determined by the Board of Appeals.

24.00.6 Projections Into Required Open Spaces

General Exceptions

- A. Outside stairways, fire escapes, vestibules, balconies, bay windows and similar projections from the face of a building extending more than four (4) feet above the established grade shall be considered part of the building and shall not extend into any required yard or open space.
- B. For lots which have less than 100 feet of width, architectural features such as, but not limited to window sills, cornices, eaves and bay windows may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may project or extend into a required front yard or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally de-mountable.
- C. For residential uses, unenclosed paved areas, patios and other surfaced areas may occupy a required yard.

Article 25

Zoning Board of Appeals

Section	Name	Pg	Section	Name	Pg
25.00	Creation and Membership	25-1	22.04	Jurisdiction	25-2
25.01	Meetings	25-1	22.05	Board Review	25-4
25.02	Appeal	25-1	22.06	Notice of Hearing	25-4
25.03	Stay	25-2	22.07	Miscellaneous	25-4

Section 25.00 Creation and Membership

There is established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in [2006 PA 110, as amended](#) and in such a way that the objectives of this Ordinance shall be observed, public safety secured and substantial justice done. The Board shall consist of the following: five (5) regular members, and up to two (2) alternate members:

- A. The first member shall be a member of the County Planning Commission.
- B. The second member shall be an elector from the unincorporated area of the County appointed by the County Board of Commissioners for a period of three (3) years.
- C. And, the third, fourth and fifth members shall be selected in the same manner as the second member to serve for a period of three (3) years; however, no elected officer of the County, nor any employee of the County Board of Commissioners may serve simultaneously as a member or employee of the Board of Appeals.
- D. The alternate member(s), if appointed, shall serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings, or for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest.

Section 25.01 Meetings

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules of procedure. All Hearings conducted by the Board shall be open to the public and held in compliance with [1976 PA 267, as amended](#). The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each motion, or if absent or failing to vote, indicating the fact; and shall file a record of its proceedings in the Office of County Clerk, and shall be a public record.

Section 25.02 Appeal

- A. An appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be taken to the Board of Appeals within such time as

Zoning Board of Appeals

shall be prescribed by the Board by a general rule. Such appeal may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the local unit of government. The appellant shall file with the Board, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds thereof.

- B. The Zoning Administrator shall transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a motion either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from.
- C. An owner of property, or his authorized agent, shall not file an appeal for a zoning variance affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Board determines that: conditions affecting the property have changed substantially, or the nature of the request has changed substantially from the date of the previous petition.

Section 25.03 Stay

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or circuit court.

Section 25.04 Jurisdiction

The Board of Appeals shall have the following powers and it shall:

25.04.1 Administrative Appeals

Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other person in the administration or enforcement of this Ordinance. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination on appeal, and shall have the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

25.04.2 Interpretations

- A. Interpret provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon the request, the Board shall insure that its interpretation will carry out the intent and purpose of this Ordinance.
- B. Determine the precise location of boundary lines between zoning districts.

- C. Determine the classification of any use of land not specifically mentioned as a principal use permitted, principal use permitted subject to special conditions, or special or conditional land use, so that it conforms to a comparable permitted use of land in accordance with the purpose and intent of each District.

25.04.3 Dimensional Variance

- A. Permit zoning variances from the strict requirements of this Ordinance, so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done, but only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 1. That the practical difficulty was not created by an action of the applicant or property owner (self-created); and either existed at the time of adoption of the requirement from which the zoning variance is requested, or is necessary as the result of governmental action such as a road widening.
 2. That the strict compliance with the regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 3. That the requested zoning variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 4. That the requested zoning variance will not cause an adverse impact on surrounding property values, or the use and enjoyment of property in the neighborhood or zoning district.
 5. That the zoning variance shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan

B. Conditions

The Zoning Board of Appeals may attach reasonable conditions with the approval of a variance. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources and the health, safety, and welfare of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to insure compliance with those standards.

25.04.4 Temporary Use Permits

Permit a temporary use or building for a period not to exceed two (2) years, but which may be reviewed for renewal, upon request, for not more than two (2), two-year periods each, but not more than six (6) years total.

25.04.5 Limitations of Authority

Nothing shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the County Board of Commissioners in the manner provided by law.

Section 25.05 Board Review

The Zoning Board of Appeals shall begin review of the Case at its next regularly scheduled meeting provided a complete Application is submitted at least twenty-two (22) days before that meeting. A completed application shall include: 1) the application form, 2) property owner authorization; 3) surveys, plans, or other information as may be required by the Board for the proper consideration of the matter, nine (9) copies of each document, and 4) applicable fees.

Section 25.06 Notice of Hearing

The Board of Appeals shall make no recommendation except upon receipt of written request as described in [Section 25.05](#) above. Upon receipt of a written request, the Zoning Board of Appeals shall conduct a Public Hearing and notices shall be provided as required by [2006 PA 110](#).

Section 25.07 Miscellaneous

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a Zoning Permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Article 26

Supplemental Regulations: Specified Uses

Section	Name	Pg
26.00	General	26-1
26.01	Wireless Communications	26-1
26.02	Individual Television/Radio Reception Tower	26-5
26.03	Wind Energy Systems	26-5
26.04	Recreation Camps, Recreation Lodges and Resorts	26-15
26.05	Manufactured Homes on Individual Lots	26-16
26.06	Manufactured Housing Communities	26-17
26.07	Other Uses of Manufactured Homes and Trailers	26-17
26.08	Hospitals, Nursing, and Convalescent Homes	26-18
26.09	Veterinarian Hospitals and Kennels	26-18
26.10	Resource Mining, Extraction or Fill	26-18
26.11	Home Occupations	26-23
26.12	Junk Yards, Salvage Yards, Metal Recycling and Scrap	26-25
26.13	Land Development Standards	26-28
26.14	Drive-Thru/Drive-in Businesses	26-31
26.15	Domestic Farms & Farm Animals	26-32
26.16	Customary Accessory Building without a Main Use	26-34
26.17	Helicopter Landings & Takeoffs	26-35
26.18	Sexually Oriented Businesses	26-36
26.19	Public Buildings, Churches, and Schools	26-42
26.20	Golf Courses and Country Clubs	26-43
26.21	Reserved	26-43
26.22	Artist's Studio as a Home Occupation	26-43
26.23	Motels, Tourist Homes, and Motor Inns	26-43
26.24	Professional Offices, Real Estate Offices, Financial Institutions, Assembly Halls, Health Clubs, Personal Services, Photographers, Studios for Dance, Physical Exercise and Music, and Other Related and Similar Uses	26-43
26.25	Funeral Home or Mortuary	26-43
26.26	Private, Semi-Private, & Non-Public Recreational Lands and/or Facilities	26-44
26.27	Reserved	26-45
26.28	Temporary Manufactured Homes and Recreational Vehicles	26-45
26.29	Travel Trailer Courts, Tenting Areas, and Campgrounds	26-45
26.30	Sawmills, Planing Mills, Veneer Mills, and Accessory or Incidental Mill Operations involving Logs, "Unprocessed Timber" and/or Rough Sawn Lumber	26-46
26.31	Uses including Mining Operations, Hot Mix Plants, Solid Waste Processing Equipment, and Similar Uses	26-47
26.32	Contractors	26-47
26.33	Selected Processing and Production Uses (Forestry)	26-48
26.34	Cemeteries	26-50
26.35	Airports and Landing Fields with Appurtenant Facilities	26-50
26.36	Gasoline Service Stations	26-50
26.37	Vehicle Repair Garages	26-50
26.38	Offices and Showrooms of Plumbers, Electricians, Decorators or Similar Trades	26-50
26.39	Wholesale Uses with Accessory Space	26-51
26.40	Commercial Outdoor Recreation (amusement parks, carnivals, rebound tumbling facilities, mini-golf, driving ranges)	26-51
26.41	Lumber Yards	26-52
26.42	Outdoor Vehicle/Equipment Sales	26-52
26.43	Storage Uses (including Mini-Storage)	26-53
26.44	Selected Production, Processing, and Fabrication	26-53
26.45	Manufacturing	26-54
26.46	Sanitary Provisions – Sewage Treatment and Water Facilities	26-54
26.47	Race Tracks (Including Midget Auto and Carting Tracks)	26-55
26.48	Yard Sales	26-56
26.49	Duplexes	26-56
26.50	Accessory Uses on Commercial Farms	26-57
26.51	Wineries and Hard Cider Operations	26-58

Section 26.00 General

In every case the uses referred to shall be prohibited from any Districts not specifically listed. These uses require special consideration since they may service large areas, require sizeable land areas and/or may create problems of control with reference to abutting use Districts.

Section 26.01 Wireless Communications Equipment (WCE) and Wireless Communications Support Structures (WSS)**26.01.1 Approval Process****A. Co-location**

Pursuant to [Section 3514\(9\) of P.A. 110 of 2006, as amended](#), co-location is permitted on existing and approved Wireless Communications Support Structures without a zoning permit.

B. Wireless Communications Support Structures

A Special Land Use permit is required for WSS using the following approval process.

1. An application for Special Land Use approval of WSS shall include all information required by [Article 20 \(Site Plan Review\)](#).
2. After an application for a Special Land Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the 14-day period under subsection 2, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection 2 is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.
4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

- C. WCE and WSS may be permitted by the Zoning Administrator in any zoning district if located on an existing building or structure, or is otherwise hidden from view by being

Supplemental Regulations

incorporated in an existing building, or if it co-locates on an existing tower, and the proposed height does not require lighting by FCC and/or FAA regulations.

26.01.2 Standards: All Allowed Districts

A. Setback Requirements

1. WCE and WSS shall be setback not less than a distance equal to the height of the tower measured from the base of the tower to all points on each property line.
2. The setback standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/ anchoring systems are certified by a Michigan Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. All guy wires/cables and anchors shall meet the zoning setback standards of the district.

B. Lighting

In order to protect the rural dark sky environment and reduce lighting confusion for approaching aircraft, all towers shall be designed or painted to be without lighting. If the FAA requires lighting, the applicant shall apply to the FAA for painting requirements and red lighting. Intermittent strobes shall be a last option and only then with written documentation from the FAA certifying its necessity.

C. Devices Appended to Tower

No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.

26.01.3 Standards in B-2, I-1, I-2, FF-1 and FF-2

- A. Wireless Communication Facilities may be permitted by the Planning Commission in B-2, I-1, I-2, FF-1 and FF-2 Districts, after a public hearing, if it is found that there is no reasonable opportunity to locate per [subsection 26.01.1 \(A\)](#) above. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. The proposed tower must also meet the following conditions and standards:
 1. The proposed height meets FCC and/or FAA regulations.
 2. Towers must be equipped with devices to prevent unauthorized climbing.
 3. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.
 4. New towers should be engineered as appropriate for co-location of other antennae. Wireless communication facilities shall be required to co-locate, unless

Supplemental Regulations

there are proven technical limitations related to tower strength or signal interference.

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

B. Wireless communication facilities may be approved, by the Planning Commission, for locations in R-1 and R-2 Districts, subject to the following conditions and findings:

1. All reasonable measures to co-locate or locate on or adjacent to an existing structure must be documented; and such location proves infeasible.
2. The type of facility is a pole, and not a tower.
3. All reasonable efforts to locate in Commercial or Farm Forest zones have been made and are proven to be infeasible, unavailable, or not a compatible land use as considered by the Planning Commission.
4. The structure shall not exceed a height of 115 feet, including the antenna, and no lights are used or required.
5. The applicant must find a location, and/or use construction materials that will blend the pole into the physical or natural landscape in such a manner as to be compatible with the surrounding neighborhood, and so as not to be a dominant structural feature in the neighborhood skyline. The Planning Commission finds that the structure or planned site, does not change the character of the residential area.
6. The applicant proposes, or can incorporate innovative design and construction methods (or materials), and by locating in a Residential District, the applicant uses poles that are lower in height and/or narrower in profile than towers.
7. The Planning Commission finds that a location in a Residential District is the best overall alternative considering all factors of land use, visibility, and satisfactory signal coverage and that the proposed pole complies with the standards of Item (B)(2) above.

C. All wireless communication facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

Section 26.02 Individual Television/Radio Reception Tower

The following standards will be required for any other private or individual television/radio reception tower:

- A. An individual tower may be permitted in any zoning district by the Zoning Administrator subject to the following conditions:
 - 1. The tower shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines
 - 2. The operation of any such facilities shall not interfere with normal radio/television reception in the area
 - 3. The tower does not exceed a height of sixty (60) feet above the natural grade.
- B. An individual tower that exceeds sixty (60) feet above the natural grade may be approved by the Planning Commission, after a public hearing, if the tower meets the conditions set forth in (A) (1) and (2) above, and if it is determined that the tower height in excess of sixty (60) feet above the natural grade is necessary to reasonably accommodate amateur communications.

Section 26.03 Wind Energy Systems (WES'S)**26.03.1 On-site Wind Energy Systems (WESs or WES singular) Up to Sixty (60) Feet**

- A. On-site WESs may be located and permitted in all zoning districts except SR-1 and SR-2 Scenic Resource as an accessory use only if all of the following standards are met:
- B. **Zoning Administrator Review& Standards**
The Zoning Administrator shall review all applications for on-site WESs. WESs that meet all of the following standards may be approved by the Zoning Administrator.

- 1. **Minimum Site Area.** The minimum site area for an on-site WES shall be as necessary to meet required setbacks and other applicable standards of this ordinance.
- 2. **Setbacks.** All on-site WESs shall be setback a distance equal to one time the height of the WES from the property line of the property on which the WES is located.
- 3. **Maximum height.** The maximum height of an on-site WES shall not exceed sixty (60) feet from the ground to the top of the blade or tower whichever is greater.

Supplemental Regulations

4. **On-site WESs.** On-site WESs are intended to primarily serve the needs of the consumer on the site of the WES and is designed primarily to serve the needs of a home, farm, or business. If the total height exceeds sixty (60) feet, a Special Use Permit is required and must follow the procedures in [Article 21](#) of this zoning ordinance.
5. **Maximum Noise Levels.** Any proposed WES shall produce sound pressure levels that are no more than identified in the table below, as measured on the dB(A) scale at the closest property line of the subject property or the lease unit boundary.

Zoning District	Maximum dB(A) level
R-1, R-2, RR, FR-1, FR, B-1, B-2, B-3, I-1, I-2	40
FF-2	35

A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.

26.03.2 On-site Wind Energy Systems over Sixty (60) Feet and Wind Site Assessment Systems

- A. On-site WESs over sixty feet (60') over and WSASs shall require a Special Use Permit and may be located and permitted in all zoning districts except SR-1 and SR-2 Scenic Resource only if all of the following standards are met:

B. Planning Commission Review & Standards

The Planning Commission shall review all applications for WESs over sixty feet (60') and/or WSASs. Notification of the review shall be sent to all property owners within 300' of the property boundary where the WES and/or WSAS is proposed. WESs and/or WSASs may be approved by the Planning Commission if the following standards are met.

1. **Minimum Site Area.** The minimum site area for a WES shall be as necessary to meet required setbacks and any other applicable standards of this ordinance.
2. **Setbacks.** All WESs shall be set back a distance equal to the height of the WES from the property line of the property on which the WES is located.
3. **Maximum Height.** The maximum height for on-site WESs or WSASs shall be one hundred fifteen feet (115) feet in residential districts or one hundred ninety nine (199) feet in non-residential districts measured from the ground to the top of the blade or tower, whichever is greater. The Planning Commission, following a duly noted Public Hearing and notification of every land owner within 300' of the parcel where the on-site WES or WSAS will be located, may approve an increased height for on-site WESs and WSASs, if the following conditions are met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity and/or reduce turbulence.
 - b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the WES given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not use current commercial technologies.
 - c. The increased height will not result in increased intensity of lighting on the tower due to FAA requirements.
4. **Minimum Rotor Wind Vane or Blade Clearance.** The lowest point of the arc created by rotating wind vanes or blades on a WES shall be no less than sixteen (16) feet. Additional clearance may be required by the Planning Commission if potential safety concerns are identified.

5. **Maximum Noise Levels.**

- a. In the FF-1 Farm and Forest and the Industrial Zoning Districts:

From 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds forty 40 dB(A), the standard shall be the same as the ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.

- b. In the High Amenity Zones (FF-2 Farm and Forest Zoning District):

From 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds thirty-five 35 dB(A), the standard shall be the same as the

ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds thirty-five (35) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.

- c. **Determination of Ambient Noise Levels; Methodology for Measurement of WES Noise; Methodology for Assessment of WES Noise:**

The "South Australia EPA Wind farms environmental noise guidelines" adopted by reference shall be the document used to determine the Ambient Noise Levels. Ambient noise levels shall be captured at the times of the year when background noise levels are lowest at the location where the WES is to be constructed. The Planning Commission may accept more current methodology if a determination is made by the County's consultant that the methodology is as clearly defined and specific to wind energy systems as the "South Australia EPA Wind farms environmental noise guidelines" dated July 2009. These reports must be prepared by a Qualified Acoustics Professional.

6. **Maximum Vibrations.** Any proposed WES shall not produce vibrations humanly perceptible beyond the property on which it is located.
7. **Shadow Flicker.** The facility shall be designed such that shadow flicker will not be visible on, or in, an existing off-site dwelling. Shadow flicker expected to be visible on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:
 - a. The flicker will not exceed 30 hours per year; and
 - b. The flicker will not be visible within 100 feet from a structure designed for human occupancy; and
 - c. The flicker will not be visible on a county primary road, or state or federal highway.
8. **Transmission Lines.** The on-site electrical transmission lines connecting the WES to the public utility electricity distribution system shall be located underground.
9. **Interference with Commercial/Residential Reception.** WESs shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception.

10. **Landscaping.** Existing natural land forms on the site which effectively screen the base of the WES from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
11. **State or Federal Requirements.** Any proposed WES shall meet or exceed any standards and regulations of the [FAA](#), [the Michigan Public Service Commission](#), [National Electric Safety Code](#), and any other agency of the state or federal government with the authority to regulate WESs or other tall structures in effect at the time the permit is approved.
12. **Safety.** All WESs shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All WESs shall have lightning protection.
13. **Visual Impact.** All WESs shall meet the following requirements:
- a. Each WES shall either be white or maintain a galvanized steel finish.
 - b. Each WES shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
 - c. Each WES, except for anemometer towers, shall be monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not use guy wires. Anemometer towers may, for up to two (2) years, be lattice type towers and may use guy wires.
- The Planning Commission may waive the requirement for a monopole or monotube on sites with a deep use setback and if the tower is effectively screened from public view and neighboring properties.
- d. Each WES shall be designed to aesthetically complement the color and design of any existing WES within a one-mile radius.)
14. **Complaint Resolution:** The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Emmet County from acting on a complaint. Should the complaint involve sound levels, then the methodology for assessment, measurement, and determining ambient noise levels shall follow the "South Australia EPA Wind farms environmental noise guidelines" dated July 2009, adopted in [Section 26.03.3](#) following this section.

Supplemental Regulations

15. **Unintended/misrepresented nuisances:** Following construction and operation of the WES, should shadow flicker, noise levels, or vibrations exceed those projected by the developer, the WES shall not be operated until such nuisance is eliminated.

26.03.3 Utility Grid Wind Energy System(s)

Utility Grid WESs applications and projects may be considered within the I-1 or I-2 Industrial or FF-1 and FF-2 Farm and Forest Zoning Districts and shall comply with the following standards:

A. Planning Commission Review

The Planning Commission shall review all applications for Utility Grid WES(s). Notification of the review shall be sent to all property owners within 300' of the property boundary where the Utility Grid WES is proposed.

B. Minimum Site Area and Location

The minimum site area for a WES shall be as necessary to meet required setbacks and any other applicable standards of this ordinance. Utility Grid WESs may be permitted in the FF-1, FF-2 Farm and Forest, or FR Forest Resource zoning districts.

C. Setbacks

All Utility Grid WESs shall be set back a distance equal to the height of the WES from the property line of the property on which the WES is located or from the lease unit boundary, including public rights-of-way.

D. Height

The minimum vertical blade tip clearance from grade shall be forty (40) feet for a WES employing a horizontal axis rotor. The maximum height for Utility Grid WESs and WSASs is four hundred (400) feet.

E. Maximum Noise Levels.

1. In the FF-1 Farm and Forest and the Industrial Zoning Districts:

From 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the same as the ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than forty (40) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds forty (40) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.

2. In the High Amenity Zones (FF-2 Farm and Forest Zoning District):

From 6:00 AM until 10:00 PM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or the lease unit boundary. If the ambient sound pressure level exceeds thirty-five (35) dB(A), the standard shall be the same as the ambient dB(A) plus five (5) dB(A). From 10:00 PM until 6:00 AM, any proposed WES shall produce sound pressure levels that are no more than thirty-five (35) decibels as measured on the dB(A) scale at the property lines of the properties adjacent to the subject property or lease unit boundary. If the ambient sound pressure level exceeds thirty-five (35) dB(A), the standard shall be the same as the ambient dB(A) plus zero (0) dB(A). A manufacturer's specification sheet or similar data shall be provided documenting decibel levels.

3. Determination of Ambient Noise Levels; Methodology for Measurement of WES Noise; Methodology for Assessment of WES Noise:

The "South Australia EPA Wind farms environmental noise guidelines" adopted by reference shall be the document used to determine the Ambient Noise Levels. Ambient noise levels shall be captured at the times of the year when background noise levels are lowest at the location where the WES is to be constructed. The Planning Commission may accept more current methodology if a determination is made by the County's consultant that the methodology is as clearly defined and specific to wind energy systems as the ["South Australia EPA Wind farms environmental noise guidelines"](#) dated July 2009. These reports must be prepared by a Qualified Acoustics Professional.

F. Maximum Vibrations

Any proposed Utility Grid WES shall not produce vibrations humanly perceptible beyond the property on which it is located.

G. Shadow Flicker

The applicant shall provide a shadow flicker model for any proposed WES. The model shall:

1. Map and describe within a one-mile radius of the proposed project site the topography, existing residences, locations of other structures, wind speeds and directions, existing vegetation and roadways;
2. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, wind directions and speeds, moon positions and reflection directions;
3. Calculate the locations of shadow flicker caused by the proposed project and the

expected durations of the flicker at these locations;

4. Calculate the total number of hours per year of flicker at all locations;
5. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including, but not limited to, a change in site location of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.
6. The facility shall be designed such that shadow flicker will not be visible on, or in, any existing dwelling. Shadow flicker expected to be visible on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:
 - a. The flicker will not exceed 30 hours per year; and
 - b. The flicker will not be visible within 100 feet from a structure designed for human occupancy; and
 - c. The flicker will not be visible on a county primary road, or state or federal highway.

H. **Transmission Lines**

The on-site electrical transmission lines connecting the Utility Grid WES to the public utility electricity distribution system shall be located underground wherever possible as determined by the Planning Commission.

I. **Interference with Commercial/Residential Reception**

Utility Grid WESs shall be constructed and operated so that they do not interfere with television, microwave, navigational, or radio reception.

J. **Landscaping**

Existing natural land forms on the site which effectively screen the base of the WES from adjacent property used for residential purposes shall be preserved to the maximum extent possible.

K. **State or Federal Requirements**

Any proposed Utility Grid WES shall meet or exceed any standards and regulations of the [FAA](#), [the Michigan Public Service Commission](#), [National Electric Safety Code](#), and any other agency of the state or federal government with the authority to regulate Utility Grid WESs or other tall structures in effect at the time the permit is approved. Certification that the applicant has complied with or will comply with all applicable state and federal laws and regulations including copies of all such permits and approvals that have been obtained or applied for at time of the application shall be required.

Supplemental Regulations

L. Safety

All WESs shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All WESs shall have lightning protection.

M. Visual Impact

All Utility Grid WESs shall meet the following requirements:

1. Each Utility Grid WES shall either be white or maintain a galvanized steel finish.
2. Each Utility Grid WES shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
3. Each Utility Grid WES shall be monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not use guy wires.
4. Each Utility Grid WES shall be designed to aesthetically complement the color and design of any existing WES within a one-mile radius.
5. Visual simulations of how the completed project will look from a minimum of four viewable angles shall be provided by the applicant.

N. Soil Conditions

A proposal for any Utility Grid WES tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth.

O. Sign

A sign of no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the WES site. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours, on weekends or holidays. No Utility Grid WES tower or anemometer tower or site shall include any advertising sign.

P. Lighting

WESs shall not be artificially lighted, unless required by the [FAA](#) or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:

1. Shall be the lowest intensity allowable under FAA regulations.
2. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.

3. May be a red top light that does not pulsate or blink.
4. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.)
5. The Planning Commission may require design changes in order to lessen the visual clutter associated with the site location of multiple wind turbines with non-complementary, inconsistent design within sight of each other.

Q. Removal of Abandoned or Unsafe WESs

Any WES that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Any WES found to be unsafe or not in compliance with the standards related to noise or shadow flicker shall be found to be in violation of the permit. The owner of any WES that is abandoned or in violation of the permit shall remove the same within twelve (12) months of receipt of notice from the County of such abandonment or violation. In addition to removing the WES or anemometer tower, the owner shall restore the site of the WES to its original condition before location of the WES, subject to reasonable wear and tear. Any foundation associated with a WES shall be removed to grade. Failure to remove an abandoned WES within the twelve (12) month period provided in this subsection shall be grounds for the County to remove the WES at the owner's expense. The Planning Commission shall require the applicant to provide a performance guarantee equal to the reasonable cost of removing the WES and attendant accessory structures as a condition of a permit given pursuant to this Section.

R. Complaint Resolution

The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude Emmet County from acting on a complaint. Should the complaint involve sound levels, then the methodology for assessment, measurement, and determining ambient noise levels shall follow the "South Australia EPA Wind farms environmental noise guidelines" dated July 2009 as adopted in this Section.

S. Unintended/misrepresented nuisances

Following construction and operation of the WES, should shadow flicker, sound levels, or vibrations exceed those projected by the developer, the WES shall not be operated until such nuisance is eliminated.

T. Site Plan Review

In addition to the Special Use Permit standards and review, a site plan and a site plan review, meeting the requirements of [Article 20](#) of the Emmet County Zoning Ordinance, shall be required.

U. Additional requirements for Utility Grid WESs

Supplemental Regulations

The application shall also include:

1. A copy of an Environment Analysis by a third party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 2. A copy of the Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 3. Maps shall be presented showing all of the following:
 - a. The physical features and land uses of the project area, both before and after construction of the proposed project;
 - b. Project area boundaries;
 - c. The location, height, dimensions, color, and materials of all existing and proposed structures and fencing;
 - d. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road; and
 - e. All new infrastructure above ground related to the project.
 4. Proof of the applicant's public liability insurance shall be provided before issuance of a Zoning Permit. This insurance shall be maintained throughout the life of the project and proof provided upon the County's request.
- V. **Technical assistance:** For wind energy systems and/or meteorological data regarded to be complex the Planning Commission may require additional studies, information, and/or review. The applicant shall be required to reimburse the actual cost of any such independent review before a decision by the Planning Commission.

Section 26.04 Recreation Camps, Recreation Lodges and Resorts

Recreation camps, recreation lodges, campgrounds and resorts for either profit or non-profit, may be permitted in the RR and SR Zoning Districts provided the following conditions are met:

- A. The use is established on a minimum site of forty (40) acres.
- B. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from all property lines. The resulting 100 foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is kept in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as considered necessary.
- C. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are considered by the Planning Commission to be logical extension of such a platted area.

Section 26.05 Manufactured Homes on Individual Lots

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the [United States Department of Housing and Urban Development \(HUD\) regulations entitled “Manufactured Home Installation Standards”](#), and the construction of the unit shall comply with the [United States Department of Housing and Urban Development \(HUD\) regulations entitled "Manufactured Home Construction and Safety Standards”, being 24 CFR part 3280, as amended](#).
- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No manufactured home shall be located or placed in Emmet County without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- F. Manufactured homes shall not be used as accessory buildings.

Section 26.06 Manufactured Housing Communities

Manufactured Housing Communities intended for residential occupancy may be permitted in the R-2 and I-1 Zoning Districts after a Hearing by the Planning Commission provided the following conditions are satisfied:

- A. Manufactured housing communities of three or more manufactured homes shall be developed and licensed pursuant to the requirements of the [Michigan Manufactured Housing Commission, Public Act 96 of 1987](#) and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The land parcel being proposed for a manufactured housing community shall be of such area as to provide a minimum of twenty (20) manufactured home sites or pads.
- A. No manufactured home shall be nearer to a manufactured housing community boundary line or property line than the minimum required setback in the District where located.
- B. Manufactured home sites within a manufactured housing community shall contain a minimum area of at least 5,000 square feet, exclusive of service drives, facilities, and recreation space.
- C. The perimeter setback areas of a manufactured housing community shall be in lawn, or landscaped, or kept in a natural wooded state as applicable.

Section 26.07 Other Uses of Manufactured Homes and Recreational Vehicles

Manufactured homes and recreational vehicles may be used as follows:

- A. As temporary dwellings in any District until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued. The temporary dwelling may be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
- B. As a watchman's or caretaker's office in B-1, B-2, B-3, I-1 and I-2 Districts, but only as an accessory use to the main use of the premises.
- C. As a temporary contractors office and/or equipment shed in any district when in

Supplemental Regulations

connection with a construction project authorized by Zoning and Building Codes.

- D. Other temporary uses of manufactured homes, recreational vehicles for a period not to exceed 24 months upon review and approval by the Planning Commission, provided it is determined that the use is consistent with the spirit and intent of the Zoning Ordinance and would not be detrimental to any surrounding uses or properties.
- E. The unoccupied storage of a recreational vehicle on any residential property by the owner thereof on his own property, shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

Section 26.08 Hospitals, Nursing, and Convalescent Homes

R-1, R-2, and FF Districts: Hospitals, nursing and convalescent homes, and similar uses shall be on sites of at least five (5) acres.

Section 26.09 Veterinarian Hospitals and Kennels

FF-1, FF-2, B-2, I-1 & I-2 Districts:

- A. All facilities for housing, treating, and keeping of animals are located at least five-hundred (500) feet from a residential district boundary.
- B. All animals on the premises shall be housed within a completely enclosed building between the hours of 10:00 PM and 8:00 AM.
- C. The facility for keeping of animals does not exceed 2,400 sq. ft. excluding the outdoor exercise area.

Section 26.10 Resource Mining, Extraction or Fill**26.10.1 Intent**

The location of mining and extractive operations are dependent in large part, upon the sites which contain natural deposits of material having economic value, particularly to the construction industry. Sites nearest to the built-up areas are generally more viable economically, but they would be more sensitive environmentally, because of their close proximity to homes and smaller building sites. The treatment of extractive operations as a special use (conditional) is necessary to build-in the flexibility needed to permit these activities where the resources are found, and at the same time, to afford protection to adjoining properties to the extent necessary with each particular site. Public agencies, government units, and private operations are included. The following standards of [Section 26.10](#) apply to all zoning districts:

Supplemental Regulations

26.10.2 Site Plan Requirements

Site plans for Special Use Permits shall be in accord with the site plan requirements of [Article 20](#), as applicable to the particular site, and shall in addition show:

- A. Proposed location, area, extent and depth of excavation or fill.
- B. Pertinent time schedules for starting and concluding dates of the proposed operation per Permit.
- C. Location of spoils dumps, sediment basins, earth stockpiled and any permanent or temporary machinery or buildings to be used.
- D. Roads to be used by any hauling equipment and show all planned ingress/egress points to the excavated area, stockpiled resources, and on-site equipment.
- E. A statement on general ground water conditions, including levels and any possible impact on wells in the area.
- F. A statement outlining the type of material to be extracted or deposited, the type of mining operation and processing equipment to be used and measures to control noise, pollution, run-off and any steps to relieve any adverse effects to adjoining properties and the environment.
- G. Plans and statements outlining all work to be done on site reclamation, assuring that sufficient steps are taken to blend into the surrounding landscape or neighborhood as applicable.

The map scale of the site plan shall be commensurate with the size of the excavation on site, but shall be sufficient to show the site operating details as required by each Permit.

26.10.3 Site Plan Review Levels Required

The site plan review procedures required for an extraction/fill site will vary with the scope, extent and complexity of the proposed operation. The following site plan review levels shall apply in all Zoning Districts:

A. Level I

No Site Plan Review or Permit shall be required if:

1. The intended fill/extraction is for earth materials to be used on the same parcel, by tax description.
2. The operation involves minor or incidental earth work in connection with a building construction project, i.e. berms, regraded slopes, retention ponds, and/or similar work.

B. Level II

Site plan approval shall be sought from the Zoning Administrator if:

1. Intended or projected extraction/fill areas are three (3) acres in area or less, and the operation is not located in a Residential District.
2. At least 100 feet separates the edge of the earth disturbance area from the nearest property line.
3. There are no buildings or on-site structures related to the operation. Crushing equipment, batch plants and related processing equipment shall not operate or occupy the site for a period longer than 45 days.
4. The total extraction and site reclamation operation will be completed within a 12-month period, except stockpiled material which can stand for a longer period not to exceed 24 months.
5. The extraction is not visible from a public road and the side slopes are to be restored to a safe angle of repose, and there are no unsafe/unprotected standing water conditions.

C. Level III

Site Plan approval by the Planning Commission if:

1. Intended or projected extractive/fill sites are larger than three (3) acres and any sites other than those included in Level I and Level II reviews.
2. Operations expected to run longer than (12) twelve months, including long term access to stockpiled resources.
3. Includes on-site processing machinery, batch plants and other equipment that will be used for periods longer than 45 days.
4. Questionable, unusual or special site conditions where the Zoning Administrator determines that Planning Commission review would be appropriate.

26.10.4 Performance Standards

The following shall apply to all proposed extraction, mining, fill operations:

- A. All excavations or extractive work shall maintain a minimum perimeter setback of 50 feet from road right-of-way and all property lines. Controlled work in the 50 feet setback area may be permitted if spoils, over burden, or other earth fill material replaces the resources removed as the work progresses (in cases of a pit).

Supplemental Regulations

- B. The working face of an excavation shall maintain slope angles sufficient to prevent sloughing, erosion or earth disturbances of any kind of adjoining properties.
- C. Leave sufficient native topsoil on the site as a ready resource to be used in reclamation work following excavation/extraction activity, unless a guaranteed replacement plan is approved.
- D. Fences, berms, walls, and visual screening devices may be required, if necessary, to protect adjoining properties and/or persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.
- E. The operation of mechanical equipment of any kind may be limited by the day and/or the hour if the site is in a location that directly impacts homes, by creating an operating nuisance.
- F. All structures, equipment, and machinery of any kind shall be considered temporary and shall be removed from the site upon completion of the terms of the Special Use Permit. This item shall not apply to industrially zoned sites.
- G. Air pollution, noise, and vibration factors shall be controlled within the limits governed by State and/ or Federal regulations applicable to the facility.
- H. If necessary to protect the area, access routes serving the site may be limited as stated on the Permit or as illustrated on the site plan, it being the intent to minimize the exposure of residential streets to earth moving vehicles.
- I. The location of earth stockpiles, machinery, equipment and any buildings, shall be approved by Permit but only in terms to protect adjoining properties, and obtain the optimum use of the site. Topography, vegetation, screening devices, and physical isolation from residential properties shall be considered in locating site facilities and earth stockpiles.

26.10.5 Site Reclamation

The final grading and land reclamation plan for each permitted excavation shall be in general accordance with the character of uses and natural features on adjoining lands to the extent practical. Excavations shall be finished with evenly contoured grades to blend in with the adjoining terrain. In Residential Districts, the final grade of an excavation may be required to be brought back to a level determined reasonable to continue future residential development, i.e. as along a common street or road with adjoining residential land.

- A. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. An alternate reclamation plan may be filed for cases where continuous reclamation is not practiced or feasible, and a surety bond is provided.

Supplemental Regulations

- B. Excavations which encounter ground water or trap surface water, shall be treated in one or more of the following, as applicable to a particular situation:
- C. Stagnant water conditions shall not be permitted to continue and back filling with approved materials may be required.
- D. Where water is to remain, either by planned re-use or because no other option exists, the depth shall be sufficient to avoid stagnation, and the shoreline and bottom land grade shall be uniform at one ft. vertical to five ft. horizontal (1:5). The water depth shall be posted.
- E. Depending on the nearness of residential neighborhoods, and access by children, the created water body may be required to be safety fenced, posted for no trespassing, or similar safety precautions considered appropriate for the site.
- F. The final banks of all excavations shall be sloped at a grade which is not steeper than one (1) ft. vertical to three (3) ft. horizontal (1:3) from the top to the pit bottom, or otherwise be established to blend in with the adjacent terrain and/or stabilize at the soils natural angle of repose.
- G. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired. Where used, top soil shall be applied to a depth sufficient to support vegetation.
- H. Vegetation may be required to be restored by seeding of grasses or sodding and/or the planting of trees and shrubs.
- I. Upon cessation of mining operations, and within a reasonable period of time not to exceed 24 months, all plant structures, buildings, and equipment shall be removed, except for that necessary to manage on-site stockpiled materials. This does not preclude a restart at another time upon permit renewal.

Specific site reclamation requirements may vary somewhat depending on the location of the site in terms of its exposure to view, physical isolation, influence on residential areas, sensitivity to the natural environment, and/or re-use potential (or plan). The Planning Commission shall rule on such variations with reasons stated.

26.10.5 Special Use Permit

- A. Nonconforming mining operations, those which are active or have been active within the last 24 months, and established as a business operation, shall not require a permit, provided such operations do not increase their nonconformity relative to the performance standards of this Ordinance, and no hazardous site conditions are maintained. No such operation, however, shall extend into the required 50 feet setback area and precautions

Supplemental Regulations

shall be taken to avoid leaving hazardous conditions.

- B. To avoid duplication, the Zoning Administrator may accept the documents required for permits under [Soil Erosion and Sedimentation Control, Part 91 of 1994 PA 451, as amended](#), provided, the terms, standards, and review requirements of the Zoning Ordinance are complied with. Any extraction or fill operation subject to regulations and licensing under state law, shall be exempt from zoning laws where such exemption is extended by state law.
- C. Permits shall contain the full extent of the operation as specified in each Permit, and any deviation or enlargement of the scope of operation shall require a separate Permit.

26.10.6 Performance Guarantees

In those instances, where in the opinion of the Planning Commission or Zoning Administrator, a resource excavation/fill operation entails extensive reclamation work and/or safety precautions, financial guarantees or assurances as prescribed in [Section 20.08](#) of the Zoning Ordinance may be required as a condition to issuing a Special Use Permit under the terms of this Ordinance.

In lieu of a bond requirement or financial guarantee, the Planning Commission may substitute a staged or phased excavation program wherein performance on reclamation shall be substantially completed before undertaking the next phase.

Section 26.11 Home Occupations

Level II

Home occupations that are operated in accordance with the Definition in [Section 2.01](#), may be approved in any zoning district by the Planning Commission subject to the following conditions:

- A. Any structural additions to the home for purposes of operating the occupation shall be of an architectural style that is comparable with the architecture of the existing home, or surrounding homes, and further, is designed so that the addition can readily be used for housing purposes if the occupation is discontinued.
- B. Only the occupant or family living on the premises shall conduct the home occupation and no off-premises person(s) shall be employed in connection with the home occupation.
- C. If an accessory building is to be used for a home occupation, the building shall be sited, designed, and located on the property in such a manner as to avoid the appearance of a retail store or industrial building, and it shall be readily re-useable for residential purposes if no longer used for the home occupation. Accessory building space for home occupations shall not exceed a total floor area of 600 sq. ft. and shall not exceed one per parcel.

Supplemental Regulations

- D. The Planning Commission shall deny a Special Use Permit for a home occupation in those instances where it is determined that the proposed use would:
1. Lack an occupied residence on the property.
 2. Conflict with the residential character of the neighborhood or surrounding area, because of the type of use proposed, or hours of operation, and/or number of vehicles attracted to the site.
 3. Have parking, traffic or loading demands that would exceed the carrying capacity of the property, serving streets, or utilities.
 4. Require vehicles, machinery, mechanical devices, or equipment that would generate operational nuisances in direct conflict with homes in the vicinity.
 5. Require physical design, display, sign or locational features that are inconsistent with the residential character of the area.
- E. There shall be no open display of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.

Level I

- F. Home Based Business - Home Occupations may be approved by the Zoning Administrator if, in addition to the standards of paragraph A-E above, the following performance standards are satisfied:
1. The operation is administrative in character with no discernible outside effects (visual or otherwise).
 2. Only the occupants of the property are involved in the use and there are no signs identifying a home occupation on the property.
 3. The use does not involve any delivery services other than typical mail services.
 4. Clients or customers are not required to visit the property other than on a few occasions, not to exceed an average of one (1) person per day.
- G. The use may be referred to the Emmet County Planning Commission if there are questions concerning actual impacts and the use may be ordered to be abated if not operating within the prescribed standards.

Section 26.12 Junk Yards, Salvage Yards, Metal Recycling and Scrap**26.12.1 Intent**

Salvage yards are Special Land Uses because they:

- A. Are generally not acceptable in organized industrial parks.
- B. Usually require large sites for self-isolation.
- C. Are necessary for the re-use, recycling and recovery of metal resources.
- D. Have unusual physical characteristics in terms of appearance, land coverage, noise, and related features that constitute difficult site location standards.
- E. Have the potential to release hazardous and/or toxic liquids into the groundwater.

26.12.2 Salvage Yard Classifications

Salvage yards that can be considered in the FF-2 District shall be defined and regulated by type or class depending on the scope of its intended operation. These are:

A. Type I

A full service metal salvage center intended for the collection, storing and/or processing of scrap metals of all kinds, and other materials defined as junk in this Ordinance.

B. Type II

A limited salvage facility with open storage on less than ¼ acre of land and where the materials are not stacked. This facility is not a vehicle repair or sales use except as an incidental function to the salvage operation.

C. Type III

A site used for short periods of time for community vehicle collection programs. This facility does not include continuous processing or repairing, and is intended for annual clean-up programs to collect sufficient materials to warrant a visit by vehicle crusher, shredder, or similar processor.

In approving Special Land Use Permits for salvage operations the Planning Commission shall classify the facility as being Type I, Type II, and/or Type III, and shall weigh the type of a facility in requests to modify any siting standards.

26.12.3 Requirements

Supplemental Regulations

Metal recycling centers or yards, or facilities, including salvage yards or scrap yards, and which uses include the storage, dismantling, sorting, cutting, crushing, and/or other processing activities primarily associated with metal goods, provided:

- A. All activity and uses are within a defined and confined space as opposed to being dispersed over the site. Only that area designated on the site for these uses shall be permitted to be so used.
- B. No oils, lubricants, or other liquids from vehicles, machinery, or equipment or other materials, shall be disposed of on-site, unless State of Michigan approved facilities are properly in place and properly functioning. No burial of wastes shall be permitted on the property under this ordinance Section.

The applicant shall state in writing and/or illustrate how potentially hazardous liquids are to be prevented from entering the groundwater, and present a written plan for handling and disposal of such hazardous liquids.

The applicant may be required to provide a written contingency plan for hazardous/toxic spills. The Planning Commission may require a roofed work area with an impervious floor with floor drain collection system.

- C. Unless the applicant can demonstrate that no good purpose would be served, the proposed site shall have a minimum of six (6) feet of vertical isolation from groundwater, and be at least 1,000 feet from identified surface water.
- D. Screening devices to include but not necessarily be limited to fences, greenbelts, berms or natural features shall be employed to provide maximum visual obscurity of the use. No such device shall be constructed without approval of the structural details and type of materials to be used, and adhere to a stated installation schedule.
- E. Entrance/exit points shall give due consideration to minimizing conflicts with adjacent properties, and the views from adjacent properties and/or public roads shall be a major consideration in positioning the use on the property.
- F. Activity that generates continuous and persistent noises or vibrations that are perceptible from off the site shall not be permitted before the hour of 8:00 a.m. and after 6:00 p.m. and no such activity shall operate on Sundays. Exceptions may be permitted for annual or semi-annual on-site crushing operations, or the like.
- G. Open burning shall not be permitted except by State Permit, and it shall apply with paragraph 6 of this subsection.
- H. Once approved, no other portion of the property shall be used for activities regulated without an amended site plan and Special Land Use Permit, and there shall be no presumption that any usage beyond that in the original permit would be approved.

Supplemental Regulations

- I. The minimum site size to consider for uses permitted shall be 35 acres or more by description and have at least 900 feet of width and depth throughout. All salvage yard uses shall be at least:
 1. 200 feet from a property line
 2. 300 feet from on off premises residence
 3. 500 feet from a Residential District Boundary
- J. The height of stacked metals and/or materials shall be regulated by screening and the physical characteristics of the site, but in no instance be higher than twenty (20) feet.

The Planning Commission may modify the terms of this Section where it can be demonstrated that no good or practical purposes would be served by strict compliance, and for temporary collection sites to be used for less than 12 months.

26.12.4 Reasons for Denial

The Planning Commission may refuse to grant a permit for any salvage uses regulated, because of one or more of the following:

- A. The topography is such that the use has wide visual exposure to surrounding properties and public roads, and/or land conditions are such that screening plans would be ineffective or impractical.
- B. There are conflicts with natural water courses and/or there are undesirable impacts on wetlands, farmlands, and forest lands.
- C. It is determined by the Planning Commission that the proposed use on the proposed site is inappropriate for the area, and not in accord with the principles of land use expressed or implied in the interpretation of appropriate use shall also consider, but not necessarily be limited to: recognized scenic resources, recreation lands, neighborhoods, historic sites, tourist attractions, and similar uses that would be adversely affected, and not be in the best interests of public welfare.
- D. Failure to show an ability to comply with the standards listed in this Ordinance Section.

26.12.5 Violations Not Nonconforming

Any salvage yard, junk yard, or junk storage use determined to have been established in violation of the terms of the Emmet County Zoning Ordinance shall not be accorded the status of "nonconforming" as defined in this ordinance, but shall be pursued as ordinance violations. Such uses, however, shall have the right to hearings and procedures to qualify for a legal Special Land Use Permit as prescribed in Article 21.

Section 26.13 Land Development Standards

Land development projects may be permitted upon review and approval by the Emmet County Planning Commission in all zoning districts. Applications for projects under this Section are also eligible for simultaneous review as **Subdivision and Site Unit Condominium Open Space Plans under Article 17**. The following standards for Land Developments shall apply:

26.13.1 Uses Subject to Review

- A. All proposed land development projects that involve condominiums and non-platted land division which will result in five (5) or more site units or zoning lots within a ten (10) year period of time are subject to review. Any parcels that are created for common areas for roads, pathways, or open spaces, and/or results in development parcels larger than fifteen (15) acres and wider than 330 ft., need not be included in the count of the five (5) parcel division standard. However, such parcels shall be subject to Zoning Administrator approval.
- B. Minor or limited re-arranging of lot lines within an approved land development project may be approved by the Zoning Administrator, if the number of building sites, lots or site unit condominiums are not increased and that driveways, sanitary sewage disposal facilities, stormwater management and emergency access is not diminished thereby.

26.13.2 Unit Configuration and Design Standards

- A. Condominium units and their adjoining common element yards (not roads) and other non-platted land divisions as described above shall conform to the parcel dimensional, area, height, bulk and setback provisions as regulated in this Ordinance. The parcels may be required to be staked in the field for use in identification.
- B. Parcels or condominium site units abutting a public or private road may be required to be designed with reverse lot frontage, have a side-lot orientation to roads, and/or be accessed from a service road(s).
- C. All proposed projects shall conform to the standards of **Article 20 Site Plan Review**, and shall include an inventory of on-site natural features. The plan shall illustrate how the arrangement of proposed parcels relate to the natural features defined Article 20.

26.13.3 Access Road Design Standards

The following standards shall apply to all land development projects as described above.

- A. Unless the proposed access roads conform to Emmet County Road Commission Standards, all vehicle accessways shall provide sufficient side and overhead clearance to accommodate fire-fighting equipment, other emergency vehicles, snow plows, school buses, sanitation vehicles and similar service units, in accord with the following schedule:

Access Types	Land Division Size Categories	
	3 to 4 lots	5 lots and over
Road Easement	50'	50'
Road Surface	22'	22'
Shoulders	2' on each side	2' on each side
Total Road Width	26'	26'
Cul-de-sac Easement (Diameter)	--	140'
Cul-de-sac Surface (Diameter)	--	120'
Maximum Road Grade	--	10%
Maximum Cul-de-sac grade	--	--

A private road shall not be constructed, extended, or relocated, except in accordance with the minimum standards and requirements of this Ordinance. If an additional lot or site unit is proposed to be served by an existing private road, the existing road shall be required to meet the requirements of this Ordinance. If an existing road is proposed to be extended, then the existing portion and the new portion shall be improved and constructed to comply with this Ordinance.

B. Road Sub Base

Gravel shoulders are not required, but the pavement shall be flush with the shoulder elevation. Shoulder grading shall not exceed a slope of one half inch per foot. The road shall have a minimum of two-tenths of an inch per foot crown from centerline to the edge of the road. The road base shall consist of at least six (6) inches gravel base (MDOT 22A) with a twelve (12) inch sand sub-base (MDOT Class 2). The road surface shall widen at any dead-end or cul-de-sac as required in the preceding table. The road surface does not need to cover the entire radius of the turn-around providing that the road surface is at least the minimum required width of 22 feet throughout the turn-around, with the outer edge of the road surface being at or beyond the 120' diameter of the turn-around. The top elevation of the roadway shall be a minimum of three (3) feet above the seasonal high water table. A new private road or extension of an existing private road that provides or is intended to provide access to five (5) or more lots shall meet the requirements of this paragraph and shall also be paved with a minimum of two (2) inches of asphalt or equivalent dustless surface.

Roads surfaces shall meet the zoning setback standards of the District in which located (measured from the property line to the edge of the road surface) in order to provide snow storage from plowing and minimum storm runoff dissipation space. Roads intended to serve adjacent parcels, by mutual agreement of the property owners involved, are exempted from this setback requirement.

C. Utility Provisions

To the extent applicable, provisions shall be made to accommodate utility services that are to be installed, such as telecommunications, electric power, gas lines, water mains,

Supplemental Regulations

sanitary sewage collection, storm water run-off, snow storage, and the like.

D. Intersections

Street intersections shall be laid out so as to be at or as near to a ninety (90) degree angle as possible. Where a private road intersects or connects with a public road, the private road shall meet all requirements from the road agency having jurisdiction.

E. Road Names

Roads shall be named according to the current Emmet County Street and Road Numbering Ordinance.

26.13.4 Engineering Requirements

- A. Storm water drainage plans shall address flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like.
- B. The drainage plan shall indicate the manner in which surface drainage is to be disposed of. This may require making use of the existing ditches, natural watercourses, or constructing tributaries, but shall not result in storm water that exits the detention pond and/or property site at an erosive velocity. Additional hard surfaces proposed for a site must provide for detention and/or retention. The minimum requirements for retention and detention facilities are as follows: For sandy sites the volume of retention and/or detention shall be equal to the volume of 1 and ½" of water depth multiplied by the area of additional hard surface. For all sites other than sand, the volume of the retention and/or detention shall be equal to the volume generated from 2" of water depth multiplied by the area of additional hard surface. Both detention and retention facilities must be designed to assure that water is released within 72 hours. Detention facilities are to have a pipe no larger than 4" exiting the ponds at a grade no greater than 1%. For the purpose of this [Section 26.13.4](#), sandy shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.
- C. All storm water drainage plans shall be sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive the requirement, defer the requirement, or determine that a fully engineered storm drainage plan is not necessary, or can be deferred to a future date. Improvement guarantees shall be required, unless waived by the Planning Commission, for all storm water drainage plans in the form and amount acceptable by the Planning Commission to guarantee completion of the project in accordance with the conditions of the zoning permit. The performance guarantee will be released upon final inspection and approval by the Zoning Administrator, and receipt of sealed as built plans for storm water drainage.
- D. Storm water retention basins designed to keep a fixed pool of water shall include one or more of the following safety features: 1) safety ledge(s) at least (10) feet wide at the basin

Supplemental Regulations

perimeter, 2) vegetation surrounding the basin to discourage wading, or 3) fencing to prevent unauthorized access to basin.

26.13.5 Maintenance agreement

A road maintenance agreement, access easement agreement, and deed restrictions shall be provided which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. At a minimum, these documents shall contain the following provisions:

- A. The method of initiating and financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
- B. A workable method of apportioning the costs of maintenance, improvements, and extensions of the private road. For new private road applications and for applications for extensions of existing private roads, the recorded road maintenance and improvement agreement shall provide that any future improvements required or desired shall be completed over the entire length of the private road and any extensions thereto.

26.13.6 Maintenance Standards

Improvements to and maintenance of private roads shall be accomplished so as to provide for a consistent surface maintained to meet the requirements of this Ordinance throughout the entire length of the private road.

26.13.7 Exceptions

It is declared that the design of any given development plan is strongly influenced by the specific characteristics of each project area site, and that a universal application of adopted design standards may not be in the best interest of the community and/or applicant. The Zoning Board of Appeals is therefore granted authority to modify and/or alter the standards at the public hearing. Any modifications are subject to a showing that the strict application of those standards would serve no good or practical purpose.

In granting any modification to these standards, it shall be determined that a better development plan can be put into place, particularly in terms of the impact on the adjacent properties and on the community as a whole. Modifications shall not be granted if they are found to be contrary to the purposes and intent of this ordinance or contrary to any applicable county or township comprehensive plan.

Section 26.14 Drive-Thru/Drive-in Businesses

26.14.1 Intent

To provide adequate vehicle stacking space on business properties that offer drive-in, drive up, or drive-thru services in order to avoid congestion on adjacent streets and to require site designs

Supplemental Regulations

that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-thru service lanes.

26.14.2 Standards

Businesses which provide a drive-in, drive up, or drive-thru service (but not retail fueling stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

- A. Vehicular access drives shall be located at least 60' from the nearest right-of-way line of all intersecting streets.
- B. Drive-thru, drive up or, drive-in service windows and order areas shall only be located in the side or rear yard of the property.
- C. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and to drive-thru lanes.
- D. Service windows, order kiosks, and/or service pedestals shall not be located along that side of the building which borders a Residential or Farm Forest Zoning District boundary, in order to protect residential areas from the nuisances of sound systems, running engines, and exhaust pollution.
- E. Planted greenbelts, berms, and/or fencing may be required by the Planning Commission if considered appropriate to achieve compatibility with adjacent uses.
- F. Stacking spaces shall be provided for drive-thru operations subject to the standards listed in the parking requirements in [Section 22.02](#).

26.14.3 Exceptions

The Zoning Board of Appeals may modify or waive the standards contained in this Section where it can be demonstrated that no good or practical purpose would be served by strict compliance.

Section 26.15 Domestic Farms & Farm Animals

Domestic Farms as defined in this Ordinance are allowed without a permit in Residential Districts and Farm Forest (FF) Districts if the following standards are met:

26.15.1 Domestic Farms in Residential Districts

Domestic Farms that include livestock must be on sites of 2.0 acres or larger, as follows:

Supplemental Regulations

- A. Animal density of two Farm Animal Unit for the first 2.0 acres, plus one additional Farm Animal Unit for each additional acre of contiguous land (ownership or lease). Animal densities are calculated from Farm Animal Unit.
- B. Corrals, stables, and enclosure fencing shall meet the setbacks of the District, and building sizes comply with [Section 22.01](#), Accessory Buildings.
- C. Other farm animals subject to approval by the Planning Commission, who shall determine that the densities related to item (A), and/or meet one acre per “Farm Animal Unit” as defined in this ordinance, and that no nuisances are maintained to the detriment of neighboring owners. Swine, roosters, or other animals may be prohibited by the Planning Commission, if determined to cause a nuisance.

In the case of disputes or needed interpretations, the Planning Commission may review and take action to continue, modify, or abate a domestic farm use in keeping with the spirit and intent of the Zoning District, and the level of management and care given the subject livestock.

26.15.2 Domestic Farms in FF-1 & FF-2 Districts

The following standards apply to Domestic Farms in FF-1 and FF-2 Districts as differentiated from Commercial Farms defined in this Ordinance:

- A. Domestic Farms that include livestock on sites of 2.0 acres or larger, will be regulated as stipulated for Residential Districts.
- B. Greenhouses, hatcheries, apiaries, hydroponics, fur bearing animals, mushroom farms, shall only be permitted, as Domestic Farms, on sites of a minimum of five (5) acres, subject to approval by the Zoning Administrator who shall find that the uses:
 1. Do not conflict with surrounding residential uses that may be adjacent or nearby.
 2. Retail traffic is not attracted to the property.
 3. Corrals, stables, enclosure fencing and all buildings shall meet the setback standards of the District, and building sizes shall comply with [Section 22.01](#), Accessory Buildings.
 4. The property is at least 300 feet in width.
 5. The use is not a Commercial Farm as defined in the Ordinance.

In the case of disputes or needed interpretations, the Planning Commission may review and take action to continue, modify, or abate a domestic farm use in keeping with the spirit and intent of the Zoning District, and the level of management and care given the subject livestock.

Section 26.16 Customary Accessory Building (greater than 200 square feet) without a Main Use

26.16.1 Residential Zoning Districts

Except as otherwise regulated, customary accessory residential buildings may be constructed without the requirement for a main building in all Zoning Districts subject to a Hearing and approval of the Site Plan by the Planning Commission when the following conditions are met:

- A. The structure is sited in such a manner as to permit the construction of a legal main use at a future time, but shall be subject to the size limitations stated in [Section 22.01](#). For these regulations, rear yard shall refer to a location 100 feet or deeper from the front property line, which is also the road right-of-way line. A plot plan shall be submitted showing where a future dwelling could be located on the parcel that, if built, would comply in all respects with this Ordinance.
- B. The structure is constructed of materials and is of a design that is not so at variance with existing dwellings in the immediate vicinity as to have a devaluing influence, in the opinion of the Planning Commission. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.
- C. The structure may be required to be located in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
- D. All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
- E. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building.

26.16.2 FF-1 and FF-2 Districts:

One customary accessory residential building may be constructed without the requirement for a main building subject to review by the Zoning Administrator in the FF-1 or FF-2 Zoning Districts who shall find:

- A. The structure is sited in such a manner as to permit the construction of a legal main use at a future time, but shall be subject to the size limitations stated in [Section 22.01](#). For these regulations, rear yard shall refer to a location 250 feet or deeper from the front property line, which is also the road right-of-way line.
- B. The structure is constructed of materials and is of a design that is not so at variance with existing dwellings in the immediate vicinity as to have a devaluing influence, in the

Supplemental Regulations

opinion of the Zoning Administrator. The applicant shall provide elevation sketches and floor plans of the proposed structure in order to assist in the determination of architectural variance.

- C. The structure may be required to locate in such a manner as to attain natural screening by existing vegetation, or plantings may be required to at least partially screen the use from the view of adjoining properties and/or public roads.
- D. All uses of the property must be in keeping with the residential or recreational use character of other properties in the immediate vicinity.
- E. Buildings constructed under this Section shall not be used for any purposes except to store personal property related to permitted uses of the site, and such structures shall not be occupied by or used to house persons or animals (unless on a farm) or otherwise be a base for any activities not permitted in the district.
- F. The applicant shall record an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded before issuance of a zoning permit.

Section 26.17 Helicopter Landings & Takeoffs

The provisions of this section shall apply to General Aviation Helipads only. Commercial helipad operations are not allowed under this Ordinance except at an approved airport location.

This section shall not apply to (1) the emergency use of a helicopter relating to the evacuation of a human being, or (2) military, Coast Guard, firefighting or law enforcement related landings or takeoffs.

- A. Heliports and Helistops are permitted within Emmet County only if these activities meet all requirements of the [Federal Aviation Administration \(FAA\)](#) and State of Michigan and have been otherwise approved as a permitted special use in accordance with this Ordinance.
- B. Helistops shall only be permitted as special uses in the FF-1 and FF-2 Farm and Forest Districts and in the I-1 Light Industrial and I-2 General Industrial Zoning Districts.
 - 1. Helicopters permitted to be used on helipads shall not exceed 8,000 Maximum Gross Weight per the Transport Category for the airframe.
 - 2. Sound level limits based on Transport Category levels shall not exceed 94 dB(A) with FAA standards of certification.
- C. Heliports shall only be permitted as special uses in the I-2 General Industrial Zoning District.
- D. Repetitive landings and takeoffs by any organization shall require the use of a heliport or helistop permitted in accordance with the provisions of this Ordinance.
- E. No provision of this subsection of this Ordinance shall contravene or circumvent the Federal

Supplemental Regulations

Aviation Regulations as they pertain to the operations of helicopters, or the federal reporting requirements for the establishment of helicopter landing areas.

Any applications, determinations or other documentation submitted to or provided by the FAA in connection with the proposed establishment of a heliport pursuant to this Ordinance shall be submitted along with any application for a special use permit under this subsection.

- F. A proposed helistop FATO in a Farm and Forest (FF-1 or FF-2) District shall be setback at least five hundred (500) feet from any property lines. A proposed heliport or helistop FATO in an Industrial District (I-1 or I-2) shall be set back at least fifty (50) feet from any property lines. The only permitted exception to these setback requirements shall be if a boundary of the property is a lake, then the setback from that boundary shall be upland of any sand dunes and dune vegetation and at least sixty (60) feet from the high water mark. A heliport or helistop FATO shall maintain a setback of 200 feet from all buildings on property, other than property owned by the applicant, in Industrial Districts (I-1 & I-2) and 500 feet from all buildings on property, other than property owned by the applicant, in Farm and Forest Districts (FF-1 & FF-2).
- G. The Planning Commission may restrict certain directions of entry onto the helistop or heliport if it finds that existing uses may create a hazard to the community.
- H. No person shall start, run up, taxi, takeoff, hover, or land, a helicopter between 10:00 p.m. and 7:00 a.m. local time.
- I. No more than two (2) takeoffs and two (2) landings per day shall occur at any heliport or helistop, and no more than five (5) takeoffs and five (5) landings per calendar week shall occur at any heliport or helistop. A maximum of one hundred (100) landings shall be permitted per calendar year. Further, the operators shall be required to log their operations with tail number, model of aircraft, owner and contact information, and make this information available to the County within fifteen (15) days of written request for the records for a designated period.
- J. A helicopter shall not have its engine(s) in operation on the ground for more than five (5) minutes for start-up or shut-down evolutions.
- K. Where a conflict exists between any of the regulations or limitations prescribed in this Ordinance and any other applicable federal or State regulations, the more stringent regulation or limitation shall govern.

Section 26.18 Sexually Oriented Businesses

26.18.1 Purpose

It is the purpose of this Article to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Article

Supplemental Regulations

to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

26.18.2 Findings and Rationale

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Commissioners, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 427 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *Deja Vu of Nashville, Inc. v. Metropolitan Gov't of Nashville and Davidson County*, 466 F.3d 391 (6th Cir. 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 5779504 (W.D. Mich. Oct. 23, 2006); *729, Inc. v. Kenton County*, 2006 WL 2842884 (E.D. Ky. 2006); *Deja Vu of Cincinnati, L.L.C. v. Union Township Bd. Of Trustees*, 411 F.3d 777 (6th Cir. 2005) (en banc); *Little Mack Entm't II, Inc. v. Twp. of Marengo*, 2008 WL 2783252 (W.D. Mich. July 17, 2008); *Big Dipper Entm't, LLC v. City of Warren*, 658 F. Supp. 2d 831 (E.D. Mich. 2009); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *City of Chicago v. Pooh Bah Enterprises, Inc.*, 865 N.E.2d 133 (Ill. 2006); *Sensations, Inc. v. City of Grand Rapids*, 2006 WL 2504388 (W.D. Mich. 2006); *Andy's Restaurant & Lounge, Inc. v. City of Gary*, 466 F.3d 550 (7th Cir. 2006); *181 South, Inc. v. Fischer*, 454 F.3d 228 (3rd Cir. 2006); *Bronco's Entertainment, Ltd. v. Charter Twp. of Van Buren*, 421 F.3d 440 (6th Cir. 2005); *Charter Twp. of Van Buren v. Garter Belt, Inc.*, 258 Mich. App. 594 (2003); *Jott, Inc. v. Clinton Twp.*, 224 Mich. App. 513 (1997); *Michigan ex rel. Wayne County Prosecutor v. Dizzy Duck*, 449 Mich. 353 (1995); *Z.J. Gifts D-2, L.L.C. v. City of Aurora*, 136 F.3d 683 (10th Cir. 1998); *ILQ Investments, Inc. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *Kentucky Restaurant Concepts, Inc. v. City of Louisville*, 209 F. Supp. 2d 672 (W.D. Ky. 2002); *Restaurant Ventures v. Lexington-Fayette Urban County Gov't*, 60 S.W.3d 572 (Ky. Ct. App. 2001); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Deja Vu of Nashville, Inc., et al. v. Metropolitan Government of Nashville and Davidson County*, 274 F.3d 377 (6th Cir. 2001); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Ctr. for Fair Public Policy v. Maricopa County*, 336 F.3d 1153 (9th Cir. 2003); *Bigg Wolf Discount Video Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Kentucky Restaurant Concepts, Inc. v. Metro Gov't*, Case No. 04-CI-01967 (Jefferson Circuit Court, Summary Judgment Order, Dec. 14, 2004); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Brandywine, Inc. v. City of Richmond*, 359 F.3d 830 (6th Cir. 2004); *Currence v. City of Cincinnati*, 28 Fed. Appx. 438 (6th Cir. Jan. 24, 2002); *Broadway Books v. Roberts*, 642 F. Supp. 486 (E.D. Tenn. 1986); *Bright Lights, Inc. v. City of Newport*, 830 F. Supp. 378 (E.D. Ky. 1993); *Richland Bookmart v.*

Supplemental Regulations

Nichols, 137 F.3d 435 (6th Cir. 1998); Bamon Corp. v. City of Dayton, 923 F.2d 470 (6th Cir. 1991); Triplett Grille, Inc. v. City of Akron, 40 F.3d 129 (6th Cir. 1994); O'Connor v. City and County of Denver, 894 F.2d 1210 (10th Cir. 1990); Threesome Entertainment v. Strittmather, 4 F. Supp. 2d 710 (N.D. Ohio 1998); Lady J. Lingerie, Inc. v. City of Jacksonville, 176 F.3d 1358 (11th Cir. 1999); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007); H&A Land Corp. v. City of Kennedale, 480 F.3d 336 (5th Cir. 2007); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); Plaza Group Props., LLC v. Spencer County, 877 N.E.2d 877 (Ind. Ct. App. 2007); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); For the People Theatres of N.Y., Inc. v. City of New York, 793 N.Y.S.2d 356 (N.Y. App. Div. 2005); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); In re Tennessee Public Indecency Statute, 172 F.3d 873 (6th Cir. Jan. 13, 1999)(table); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; New York, New York Times Square - 1994; Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Warren Police SID Report/Affidavits - 2005; Louisville, Kentucky - 2004; Dallas, Texas - 2007; Criminal Justice Policy Review - 2008; Detroit, Michigan - 2010; Warren, Michigan - 2008; and Detroit Police Report Summaries - 2005-2009,

the Board of Commissioners finds:

- A. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- B. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

Supplemental Regulations

- C. Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the County's rationale for this Ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the County. The County finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to the secondary effects.

The County adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

26.18.3 Location of Sexually Oriented Businesses

- A. Sexually oriented businesses shall not be required to obtain a conditional use permit or special use permit.
- B. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in Emmet County in any zoning district other than the B-2, B-3, I-1, and I-2 zoning districts.
- C. No sexually oriented business may be established, operated, or maintained within any PUD district which is planned residential.
- D. No sexually oriented business may be located in a PUD-1 or PUD-2 District unless such use is or has been specifically noted as allowable in the PUD District pursuant to appropriate notices, hearings and an on-site location plans.
- E. No sexually oriented business may be established, operated, or maintained within 500 feet of a residential zoning district.
- F. No sexually oriented business may be established, operated, or maintained within 500 feet of a part of any PUD district which is planned residential.
- G. No sexually oriented business may be established, operated, or maintained within 1,000 feet from any recognized house of worship, state-licensed day care facility, public library, public park, public or private educational facilities serving persons age seventeen (17) or younger, cemetery, or public assembly buildings including government offices. This buffer standard applies to any listed use, within or outside of the zoning boundaries of this Ordinance.
- H. No sexually oriented business may be established, operated, or maintained within 1,000 feet of a parcel occupied by any other sexually oriented business.

Supplemental Regulations

- I. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in subsections (E), (F), (G), and (H) above.
- J. No sexually oriented business may be established, operated, or maintained in Emmet County if a person with an influential interest in the business has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Article.
- K. No sexually oriented business may be established, operated, or maintained in Emmet County if a person with an influential interest in the business has, in the previous five (5) years, had an influential interest in another sexually oriented business that (at a time during which the applicant had the influential interest in the other sexually oriented business) was declared by a court of law to be a nuisance.

26.18.4 Unlawful Activities; Scienter Required; Penalty; Equitable Remedies.

- A. Nothing contained in this Article is intended, or shall be construed, to permit or authorize activities which are unlawful under state law or municipal ordinance. It is unlawful and a violation of this Article for an operator to knowingly or intentionally violate the provisions of this Article or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this Article. It shall be a defense to prosecution that the person prosecuted was powerless to prevent the violation.
- B. No person shall knowingly or intentionally, in a sexually oriented business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.
- C. No employee shall knowingly or intentionally, in a sexually oriented business, appear within view of any patron in a semi-nude condition unless the employee, while semi-nude, shall be and remain at least six (6) feet from all patrons and on a fixed stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
- D. A sexually oriented business which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disk, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements: The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose

Supplemental Regulations

from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by that operator station. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

- E. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of this Section shall be given one hundred eighty (180) days from the effective date of this ordinance to comply with the stage and building requirements of this Section. During the one hundred eighty (180) days, any employee who appears within view of any patron in a semi-nude condition shall nevertheless remain, while semi-nude, at least six (6) feet from all patrons.
- F. No employee who regularly appears within view of patrons in a semi-nude condition in a sexually oriented business shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.
- G. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 A.M. on any day.
- H. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- I. No person shall knowingly allow a person under the age of eighteen (18) years on the premises of a sexually oriented business.

J. Scienter

This Section does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Section. Notwithstanding anything to the contrary, for the purposes of this Section, an act by an employee shall be imputed to the sexually oriented business for purposes of finding a violation of this Section only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

K. Sanctions; Equitable Remedies

Any person, business, or entity violating or refusing to comply with any provisions of this Section shall be responsible for a municipal civil infraction. The sanction for a violation of this Section which is a municipal civil infraction shall be a civil fine in the amount provided in Ordinance 97-10, as amended, which is adopted by reference, plus costs, damages, expenses, and other sanctions as authorized under Chapter 87 of 1961 PA 236,

Supplemental Regulations

as amended. Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. Further, any premises, building, dwelling, or other structure in which a sexually oriented business, as defined in this Article, is repeatedly operated or maintained in violation of the provisions of this Article shall constitute a public nuisance and shall be subject to civil abatement proceedings initiated by Emmet County in a court of competent jurisdiction. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation. Notwithstanding the foregoing, the County may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this Article.

26.18.5 Severability

This Section and each provision of this Section, are declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any provisions of the Section, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Section be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

Section 26.19 Public Buildings (except public works and storage yards), Churches, and Schools

26.19.1 R-1, RR, SR, and B-1 District

- A. All sites for uses permitted, shall maintain a minimum open space area equal to fifty (50%) percent of the site area (excluding road right-of-way). Open spaces shall not include buildings, parking lots, pedestrian walks, and/or driveways, and other paved or blacktop surfaces.
- B. The arrangement of property uses shall consider the impact on scenic views, and if feasible, the site design shall endeavor to mitigate negative impacts related to building size, noise, lighting and traffic.
- C. No such use shall locate on or have vehicle access from a subdivision street unless the subdivision (or similar type of development) contains dedicated sites for such uses.

26.19.2 RR and SR District

- A. Churches shall not front on a lake or river that appears on the Zoning Map.

Section 26.20 Golf Courses and Country Clubs**26.20.1 R-1, RR and SR Districts**

- A. Accessory pro-shops and/or clubhouses shall be clearly incidental to the golf use.
- B. No commercial driving range or mini-golf facility is included.

Section 26.21*Reserved***Section 26.22 Artist's Studio as a Home Occupation**

There shall be no visible outdoor display except for a decorative artifact.

Section 26.23 Motels, Tourist Homes, and Motor Inns**26.23.1 R-2**

- A. There shall be direct access to a County Primary road, city major street, village major street, or State Trunkline Highway, as opposed to a County local road, city minor street, village minor street, designated on the 1951 PA 51, as amended, (MCL 247-651 et seq.) certification maps filed with the Michigan Department of Transportation.
- B. The minimum lot width shall be one-hundred fifty (150) feet.

Section 26.24 Professional Offices, Real Estate Offices, Financial Institutions, Assembly Halls, Health Clubs, Personal Services, Photographers, Studios for Dance, Physical Exercise and Music, and Other Related and Similar Uses**26.24.1 R-2**

There shall be direct access to a County Primary road, city major street, village major street, or State Trunkline Highway, as opposed to a County local road, city minor street, village minor street, designated on the [1951 PA 51, as amended, \(MCL 247-651 et seq.\)](#) certification maps filed with the [Michigan Department of Transportation](#).

Section 26.25 Funeral Home or Mortuary**26.25.1 R-2**

- A. There shall be at least 150 feet of lot width,
- B. All uses, off-street parking areas, and loading areas shall be within the setback

Supplemental Regulations

requirements of the District,

- C. Service entrances to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.
- D. There shall be direct access to a County Primary road, city major street, village major street, or State Trunkline Highway, as opposed to a County local road, city minor street, village minor street, designated on the [1951 PA 51, as amended, \(MCL 247-651 et seq.\)](#) certification maps filed with the [Michigan Department of Transportation](#).

Section 26.26 Private, Semi-Private, and other Non-Public Recreational Lands and/or Facilities

26.26.1 R-1, RR, and SR Districts

- A. Uses shall be compatible with the surrounding residential area.
- B. Uses shall respect the environmental qualities of the site.
- C. No inordinate obstructions to scenic views shall be established.
- D. Recreational uses permitted include parks, playgrounds, and common access sites.
- E. No such facilities shall have a commercial appearance or be of a commercial character.

26.26.2 Recreation Uses with Inland Lake Frontage

For recreational uses defined in this Section which have inland lake frontage, limitations on the extent, number and location of uses or facilities shall be established as follows:

A. Camping

Not permitted except as an accessory use to a larger resort complex as may be permitted by prevailing zoning regulations.

B. Vehicle Parking

Permitted only as necessary to afford a reasonable level of access convenience for the type of uses approved per Site Plan, and when in scale with uses on adjacent properties.

C. Boat Docks

1-Per 150 ft. of horizontal lot width (not shore line distance). Location to respect swimming beaches and docks on the same property or on adjoining properties.

D. Boat slips/Mooring

Not more than three motor powered craft per 150 ft. of horizontal property width, but not more than fifteen (15) power craft. No facilities for launching power craft from the site shall be permitted.

Supplemental Regulations

E. Swim Raft

One (1) raft up to 150 sq. ft. in floor area per recreation or park site.

F. Recreation Apparatus

As approved per site plan, but not in a required setback or greenbelt area.

G. Club House/Gazebo

Only as an accessory use to a larger development and when there is at least 600 ft. of horizontal lot width, minimum 150 ft. of setback from any property boundary, but only for the exclusive use of occupants and their guests.

These provisions shall NOT apply to accessory shoreline recreational uses on single lots serving individual occupant families.

Section 26.27

Reserved

Section 26.28 Temporary Manufactured Homes and Recreational Vehicles**26.28.1 FF-1 and FF-2**

- A. Temporary Manufactured Homes and Recreational Vehicles shall be maintained in sound running condition with a current vehicle license
- B. Occupancy shall be limited to not more than sixty (60) days in any calendar year.

Section 26.29 Travel Trailer Courts, Tenting Areas, and Campgrounds**26.29.1 FF-1, FF-2, and FR Districts**

- A. The minimum State of Michigan health requirements governing travel trailer courts and camping areas shall be complied with.
- B. The use shall be developed on a site of at least ten (10) acres and no less than 600 feet of lot width or property width.
- C. No person shall occupy any recreational unit for more than six (6) months in any one year.
- D. The use shall not be visible from public streets and thoroughfares and shall be screened using a combination of privacy fencing and natural or planted greenbelts.

Section 26.30 Sawmills, Planing Mills, Veneer Mills, and Accessory or Incidental Mill Operations involving Logs, “Unprocessed Timber” and/or Rough Sawn Lumber**26.30.1 FF-1, FF-2, and FR Districts**

- A. The use shall involve the processing of raw timber and/or rough lumber and shall not include retail lumber yard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
- B. The land area of the mill site shall be at least 10 acres with a minimum lot width of 660 feet.
- C. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathes, etc.), shall not be located closer to an off-premises residence than 1,000 feet.
- D. Log storage and sawn timber or lumber shall not be located nearer than 500 feet from an off-premises residence.
- E. The location of a proposed mill shall be determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable. The mill location shall be determined to be good land use.
- F. In considering applications for forest industries the Planning Commission may permit modifications to the standards in items (a) through (e), where owing to natural or manmade conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, and other natural barriers.
- G. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on FF zoned property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

26.30.2 Lumbering and Planing Mills in the I-1 District

Lumbering and planing mills shall be completely enclosed and located so that no property use is nearer than one-hundred (100) feet from the exterior boundary of the I-1 District.

Section 26.31 Uses including Mining Operations, Hot Mix Plants, Solid Waste Processing Equipment, and Similar Uses

26.31.1 FF-1, FF-2, and FR Districts

A Zoning Permit may be issued if:

- A. The use serves a specific project in the vicinity.
- B. The use is active for a period of less than ninety (90) days on any one parcel.
- C. The use is not nearer than 300 feet from any off premises dwelling.
- D. The use complies with applicable State and Federal laws, rules, and regulations, including, but not limited to, those governing pollution control and environmental protection.
- E. Within ninety (90) days after the use ceases to be active, the site is restored to a condition equal to or better than that which existed before the use.

Section 26.32 Contractors

26.32.1 FF-1 or FF-2 District

Specified contractors uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Uses

The uses permitted pursuant to this Section may include one or more of the following:

1. Storage buildings for recreation vehicles, boats, water craft and similar items, but not sales and/or servicing, or commercial warehousing.
2. Buildings to store equipment and materials associated with the following specific trades: landscapers, excavators, nurserymen, building contractors, plumbers, electricians, carpenters, pipe fitters, heating-cooling-refrigeration tradesmen, telephone and communication system installers, provided such individuals are fully licensed to operate in the State of Michigan if a license is required.

B. Outside Storage

All primary storage/use activity shall be in enclosed buildings. Any outside storage that may be permitted shall be in areas effectively screened from public view.

C. Owner Occupancy

Buildings and uses permitted shall only be approved on properties occupied by the owner

Supplemental Regulations

and be the primary place of the owner's residence.

- D. Site Size: The minimum property size shall be ten (10) acres or larger by description, having at least 600 ft. of lot width and at least 600 ft. of lot depth.
- E. Building Limitations: The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of 2,400 sq. ft. One additional 2,400 sq. ft. building may be permitted on sites of 20 acres or more, by description, provided the two buildings are separated by at least forty (40) feet. One building up to 3,400 sq. ft. may be permitted if the applicant stipulates not to construct two (2) buildings for contractor uses.
- F. Signs: Accessory identification signs associated with the uses permitted pursuant to this Section shall not exceed an area of eight (8) sq. ft., and shall comply in all other respects with the sign section of this Ordinance.

Modifications to the standards listed in items B thru F above may be approved by the Planning Commission, if the intent of [Article 8](#) is kept and the surrounding properties are protected from nuisances.

Section 26.33 Selected Processing and Production Uses (Forestry)

26.33.1 FF-1, FF-2, and FR Districts

Selected processing and/or production uses may be permitted in the FF-2 Farm Forest District in accordance with the following intent statement and conditions:

A. Intent

The intent of this Section is to permit limited processing and production uses in the FF-2 Farm Forest Districts, subject to special review, if the overall rural character is kept, and the uses are compatible with properties in the vicinity. Uses approved shall be considered as enabling larger tracts of land to be kept open space.

B. Conditions

Subject to a Public Hearing and approval of a site plan, the Emmet County Planning Commission may permit specific home based industries in the FF-2 Districts, subject to the following standards:

1. The owner of the industry has a primary residence on the same property which the industry is proposed.
2. Employees of the operation shall consist of not more than the members of the legally defined family who are living on the property and up to three (3) others.
3. The site to be impacted by uses proposed shall contain at least forty (40) contiguous acres by description. The site shall have a depth to width ratio of two to one (2:1), or less, and the property shall not be divided by existing public roads.

Supplemental Regulations

- The parcel shall not be further split, subdivided, condominiumized, or leased for other uses for as long as the proposed special use remains operational.
4. The uses permitted shall be regulated as to type and operational effects, such as dust on roads or drives, so as to be compatible with other and similar uses permitted in the District, and that there be a relationship to agriculture, forest products, wood processing, and/or mineral processing and/or production.
 5. The property shall essentially keep a visual farm forest character, and shall not have or tend to have the appearance of an industrial district (factories, warehousing, and the like).
 6. The operational area of the site shall be setback a minimum of 150 feet from all property lines, including road right-of-way lines, with deeper setbacks where warranted by the nuisance potential of a specific use. Mechanical equipment that generates persistent noise levels comparable to sawmills, by pitch, frequency, or decibel measurement, as well as outdoor storage of materials, shall be required to provide isolation distances as regulated for sawmills, per [Section 26.30.1](#) of this Ordinance.
 7. Fencing, landscaped berms, and/or landscape screening shall be required as necessary to conceal or nearly conceal the use from the view of neighboring owners, and persons using adjacent roads.
 8. Any building intended to house the operation shall not exceed a ground floor area of two-thousand (2,000) square feet.
 9. The site plan submitted for review, shall illustrate specific areas on the site within which the entire use will be confined, including screened storage, buildings, parking, by-product waste storage or waste treatment and related or similar site use elements.
 10. All plans and uses proposed shall only be permitted if the project is mutually agreeable to the developer or owner, and the township unit of government within which the project is proposed.

Controlled modifications to the standards listed in items 6-8 may be approved by the Planning Commission, if the intent of this Section is kept and the surrounding properties are protected from nuisances. The volume and type of traffic, noise potential, visual impacts, and/or emissions associated with the operation may be factors in approving or rejecting the Special Use Permit.

Section 26.34 Cemeteries**26.34.1 FF-1, FF-2, and FR Districts**

- A. All laws, ordinances, rules, and regulations established by Federal, State, and local governing bodies have been complied with. (See [1875 PA 88](#) and [1968 PA 251](#).)
- B. Cemetery boundaries shall be clearly identified (fencing, signage, etc.).
- C. The cemetery perimeter shall meet a minimum setback of forty (40) feet from a right-of-way and 100 feet from all side and rear property lines.

On the basis of findings at the Public Hearing, the Planning Commission may waive or modify standard C above where strict compliance is not necessary to protect the public health, safety or general welfare.

Section 26.35 Airports and Landing Fields with Appurtenant Facilities

Operating characteristics shall not conflict with wildlife habitat areas, wilderness areas, housing areas, and facilities or uses having high concentrations of people (schools, hospitals, etc.).

Section 26.36 Gasoline Service Stations

- A. Major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.
- B. Gas pumps, air hose stands, and other appurtenances shall meet all setback standards of the District.

Section 26.37 Vehicle Repair Garages

Major engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building. The storage of damaged or wrecked automobiles on the site shall be obscured from public view, and no vehicle of any kind shall be stored in the open for a period exceeding one (1) week.

Section 26.38 Offices and Showrooms of Plumbers, Electricians, Decorators or Similar Trades**26.38.1 B-1 and B-2 Districts**

The ground floor premises facing upon and visible from any abutting street, shall be used only

Supplemental Regulations

for entrances, offices or display. All storage of material or any incidental repair shall be within the confines of enclosed buildings or otherwise obscured from view.

Section 26.39 Wholesale Uses with Accessory Space

- A. All incident or accessory storage is within the confines of an enclosed building. Wholesale uses shall also include space for administrative offices, customer services, and interior display.
- B. Any loading docks or semi-trailer sized overhead doors shall not face upon a public road, or if no practical option is demonstrated, loading doors shall be setback at least seventy (70) feet from the front lot line or be structurally obscured from view.
- C. Wholesale uses shall not occupy property bordering lakes, or rivers (not intermittent) identifiable on the U.S. Geological Survey Maps of Emmet County.
- D. Sites proposed for wholesale uses may be rejected by the Planning Commission based on a determination that the use is improper or out of character with adjoining uses, by reason of:
 - 1. Breaking the continuity of a planned retail shopping center.
 - 2. Having direct visual exposure to tourist lodging facilities or other uses serving tourist markets.
 - 3. Sharing common road frontage with residential uses.
- E. B-3 District: Any machinery used in the production process shall be of an operational character that is confined to the premises, and any noise, vibration, glare, smoke, dust, or other operational effects shall not be discernible from off the premises or exceed nuisance levels of other uses permitted in the B-3 District.

Section 26.40 Commercial Outdoor Recreation (amusement parks, carnivals, rebound tumbling facilities, mini-golf, driving ranges)

- A. Children's amusement facilities must be fenced on all sides with a minimum four foot and six inch (4' 6") protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, pits, pools, excavations, electric circuits and similar features.

Section 26.41 Lumber Yards

Lumber Yards dealing primarily in pre-planed or finished lumber for wholesale or retail markets, and including other building materials, along with accessory hardware, plumbing, and electrical supplies and/or equipment shall comply with the following:

- A. The site shall be of a configuration as to be compatible with adjoining uses, having at least 200 feet of frontage on a public road, or part of a planned development having 200 feet of frontage.
- B. Accessory outdoor storage shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.
- C. Storage uses, buildings, and parking lots, sidewalks, shall provide a minimum setback of 10 feet from one side yard and 40 feet from the side property line to afford transition space for storm water, snow storage, and/or landscaped buffers.
- D. The outdoor display of model homes, trusses, garages, storage sheds, etc. shall only be allowable upon Planning Commission approval of specific location on the site, and may be prohibited where site characteristics and adjoining uses would be incompatible with such a display.
- E. Building material centers may include, incidental operations involving fabrication and processing, but only within limits set forth on an approved Site Plan.

Section 26.42 Outdoor Vehicle/Equipment Sales

Outdoor sales lots for automobile, trucks, motorcycles, all-terrain vehicles, boats and marine craft, recreation vehicles, manufactured homes, farm implements, contractors equipment/vehicles, and similar units, new or used, subject to the following:

- A. No display shall be permitted in or within ten (10) feet of the right-of-way of any abutting road or highway.
- B. Existing roadside trees and shrubs, shall be kept in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- C. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated shall be limited to not more than two, or one (1) per one hundred fifty (150) ft. of display lot road frontage, whichever is greater. No such display device shall elevate the under frame of a vehicle more than five (5) feet above the ground. Such display shall meet the setback standards of the Zoning District and shall be identified on the site plan.

Supplemental Regulations

- D. Display lot lighting shall comply with terms of **Section 22.06**, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- E. The display of units regulated shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display units and/or inoperable units.
- F. The front setback line of the vehicle display area shall be marked by a permanent curb or other material(s) approved by the Planning Commission and shall be of sufficient height and stability to serve as a tire stop.

Section 26.43 Storage Uses (including Mini-Storage)

- A. All proposed buildings nearest to the primary access road shall be site planned to be perpendicular to the road, or be positioned to the rear of other approved non-storage or non-warehouse buildings, or be setback at least three-hundred (300) feet from public road right-of-way lines.
- B. Intense, all season landscape screening, to effectively shield storage buildings from bordering public roads, per an approved Landscape Planting Plan which achieves screening upon installation of proposed plant materials.

Section 26.44 Selected Production, Processing, and Fabrication**26.44.1 B-3 District**

The following selected production, processing and fabrication uses may be allowed when the operational effects are determined to be no greater than other uses permitted in the B-3 District with respect to noise, glare, radiation, vibration, smoke, odor, and/or dust, particularly as perceived at the property line:

- A. Trade schools, research, testing, and scientific laboratories.
- B. Electronic instruments, computers, and electronic components.
- C. Machine and tool shops and/or light metal products.
- D. Plastics when cooling towers are not required.
- E. Solar panels, wind generators, and alternative energy systems.
- F. Ceramic products using gas or electrically fired kilns, and or glass products.
- G. Products made of wood, but not sawmills, planing mills or veneer mills.
- H. Products made from leather and fabrics and/or from artificial fabric materials.

Supplemental Regulations

- I. The manufacture or production of craft products.
- j. Other fabricating and processing uses when similar in operational effects to the listed uses in this Section.

Section 26.45 Manufacturing**26.45.1 I-1, B-3, and P-T Districts**

- A. Manufacturing, compounding or processing uses shall be conducted wholly within a completely enclosed building.
- B. Laboratories and any use involving the function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building, but excluding high risk products involving, radiation, explosives and the like
- C. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall, fence or greenbelt when adjoining a zoning district other than I or B Districts.

26.45.2 I-2 District

Manufacturing uses not including storage of finished products shall be located not less than eight hundred (800) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.

Section 26.46 Sanitary Provisions – Sewerage and Water Facilities

Sanitary sewer and domestic water supplies shall be constructed, installed and/or serviced as required by the applicable codes of the health service agencies having jurisdiction in Emmet County.

26.46.1 Septage Waste Storage/Treatment

Uses associated with septage waste include hauling vehicles, storage structures and related on-site facilities. Uses associated with septage shall be permitted in FF-1/FF-2 Farm Forest and I-1/I-2 Industrial Districts by Special Use Permit, subject to review and approval by the Planning Commission and satisfying the following conditions:

- A. All uses approved under this Section must comply with the rules, regulations, and standards established by Federal, State, and local governing bodies.
- B. All structural elements shall be identified on the proposed site plans and shall provide minimum setbacks of:

Supplemental Regulations

1. 500 feet from surface water,
 2. 100 feet from all wells.
- C. Above ground structures used for storage of septage waste must be surrounded by an engineered berm structure and shown on site plans. The berm represented on the site plans must be sealed and certified by an engineer to contain the septage waste in the event of a catastrophic structural failure. Berms, natural tree stands, and/or planted vegetation used for screening may be prescribed as a condition of approval.
- D. Applicant must demonstrate on the proposed site plans, that the maximum groundwater table is at least 36 inches below both the final grade and any of the proposed structures, including underground storage tanks.
- E. Final approval by a health agency of jurisdiction and/or a State Department/Agency responsible for authorizing the use may be a condition of final approval.
- F. Additional requirements in I-1 and I-2 - Industrial Districts:
1. Storage structures must be 50 feet from all lot lines.
 2. Storage structures must be below final grade as shown on site plans.
 3. Processing and handling of waste must take place within an enclosed building.
 4. Storage structures and processing facilities must be setback a minimum of 200 feet from non-industrial zones.
- G. Additional requirements in FF-1 and FF-2 - Farm and Forest Districts:
1. The lot area shall be at least 10 acres with a minimum lot width of 660 feet.
 2. Structures must be 200 feet from a road right-of-way and property lines.

Section 26.47 Race Tracks (Including Midget Auto and Carting Tracks)

Because race tracks develop a concentration of vehicular traffic and cause noise levels which project beyond the property, race tracks shall be permitted only in the I and B-2 Districts subject to the following conditions and such other controls as the Planning Commission, after holding a Hearing considers necessary to promote health, safety and general welfare in the County:

- A. All parking shall be provided as off-street parking within the boundaries of the development.
- B. All access to the parking areas shall be provided from major traveled roads. Approval of ingress and egress points by the police or sheriff authority having jurisdiction in the community.

- C. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting so as to screen from view all activities within the development.

Section 26.48 Yard Sales

- A. **Intent:** The intent of this Section is to eliminate perpetual, prolonged and extended yard sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones and create a nuisance. No Zoning Permit is required; however, the following shall apply to all residences in all Zoning Districts.
- B. Not more than six (6) yard sales shall occur on any one (1) premise in any one (1) calendar year.
- C. Not more than one (1) yard sale shall occur in any one (1) month.
- D. Yard sales may be conducted for a duration not to exceed four (4) consecutive days.

E. Exceptions

1. Any person selling or advertising for sale an item or items of personal property which is specifically named or described in the advertisement.
2. Sales by a bona fide charitable, eleemosynary, educational, cultural or governmental institution, civic group, service club, religious or fraternal society or other tax-exempt organization; provided, however, that the burden of proof to establish the exemption under this subsection shall be on the organization or institution claiming such exemption.
3. Any public auction having a duration of no more than four (4) days and conducted by a licensed auctioneer.

Section 26.49 Duplexes

26.49 R-1, R-2, FF-1, FF-2 and FR Districts

- A. Duplex structures must meet the setback standards of a single family dwelling and each unit must meet the minimum floor area standard of a single family dwelling.
- B. One unit within the duplex must be owner occupied, except in the R-2 Zoning District.

Section 26.50 Accessory Uses on Commercial Farms**26.50.1 R-1, R-2, RR, SR, FF-1 or FF-2 District****Intent**

It is the intent of these zoning provisions to:

- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Specified commercial accessory uses may be permitted subject to the following standards including Planning Commission review:

A. Permitted Accessory Uses

The uses permitted pursuant to this Section may include one or more of the following: Social events which may include weddings, receptions, and similar social activities operated or intended to be operated as a commercial operation.

Uses permitted within this section must be clearly incidental to a “Farm Operation” as defined by the [Michigan Right to Farm Act \(1981 PA 93, as amended\)](#).

B. Outside Activities

All primary activities which involve sound systems or amplification systems shall be within a completely enclosed structure or sound systems or amplification systems may be located outside, but shall be setback a minimum of one thousand (1,000) feet from off-premises permanent dwellings.

The applicant may request a reduced setback if they can provide documentation showing they could meet the following standards: all primary activities which involve sound systems or sound amplification systems shall maintain a decibel level not to exceed seventy-five (75) dB(A) at any property line between the hours of 10 AM through 10 PM. All other hours, decibel levels may not exceed ambient sound levels.

C. Owner Occupancy

Buildings and uses permitted shall only be approved on properties or contiguous properties occupied by the owner/operator.

D. Site Size and Setback

The minimum property size shall be twenty (20) acres or larger by description, having at least six hundred (600) feet of lot width. The accessory use shall be setback a minimum of one hundred fifty (150) feet from the side and rear property lines and meet the front yard setback standard of the Zoning Ordinance. Setback standards shall apply to the accessory use and structures associated with the accessory use.

E. Hours of Operation

The Accessory Use shall be limited to the hours of 8 AM to 11 PM. The number of events per month shall be provided by the applicant to the Planning Commission and may be limited based on specific site conditions and the characteristics of the neighborhood.

F. Building Limitations

The ground floor area of proposed buildings associated with the uses permitted shall not exceed an area of twenty-four hundred (2,400) square feet. Larger buildings may be considered by the Planning Commission based on specific site conditions and characteristics of the neighborhood.

G. Parking

Parking spaces shall be provided in accordance with the standards of [Section 22.02](#) of this Ordinance except that parking areas shall be setback a minimum of one hundred (100) feet from the side and rear property lines and forty (40) feet from the road right-of-way. Parking shall be adequate to accommodate all users and uses on-site. Parking shall be kept in a natural vegetated condition to the greatest extent possible.

H. Screening

The accessory use shall be effectively screened from adjacent properties in accordance with the standards of [Section 22.04.2](#).

I. Lighting

Lighting shall meet the Standards of [Section 22.06](#) of this Ordinance.

J. Signs

Accessory signs shall follow the Standards of [Section 22.07](#) of this Ordinance.

Uses listed above are subject to review on a case-by-case basis and may be approved by the Planning Commission, if the intent of the Zoning Ordinance and this [Section 26.50](#) are kept and the surrounding properties are protected from nuisances. These standards shall not apply to private (non-commercial) similar uses on properties used for residential purposes and which occur on an occasional basis (four times per year or less).

Section 26.51 Wineries and Hard Cider Operations

Intent

It is the intent of these zoning provisions to:

- promote and maintain local farming,
- preserve open space and farmland,
- maintain the cultural heritage and a rural character,
- maintain and promote tourism,
- protect residential uses from negative impacts of commercial uses.

Supplemental Regulations

Wineries and hard cider operations may be permitted in any Zoning District which permits commercial farms subject to the following:

A. Permitted Accessory Uses

Wineries and Hard Cider Operations may be permitted by the Planning Commission on properties actively used for agriculture. All required licenses and approvals shall be obtained by the appropriate state and federal agencies prior to operation of the winery. Winery may include those land uses/activities permitted by the [Michigan Liquor Control Commission's](#) Michigan Wine Maker and Small Wine Maker license.

B. Site Size

The minimum property size shall be twenty (20) acres or larger by description, having at least six hundred (600) feet of lot width and at six hundred (600) feet of lot depth. A minimum of ten (10) acres of the parcel must be in active agricultural production or open space as determined by the Planning Commission.

C. On-premise Consumption

Consumption of the alcoholic beverages on the site shall be limited to tasting room quantities. The facility shall not function as a bar as defined in this Ordinance. Supplemental food services may be provided. Supplemental food services, if proposed, must be clearly incidental to the agricultural operation and must be demonstrated as such by the applicant. Minimum Health Agency standards shall be met. Only beverages produced by the licensed facility may be sold on site (non-alcoholic beverages are excluded from this standard).

D. Hours of Operation

The Winery Operations shall be limited to the hours of 10AM to 10PM.

E. Building Limitations

The floor area of retail sales area, including the tasting room, shall be no more than twenty-five (25) percent of the floor area devoted to the winery, but in no case shall it occupy more than two-thousand (2,000) sq. ft. of floor area.

F. Parking

Off-street parking spaces shall be provided in accordance with the standards of Section 22.02 of this Ordinance, except that 1) parking areas shall be setback a minimum of fifty (50) feet from all property lines, and 2) adequate parking shall be provided for all uses on the property. Driveway access must meet the minimum standards of the Road Agency having jurisdiction.

G. Screening

The parking area shall be effectively screened from adjacent properties in accordance with the standards of [Section 22.04.2](#).

H. Lighting

Outdoor lighting shall meet the Standards of [Section 22.06](#) of this Ordinance.

I. Signs

Accessory signs shall follow the Standards of [Section 22.07](#) of this Ordinance.

J. Fire Protection

The winery shall only be approved upon approval of the use and site plan by the Fire Chief whose department serves the property.

Modifications to the standards listed in items B thru J above may be approved by the Planning Commission, if the intent of the Zoning Ordinance is kept and the surrounding properties are protected from nuisances."

Article 27

Administration

Section	Name	Pg	Section	Name	Pg
27.00	Duties of Zoning Administrator	27-1	27.09	Violations and Penalties	27-8
27.01	Zoning Permit	27-1	27.10	Stop Work Order	27-8
27.02	Reserved	27-3	27.11	Amendments	27-8
27.03	Fees	27-3	27.12	Vested Right	27-9
27.04	Interpretation	27-4	27.13	Severance Clause	27-9
27.05	Public Notification	27-4	27.14	Conflicting Regulations	27-9
27.06	Conditions	27-6	27.15	Savings Clause	27-10
27.07	Rehearing Process	27-6	27.16	Repeal	27-10
27.08	Enforcement	27-7	27.17	Effective Date	27-10

Section 27.00 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to review zoning permit applications, find them complete, deny or grant Zoning Compliance Permits, forward the application to the body which this ordinance assigns the power to deny or approve, and to make inspections of buildings or premises necessary to carry out the duties of enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of the Section "Nonconformities".
- B. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out duties of Zoning Administrator.
- C. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of the Permit.

Section 27.01 Zoning Permit

The following shall apply in the issuance of any Permit:

A. Permits For New Use of Land

No vacant land shall be used or an existing use of land be changed to a new or different use unless a Zoning Permit is first obtained.

B. Permits For New Use of Buildings

No building or structure or part thereof, shall be changed to or occupied by a new or different use unless a Zoning Permit is first obtained.

C. Permits Required

No building or useable exterior parts thereof shall be erected, moved, expanded, or diminished in floor area unless a Zoning Permit shall have been first issued for such work. No Zoning Permit fee shall be applied to farm use buildings if not for human occupancy.

D. Permit Validity

Zoning Permits shall be valid for a period not to exceed twenty-four (24) months from the date of issuance.

E. Permit Exceptions

A zoning permit or fee is not needed under this Section for the following uses:

1. Essential Services

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

2. Voting Place

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

3. Commercial Farms

This Ordinance shall not be construed to interfere with commercial farm operations as defined in this ordinance and protected under the [Michigan Right To Farm Act \(1981 PA 93, as amended\)](#).

4. Alterations

Only exterior or interior repair and improvements which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district.

5. Internal Relocations Or Replacement

Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with the relocation or replacement, unless the modification structurally alters the premises or changes the exterior shape or form in any manner.

6. Public Utilities

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of over ground or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals,

Administration

hydrants, towers, pools, electrical substations, gas regulation stations and similar equipment and accessories reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems.

7. Open Space

Open Space.

8. Personal Recreation

Individual recreation uses such as boating, hiking, hunting, fishing, and trapping.

9. Plowing And Planting

Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.

10. Timber Harvesting

Harvesting of timber as part of a forest management activity when part of a forest management plan.

11. Planting

Hedges, arbors, trees, gardens, plants, shrubs.

12. Residential Access

Sidewalks, driveways to dwellings and duplexes.

13. Playhouses

Accessory structures to dwellings and duplexes which are constructed by minors, children, their parents or guardians for purposes of play by the minors and children including, but not limited to, playhouses, dollhouses, treehouses, forts, hideouts, and the like, so long as such accessory structures adhere to setback requirements of this ordinance.

Deviations from the approved Permit may result in Enforcement action as outlined in [Section 27.08](#) of this Ordinance.

Section 27.02

Reserved

Section 27.03 Fees

Fees for inspection and issuance of Permits or copies thereof required or issued under the provisions of the Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be established of the County Board of Commissioners.

Section 27.04 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public health, safety, and welfare.

Section 27.05 Public Notification

All applications requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#), and the other provisions of this Section with regard to public notification.

A. Published Notice

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Emmet County and mailed or delivered as provided in this Section.

B. Content

All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

C. Personal And Mailed Notice

1. **General.** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Emmet County. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to [subsection E below](#).
2. **Notice Considered Given.** Notice shall be considered given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice

Unless otherwise provided in the [Michigan Zoning Enabling Act, 2006 PA 110](#), or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

E. Registration To Receive Notice By Mail

1. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the County Clerk to receive written notice of all applications for development approval pursuant to [subsection \(C\)\(1\)\(c\)](#) above or

Administration

written notice of all applications for development approval within the zoning district in which they are located. The County Clerk shall be responsible for providing this notification, as established by the County Board of Commissioners.

2. **Requirements.** The requesting party must provide the County Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 27.06 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 27.07 Rehearing Process

A. **Rehearing Performed By Planning Commission or ZBA**

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

Administration

2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The County attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. Time Limit: A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 27.08 Enforcement

Except where otherwise stated, the provisions of this Ordinance shall be administered by the County Zoning Administrator or by such deputies of the Zoning Administrator's department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

The Zoning Administrator, or any Zoning Administrator's Deputy so designated by the Zoning Administrator, is designated as the authorized County official to issue Municipal Civil Infraction action.

Administration

Procedures for processing violations of this Ordinance are set forth in [Ordinance 97-10](#), the Municipal Civil Infraction Ordinance of Emmet County, as amended.

Section 27.09 Violations and Penalties

A use of land or of a building, or a building erected, altered, or converted in violation of this Ordinance is a nuisance per se. A violation of a Consent Judgment is a violation of this Ordinance and is a nuisance per se.

Any person, partnership, corporation or association who creates or maintains a nuisance per se, as defined in the preceding paragraph, or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. The penalties for a violation of this Ordinance are stated in [Ordinance 97-10](#), and those penalties are adopted by reference. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of this Ordinance.

Section 27.10 Stop Work Order

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the enforcement officer or zoning administrator may post a stop work order on the property at a suitable location in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent civil prosecution for failure to obey the order.

Section 27.11 Amendments

The County may from time to time, on recommendation from the Planning Commission, or on petition and subsequent recommendation from the Planning Commission, amend, supplement or change the District boundaries or the regulations or subsequently established pursuant to the authority and procedure established in, [2006 PA 110](#), as amended.

In addition, an owner of property or his authorized agent, or other petitioner, shall not initiate action for an amendment to the Zoning Map affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that: conditions affecting the property have changed substantially, or the nature of the request has changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

Administration

27.11.1 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

- A. Is the proposed rezoning consistent with the [current Master Plan](#)?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. What is the impact on the ability of the County and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- H. A zoning ordinance amendment approved by the Planning Commission shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.

Section 27.12 Vested Right

It is expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

Section 27.13 Severance Clause

Sections of this Ordinance shall be considered to be severable and should any section, paragraph, or provision hereof be declared by the Courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Section 27.14 Conflicting Regulations

Except as otherwise provided by law, if any provision of this Ordinance conflicts with any other provision or with any law, the more stringent provision or law shall control.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 27.15 Savings Clause

A prosecution that is pending on the effective date of this Ordinance and that arose from a violation of an ordinance repealed by this Ordinance, or a prosecution that started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance and that was committed before the effective date of this Ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 27.16 Repeal

Emmet County Zoning Ordinance No. 10 adopted by the Emmet County Board of Commissioners on August 24, 1972, as amended from time to time thereafter, is repealed in its entirety.

Section 27.17 Effective Date

This Ordinance shall take effect seven (7) days after its publication.

James E. Tamlyn, Chairman
Emmet County Board of Commissioners

State of Michigan)
County of Emmet)

I, Juli Wallin, Clerk of the County of Emmet and of the Emmet County Board of Commissioners, do hereby certify that the foregoing Ordinance was adopted by a majority vote of the Board on October 15, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Emmet this ____ day of _____, 2015, at Petoskey, Michigan

Juli Wallin, Clerk