**Purpose & Authority**

**County of Emmet**

**State of Michigan**

### Article 1

**Intent & Authority**

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#### Section 1.00 Title

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing those portions of Emmet County, Michigan, lying outside the limits of incorporated Cities and Villages, to regulate and restrict the location and use of buildings, structures and other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size of yards and open spaces; to regulate and limit the density of population; to regulate the proper use of natural resources; and for said purposes to divide the County into districts and establishing the boundaries thereof; providing for changes in this Ordinance defining certain terms; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

#### 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.**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of Emmet County, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate natural light, air and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation and other public requirements, and by other means including support for open space or conservation developments, both
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residential and nonresidential, where natural resource protection influences the design, all in accordance with a Comprehensive Plan now therefore:

Section 1.01 Authority

This ordinance is enacted pursuant to and in accordance with 1945 PA 182, as amended, (being the County Zoning Act, MCL 125.101 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to 2006 PA 110, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.), hereinafter referred to as the "Zoning 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 herein as “this ordinance” or "the ordinance".
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”, “maintained 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 herein 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.

Section 2.01 Definitions

**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 dwelling unit (adu):** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

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

**Adult foster care facility:** See state-licensed residential facility.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may bage referred to herein as “altered” or “reconstructed”.

**APARTMENTS:** A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**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.

**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 liquor.

**BASEMENT:** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
**Bed and breakfast**: A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**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.

**Boarding house**: See definition “Rooming House”.

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

**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
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locating the mean between the extreme upper and lower finished grades per building elevation. Final building height shall be the result of averaging the combined building heights for each building elevation, i.e. the entire length of each side of the building.

**BUILDING LINE:** A line formed by the face of the building. A minimum building line is the same as a front setback line.

**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.

**Cabin:** See Cottage. Any building which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, for a fee but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

**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:

1. **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.
2. **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.

3. **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.

4. **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, 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 Subdivision Control Act, Land Division Act, as amended. Where the terms recorded plat, subdivision, lot and/or parcel is referred to in this Ordinance, that reference 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.

**Convalescent or nursing home**: A structure with sleeping rooms where persons are housed and furnished with meals, nursing and medical care. See Nursing Home.

**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.

**Deck**: A structural platform without a roof or walls, usually projecting from the wall of a
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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: A portion of the unincorporated area 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 (1) family.

Dwelling, multiple-family: A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other, containing three (3) 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, designed for occupancy by one (1) family for residential purposes and having cooking facilities, providing complete, independent living facilities for an individual or one (1) family, including provisions for eating, sleeping, cooking, and sanitation.

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.
**Definitions**

**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 in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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

**Family**: One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together as a single house-keeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

**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:

<table>
<thead>
<tr>
<th>Animal Type (one)</th>
<th>Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slaughter and Feeder Cattle</td>
<td>1.000</td>
</tr>
<tr>
<td>Mature Dairy Cattle</td>
<td>1.430</td>
</tr>
<tr>
<td>Swine</td>
<td>0.400</td>
</tr>
<tr>
<td>Sheep and Lambs</td>
<td>0.100</td>
</tr>
<tr>
<td>Horse</td>
<td>2.000</td>
</tr>
<tr>
<td>Turkeys</td>
<td>0.018</td>
</tr>
<tr>
<td>Chickens</td>
<td>0.010</td>
</tr>
</tbody>
</table>

* All other animal classes, types or sizes (e.g., Nursery Pigs) not in this table, but defined in the Michigan Right to Farm Act (Act 93 of 1981, as amended) or described in Michigan Commission of Agriculture Policy, are to be calculated as one thousand pounds live weight equals one animal unit. (Michigan Department of Agriculture, General Accepted Agricultural and Management Practices)

**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
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pets and raising animals for educational experience (regulated per Section 22.14). 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 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, usable (for the purpose of computing parking)**: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area". All floor levels shall be counted.
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**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.

**Garage, Detached:** See Accessory Building.

**GARAGE, PRIVATE:** Accessory building space designed or used solely for the storage of motor-driven vehicles, owned and used by the occupants of the building to which it is accessory.

**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 (9) or eighteen (18) 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.

**GREENBELT, SCREENING:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of the Zoning Ordinance.

**GREENBELT, SHORELINE:** 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 retained in a natural condition and is essentially void of any structural improvements. Beaches and/or vegetated areas shall be defined as shoreline greenbelts.

**GUEST HOUSE:** A guest house is an accessory dwelling unit constructed and maintained for the convenience of housing guests visiting a premises occupied by a main residence. Occupancy of a guest house shall be of short duration and shall not include rented or leased dwelling space, as with tourist housing or apartments. Mobile homes, travel trailers, and motor homes shall not be used for guest houses.

**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.

**High risk erosion and environmental areas** [D4]: 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**: A permissible accessory use of any residential premises by the occupant which may be carried on for gain, provided that the use does not take on the character of a business or industrial use in terms of signs, open storage, parking bays, visible display, traffic, noise, vibration, smoke, dust, odor or other and/or similar nuisances, and further the activity does not conflict with or operate out of character with any surrounding or adjacent uses.

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**: See definition "Motor Inn"—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 two (2) stories above the surface of the ground, has a common entrance, and may contain a restaurant, cocktail lounge and/or conference center facilities.

**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. The term “Junk Yard” includes automobile wrecking yards and/or includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**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 either permanently or temporarily boarded and/or where household pets are bred or sold.

**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. To qualify as a display lot, the property must meet the standards outlined in Article X, Section 1001 of the Ordinance.

E. **Foot-candle**: A measure of light falling on a surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) 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 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: An off-street A space for the temporary parking of a 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 AREA: The total horizontal area contained within the lot lines.

Lot, corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the arc is of less radius than one hundred fifty (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 one hundred thirty-five (135) degrees. [A corner lot is comprised of two front lot lines and two side lot lines.][D8]

LOT, THROUGH[D9]: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

LOT, ZONING: 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 Zoning Lot may not coincide with a lot of record, but may include one or more lots of record.

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 herein:

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.

   1. 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.

   2. 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 parcel 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 the front building line, or setback line intersects the side lot lines, whichever is closer to the...
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front lot line, 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.

Main building: A building in which the principal is conducted the principal's use of the lot upon
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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:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with our 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-Mobile home park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MOBILE HOME:** Any structure designed and pre-manufactured as a complete and transportable housing unit to be used as a place of residence for one family. Under the terms of this Ordinance, mobile homes are legally transportable over highways, but shall not include licensed travel trailers.

**MOBILE HOME—PERMANENT:** Mobile homes shall be considered "permanent" dwellings when the unit is mounted on a continuous masonry foundation or on a foundation of solid masonry pilings spaced to meet at least the minimum manufacturer’s specifications. Further, the permanent mobile home shall meet the minimum floor area requirements for one family dwellings, be securely anchored to the ground, and be taxable as real estate on the local assessment roll. When masonry piling supports are used, the mobile home shall be skirted with durable weather resistant materials as recommended by mobile home builders or as specifically manufactured for use as mobile home skirting, and all such skirting to be maintained in place as designed.
Skirting is required around permanent mobile homes not in mobile home parks, and said skirting shall be of an all-weather durable material as approved for use and installation by the Building Official administering Building Codes in the jurisdiction of location.

**MOBILE HOME—TEMPORARY:** Any unit other than a travel trailer or permanent mobile home having no foundation; but which may be equipped with wheels or other devices for transporting from place to place.

**MOBILE HOME OR TRAVEL TRAILER PARK:** Any plot of ground upon which three (3) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located.

**Motel:** A series of attached, semi-detached or detached rental units, not over two stories, to provide for temporary overnight lodging. 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.

**MOTOR INN OR 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 two (2) stories above the surface of the ground. A hotel or motor inn may contain a restaurant, cocktail lounge and conference center facilities.

**Non-conforming Structure BUILDING:** 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.

**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 factors:** 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, particularly at night, and passenger vehicle traffic.

**Nursery, plant materials:** 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, gifts, lawn furniture and gardening or farm equipment, or the like.

**Nursing home:** A nursing care facility, including a county medical care facility that provides
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organized nursing care to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**OFF-STREET PARKING LOT:** A parking area off the street, which may require drives and aisles for maneuvering, for the parking of four (4) or more vehicles.

**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 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.

**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 (4) or more vehicles.

**Parking space:** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto and fully accessible for the storage or parking of permitted vehicles.

**Patio:** An uncovered floor usually made of concrete, brick, or other material, placed directly on the ground.
PLANNED UNIT DEVELOPMENT: The following terms used in the Planned Unit Development District shall have the meaning defined below:

A. 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 may be implemented through a Special Use Permit or 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.

B. PLANNED UNIT DEVELOPMENT—MIXED USE: Planned Unit Development shall be considered “mixed use” if it portrays a variety of use types or classifications, such as one-family use types or classifications, such as one-family residential, multiple family residential, institutional, commercial and/or industrial. In an overlay district, (PUD-1), if the planned uses are not permitted in the underlying zone, then the PUD shall be considered a mixed use. Any application of a PUD Project that has the effect of permitting uses not allowed in the underlying district shall be considered mixed use.

C. PRELIMINARY PROJECT MASTER PLAN: A generalized Master Plan of the Project Area, drawn to scale, and indicating all lands under the control and/or ownership of the applicant or persons representing the owner, if he is not the applicant. The Preliminary Master Plan should be sufficiently detailed to show the arrangement of land uses over the entire project area in a clear and concise manner, but need not show specific building shapes or sizes. A Preliminary Master Plan 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.

D. FINAL MASTER PLAN: The Final Master Plan shall contain all of the elements prescribed for the Preliminary Master Plan, as defined in this Ordinance, except that the Final Master Plan shall include details concerning the following: general building
configurations and locations, the height of buildings, the specific arrangement of uses, public and/or private roads, identification of permanent open spaces, a contour map, recreation areas, and environmentally sensitive areas. An evaluation of the impact on public utilities including sewer, water, solid waste, and related community services such as schools, roads, fire and police protection.

Detailed information concerning densities of all proposed uses shall be included, such as the number of single family and multiple family dwelling units, design capacities of hotels and/or motels, number of commercial units, and acreage of proposed open space/recreation areas.

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

**Preschool**: See Educational Facility.

**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, 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, telegraph, transportation or water. (For the purposes of this Ordinance, personal wireless communication facilities are not included in the definition of a Public Utility.)

**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 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 CAMPS, LODGES & RESORTS**: A recreational facility normally operated for gain, which provides overnight lodging and one or more of the following activities: golf, skiing,
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Dude ranching, so called, recreational farming, snowmobiling, pack trips, boating and related. A resort has a minimum site of ten (10) acres.

**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 deemed 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.

**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 deemed to be a restaurant for zoning purposes.

**Residential human care and treatment facility**: A facility providing:

1. Emergency shelter and services for battered individuals and their children in a residential structure;

2. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.

3. Emergency shelter for individuals who are homeless.

4. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation
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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 raised or produced by the proprietor and his employees on the same premises.

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

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, two and multi-family dwellings or fraternity and sorority houses.

Salvage Yard: See Junk Yard.

School: See Educational Facility.

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.

Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance. 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 said items, or

2. has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

3. has a substantial portion of the retail value of its displayed merchandise which consists of said items, or

4. derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items, or

5. maintains a substantial portion of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in “floor space” maintained for the display, sale, or rental of said 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 said items (aisles and walkways used to access said items shall be included in “floor space” maintained for the display, sale, or rental of said items), or

7. regularly offers for sale or rental at least two thousand (2,000) of said items, or

8. regularly features said 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, 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
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 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
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.

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
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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).

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 retail stores within a single architectural plan, and occupying a site under single ownership, management or control, at least three (3) retail stores and/or services, so arranged or planned, shall qualify as a shopping center for zoning purposes 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.
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**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 retained 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 land use or product, service or activity; however, not including pennants or flags.

B. **Billboard**: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign and may be subject to regulation under the Highway Advertising Act, 1972 PA 106.

C. **Business center sign**: A sign which identifies and may give direction to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located within the planned complex, or contiguous stores.

D. **Changeable message sign**: A sign on which the message can be changed by hand, mechanically, or electronically.

E. **Directional sign**: An on- or off-premises sign which provides no advertising display or commercial message, but is used to direct visitors or customers to a particular land use.

F. **Flag**: Usually a rectangular piece of fabric made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.

G. **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.

H. **Home occupation sign**: A non-illuminated sign announcing a home occupation.

I. **Identification sign**: A sign containing the name of a business operating on the premises where located, the type of business, the owner, or resident, and/or the street address and containing no other advertisement display.

J. **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).

K. **Ingress-egress sign**: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.

L. **Marquee sign**: An "identification or business" sign attached to a marquee, canopy, or awning projection from the building.
M. **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.

N. **Off-premises directional sign**: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.

O. **Pennant**: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

P. **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.

Q. **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.

R. **Roof sign**: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.

S. **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. House or building numbers and tenant nameplates under one-square foot in size on or next to a door or on a mailbox or post are not considered signs.

T. **Sign, accessory**[^12]: A sign which is accessory to the principal use of the premises.

U. **Sign, non-accessory**[^13]: A sign which advertises a product, service, or business that is located on a property other than the property on which the sign is located.

V. **Sign face**: That part of a sign structure which is used to graphically communicate a message or announcement.

W. **Temporary sign**: A display sign, or advertising device with or without a structural frame, intended for a limited period of display.

X. **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.

The figure below illustrates many of the different types of signs defined above.
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**Site condominium (condominium subdivision):** A method of subdivision where the sale and ownership of sites is regulated by the condominium Act (P.A. 59 of 1978, 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 and the City Subdivision Regulations 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 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 Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (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 (6) or fewer individuals under twenty-four (24) 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, 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.

**STORY, HALF:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7’6”). For the purposes of this Ordinance the useable floor area is only that area having at least four feet (4’) clear height between floor and ceiling.
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**Street or road:** A public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

**Street or road, private:** For purposes of this Ordinance, any A non-public easement or right-of-way that provides motor vehicle access to three (3) or more lots, parcels, or site unit condominiums.

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

**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 OF BUILDING:** 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 supporting lines, cables, wires, braces, and masts.

**TRAVEL TRAILER AND CAMPER:** Any trailer coach, motor home, tent camper, demountable camper or unit designed as a vacation unit for short-term seasonal occupancy, which measures eight (8) feet or less in width and designed to be operated on highways.

**USE:** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

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

**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 (L90).

C. **dB(A)** means the sound pressure level in decibels. It refers to the “a” weighted scale
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:

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**: Includes 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. Common examples are Personal Communications Systems (PCS), cellular radiotelephone services, and paging. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers.

A. **Collocate**: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

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.

**Yards**: The open spaces on the same lot with a main building structure, unoccupied and
Definitions

unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

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 main building 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 main building structure. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. **Side yard**: An open space between a main building 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 main building structure.

**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, 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 3.00 Districts

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

**RESIDENTIAL DISTRICTS**
- R-1A  One Family Residential
- R-1B  One Family Residential
- R-2A  General Residential
- R-2B  General Residential
- R-2C  General Residential
- RR-1  Recreational Residential
- RR-2  Recreational Residential
- SR-1  Scenic Resource
- SR-2  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-1  Planned Unit Development Overlay
- PUD-2  Planned Unit Development
Section 3.01 Boundaries

The boundaries of these Districts are hereby 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 herein. 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 Principal Uses Permitted Subject to Special Conditions, are permissible as part of the main use.
### Section 4.00 Intent

This residence district is designed to provide for one-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):

<table>
<thead>
<tr>
<th>Uses Description</th>
<th>Permitted by Right</th>
<th>Permitted with a Special Use Permit</th>
<th>R-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGRICULTURE &amp; FORESTRY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farms, domestic</td>
<td>P*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ARTS, ENTERTAINMENT, AND RECREATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country Clubs</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf Courses</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, &amp; public lands</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Areas, private, nonprofit</td>
<td>S</td>
<td></td>
<td></td>
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<tr>
<td><strong>COMMUNICATIONS</strong></td>
<td></td>
<td></td>
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<tr>
<td>Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
<td>S</td>
<td></td>
<td></td>
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<tr>
<td><strong>EDUCATIONAL SERVICES/RELIGION</strong></td>
<td></td>
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<tr>
<td>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public or private schools</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religious Institutions</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>HUMAN CARE &amp; SOCIAL ASSISTANCE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family Child Care Home (6 or less)</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Child Care Home (7 -12)</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Care or Day Care Center/Nursery School</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living Nursing/Convalescent Home</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Human Care and Treatment Facility (for example, a homeless shelter or a halfway house) unless otherwise exempt by law</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MFG, INDUSTRIAL, MINING, WASTE MGMT</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Mines, quarries, and gravel pits</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MISCELLANEOUS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PUBLIC FACILITIES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Centers (public)</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Offices</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libraries</td>
<td>S</td>
<td></td>
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</tr>
<tr>
<td>Police/Fire Stations</td>
<td>S</td>
<td></td>
<td></td>
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<tr>
<td>Post Office</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works Facilities w/o Outdoor Storage</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amateur Radio Antennae (roof- or ground-mounted)</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P*S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>UTILITIES/ENERGY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Section 4.02 District Development Standards

### A. Lot & Structure Standards

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Minimum Lot Area</strong></td>
<td>a. ½ acre if no central water and/or sewerage facilities serve the development.</td>
</tr>
<tr>
<td></td>
<td>b. 12,000 square feet (100 X 120) if central water and/or sewerage facilities serve the development</td>
</tr>
<tr>
<td><strong>2. Minimum Lot Width</strong></td>
<td>100 feet</td>
</tr>
<tr>
<td><strong>3. Maximum Building Height</strong></td>
<td>30 feet</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>(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.</td>
</tr>
<tr>
<td></td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>(1) It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic views.</td>
</tr>
<tr>
<td></td>
<td>(2) The density of the use shall not exceed the maximum allowable density as stated in the Schedule of Regulations.</td>
</tr>
<tr>
<td></td>
<td>(3) The percent of lot coverage for all buildings, parking lots and other impervious surfaces shall not exceed fifty (50) percent.</td>
</tr>
<tr>
<td></td>
<td>(4) If applicable, the added height will retain 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.</td>
</tr>
<tr>
<td></td>
<td>(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 Planning Commission 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.</td>
</tr>
<tr>
<td><strong>4. Maximum Lot Coverage by the Area of all Buildings</strong></td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>This provision does not apply to structures four (4) feet in height or less.</td>
</tr>
<tr>
<td><strong>5. Minimum Floor Area</strong></td>
<td>720 feet</td>
</tr>
<tr>
<td></td>
<td>This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.</td>
</tr>
<tr>
<td><strong>6. Minimum Building Width</strong></td>
<td>20 feet for at least one-half its length</td>
</tr>
</tbody>
</table>
### Setbacks

#### 1. Minimum Front Yard

<table>
<thead>
<tr>
<th>30 feet</th>
</tr>
</thead>
</table>

**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

<table>
<thead>
<tr>
<th>25 feet</th>
</tr>
</thead>
</table>

**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

<table>
<thead>
<tr>
<th>10 feet</th>
</tr>
</thead>
</table>

**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 party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party 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 zone spaces shall not occupy required side yards and/or required 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.
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):

<table>
<thead>
<tr>
<th>Category</th>
<th>Use</th>
<th>Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOMMODATION &amp; FOOD SERVICES</td>
<td>Bed &amp; Breakfasts</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Hotels &amp; Motels, &amp; Motor Inns (attached or detached units)</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Tourist Homes</td>
<td>S</td>
</tr>
<tr>
<td>AGRICULTURE &amp; FORESTRY</td>
<td>Farms, domestic</td>
<td>P*</td>
</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td>Art Studios and/or Handcrafted Products when operated in the character of a home occupation.</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball)</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Private Clubs; Fraternal Lodges</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, &amp; public lands</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>Sportsmen’s Associations</td>
<td>S*</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td>Cash Advance Stores</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Electronic &amp; Precision Equipment Repair &amp; Maintenance</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Financial Institutions</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Funeral Homes &amp; Mortuaries</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Personal Services (barber/beauty shops, tailoring, massage)</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Professional Cleaning Services</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Professional Offices</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Real Estate Sales Office</td>
<td>S*</td>
</tr>
<tr>
<td></td>
<td>Small-Scale Craft Making</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Studios for dance, physical exercise and music</td>
<td>S*</td>
</tr>
<tr>
<td>COMMUNICATIONS</td>
<td>Television/Radio Broadcasting Stations (no tower)</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
<td>S*</td>
</tr>
<tr>
<td>EDUCATIONAL SERVICES/RELIGION</td>
<td>Colleges/Universities/Other Institutions of Higher/ Specialized Learning (public and private)</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Public or private schools</td>
<td>S</td>
</tr>
<tr>
<td></td>
<td>Religious Institutions</td>
<td>S</td>
</tr>
</tbody>
</table>
### General Residential District

**ARTICLE**

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

**RESIDENTIAL USES**

<table>
<thead>
<tr>
<th><strong>P = Permitted by right</strong></th>
<th><strong>S = Permitted with a Special Use Permit</strong></th>
<th><strong>R-2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Amateur Radio Antennae (roof- or ground-mounted)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P*</td>
<td>S*</td>
</tr>
<tr>
<td>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple-Family Dwelling Units</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple-Family Dwelling Units for Seniors</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Rooming &amp; Boarding Houses (group quarters)</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Townhouses</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Two-Family Dwelling (duplex)</td>
<td>S*</td>
<td></td>
</tr>
</tbody>
</table>

**UTILITIES/ENERGY**

<table>
<thead>
<tr>
<th><strong>S = Permitted with a Special Use Permit</strong></th>
<th><strong>R-2</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60' in height</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60' in height</td>
<td>S*</td>
</tr>
</tbody>
</table>
# Section 5.02 District Development Standards

**A. Lot & Structure Standards**

1. **Minimum Lot Area**
   - a. Single-Family Residences
     - (1) **1/2 acre** if no 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**
   - 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 scenic 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 retain 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 Planning Commission 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

<table>
<thead>
<tr>
<th>Type of Units in R-2A &amp; R-2B Districts</th>
<th>Minimum Land Area per Dwelling Unit Excluding Public Roads</th>
<th>Net Density in Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>6,000 Square Feet</td>
<td>7.260</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>6,000 Square Feet</td>
<td>7.260</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>8,500 Square Feet</td>
<td>5.125</td>
</tr>
<tr>
<td>Each Additional Bedroom - Add</td>
<td>Add 4,000 Square Feet</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Units in R-2C Districts</th>
<th>Minimum Land Area per Dwelling Unit Excluding Public Roads</th>
<th>Net Density in Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>4,000 Square Feet</td>
<td>10.890</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>4,000 Square Feet</td>
<td>10.890</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>5,667 Square Feet</td>
<td>7.687</td>
</tr>
<tr>
<td>Each Additional Bedroom, Add</td>
<td>Add 3,000 Square Feet</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**Density Notes:**

(a) A "den" or "library" or "extra room" shall count as a bedroom for the purposes of computing density.

(b) 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.

(c) 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

<table>
<thead>
<tr>
<th>30 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

#### 2. Minimum Rear Yard

<table>
<thead>
<tr>
<th>35 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback.</td>
</tr>
<tr>
<td>RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</td>
</tr>
</tbody>
</table>

#### 3. Minimum Side Yard

<table>
<thead>
<tr>
<th>20 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>b. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

#### 4. Other Regulations

a. **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.

b. 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.

c. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.

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

e. 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.
Section 6.00 Intent

The Recreation 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 major institutional or 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):

<table>
<thead>
<tr>
<th>Section</th>
<th>Pg</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR 6</td>
<td>47</td>
<td>Recreational Residential District</td>
</tr>
</tbody>
</table>

### ACCOMMODATION & FOOD SERVICES
- Recreation Camps, Recreation Lodges, & Resorts (for profit) S

### AGRICULTURE & FORESTRY
- Farms, domestic P

### ARTS, ENTERTAINMENT, AND RECREATION
- Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings) S
- Campgrounds S
- Country Clubs S
- Golf Courses S
- Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, & public lands P
- Recreation Areas, private, nonprofit S

### EDUCATIONAL SERVICES/RELIGION
- Public or private schools S
- Religious Institutions S

### HUMAN CARE & SOCIAL ASSISTANCE
- Family Child Care Home (6 or less) P
- Group Child Care Home (7 -12) S
- State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults) P

### MFG, INDUSTRIAL, MINING, & WASTE MGMT
- Mines, quarries & gravel pits S

### MISC
- Accessory Buildings & Uses Incidental to Main Permitted Uses P
- Customary Accessory Buildings without a Main Use S
- Minor Storage Buildings as a Main Use S
- Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises. P

### RESIDENTIAL USES
- Accessory dwelling Unit (ADU) P
- Amateur Radio Antennae (roof- or ground-mounted) P
- Cottages and Recreation Homes P
- Home Occupations P
- One-Family Dwelling P

### UTILITIES & ENERGY
- Public Utility Facilities (without storage yards) S
- 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 6.02 District Development Standards

#### A. Lot & Structure Standards

| 1. Minimum Lot Area | a. ½ acre if no 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 | 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 scenic 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 retain 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 Planning Commission 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 | 720 feet  
<p>| 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.  |</p>
<table>
<thead>
<tr>
<th>B. Setbacks</th>
<th>1. Minimum Front Yard</th>
<th>40 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Minimum Rear Yard</td>
<td>35 feet</td>
</tr>
<tr>
<td></td>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback.</td>
<td></td>
</tr>
<tr>
<td>3. Minimum Side Yard</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 required 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.
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. Because tourism recreation and environmental control are major aspects of the County's development situation, it is deemed to the fullest extent feasible.

Section 7.01 District Boundaries

Unless otherwise illustrated or indicated on the Zoning Map, the SR-Scenic Resource District shall be deemed 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):

<table>
<thead>
<tr>
<th>Category</th>
<th>Uses</th>
<th>Permitted/Permit Requirement</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOMODATION &amp; FOOD SERVICES</td>
<td>Recreation Camps, Recreation Lodges, &amp; Resorts (for profit)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>AGRICULTURE &amp; FORESTRY</td>
<td>Farms, domestic</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td>Boat Launching Pads and Minor Accessory Facilities</td>
<td>S*</td>
<td>Uses with Supplemental Regulations</td>
</tr>
<tr>
<td></td>
<td>Campgrounds</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Country Clubs</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Golf Courses</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Parks, Playgrounds, Recreation Areas</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreation Areas, private, nonprofit</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>EDUCATIONAL SERVICES/RELIGION</td>
<td>Public or private schools</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Religious Institutions</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>HUMAN CARE &amp; SOCIAL ASSISTANCE</td>
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<td></td>
<td>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</td>
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<td></td>
</tr>
<tr>
<td>MFG, INDUSTRIAL, MINING, &amp; WASTE MGMT</td>
<td>Mines, quarries &amp; gravel pits</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>MISC</td>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
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<td></td>
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<tr>
<td></td>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
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<tr>
<td></td>
<td>Minor Storage Buildings as a Main Use</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL USES</td>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
<td></td>
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<tr>
<td></td>
<td>Amateur Radio Antennae (roof- or ground-mounted)</td>
<td>P</td>
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<td></td>
<td>Cottages and Recreation Homes</td>
<td>P</td>
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<td></td>
<td>Home Occupations</td>
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</tr>
<tr>
<td></td>
<td>One-Family Dwelling</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>UTILITIES &amp; ENERGY</td>
<td>Public Utility Facilities (without storage yards)</td>
<td>S</td>
<td></td>
</tr>
</tbody>
</table>
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). Said 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.

A. Except as otherwise provided in this Article, every land use in the SR District shall preserve in its natural state a forty (40) foot setback from the ordinary high water mark of the adjacent lake, river, or other body of water, and/or from the right-of-way line(s) off the scenic highway, street, or road.

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

B. Native vegetation shall be preserved and maintained in the setback in its natural, undisturbed state, except where trimming, pruning, thinning, cutting, or removal is required: 1) for vehicular access, 2) for access to the body of water, including a boat dock, 3) to maintain the healthful growth of the vegetation in the setback, or 4) to protect the public health and safety. In such cases, the trimming, pruning, thinning, cutting, or removal shall preserve the scenic resource to the maximum extent possible. The term “native vegetation” means original or indigenous plants of the vicinity including trees, shrubs, vines, wild flowers, aquatic plants, or ground cover.

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.

C. In addition, a limited alteration of the native trees and shrubs in the setback shall be allowed using pruning or thinning where necessary to obtain a filtered view of a lake, river, or body of water; provided; however, that the impact of the scenic resource shall be minimized. Tree thinning shall be limited to 40% of the total trees (3” or more in diameter) within the regulated greenbelt area. Likewise, shrub vegetation shall be limited to 30% removal, except that noxious plants may be cleared (poison ivy).

D. Nothing in these requirements this Section shall be interpreted to require the planting of
E. This Section is intended to supplement, and not abrogate, the Michigan Department of Natural Resources’ authority over the review of applications and issuance of permits under the Endangered Species Protection Act (Part 365, 1994 PA 451, Michigan Natural Resources and Environmental Protection Act, MCL 324.36501, et seq.)

F. Any excavating, filling, grading, or other on-site construction activity shall insure: 1) that no silting will impact the adjacent waters, and 2) that all banks, slopes, and hillsides are stabilized to prevent soil erosion.

G. Applications for zoning permits for uses in the SR District shall include a plot plan which complies with the requirements set forth in Article 20 of this Ordinance, and which accurately depicts the existing native vegetation within the setback, including individual trees measuring three inches or more in diameter (caliper), and depicts the vegetation, if any, to be trimmed, pruned, thinned, cut, or removed. Photographs may be used to depict the vegetation. Additional information regarding the natural state of the setback may be required if deemed necessary or helpful by the Zoning Administrator.
### Section 7.04 District Development Standards

#### A. Lot & Structure Standards

- **1. Minimum Lot Area**
  - a. **30,000 square feet** if no 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**
  150 feet

- **3. Maximum Building Height**
  - 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 by that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 Planning Commission 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**
  720 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
### A. 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**  
   - **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 accessory residential building.

     b. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party 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 required 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.
**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 retain 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):

<table>
<thead>
<tr>
<th>Section</th>
<th>Pg</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOMMODATION &amp; FOOD SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed &amp; Breakfasts</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>AGRICULTURE &amp; FORESTRY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Shelter/Kennels</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Farms, domestic</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Forest products processing (limited)</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related.</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Riding Arenas/Academies or Boarding Stables</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Sawmills, Planing Mills, Veneer Mills and related operations</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Veterinary Services/Animal Clinics/Animal Hospitals</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Archery Ranges (&amp; as accessory use to a business)</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Country Clubs</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Nature Parks/Nature Areas/Wildlife Preserves</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, &amp; public lands</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recreation Areas, private, nonprofit</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>RV Parks/Travel Trailer Courts</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Sportsmen’s Associations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural products processing and storage (excluding concentrated animal feeding operations)</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Pet Care (except Veterinary and Animal Shelters)</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>COMMUNICATIONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Television &amp; Radio Towers</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Public Utility Microwaves</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Public Utility TV Transmitting Towers</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>CONSTRUCTION &amp; CONTRACTING</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Storage Facilities for Contractors as Home Occupation (for Materials /Contractor’s Equipment/Vehicles) within an enclosed building</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Storage Facilities for Contractors as Home Occupation – with outdoor storage</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>EDUCATIONAL SERVICES/RELIGION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public or private schools</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Religious Institutions</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>
### Farm and Forest Districts

<table>
<thead>
<tr>
<th>HUMAN CARE &amp; SOCIAL ASSISTANCE</th>
<th>FF-1</th>
<th>FF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Child Care Home (6 or less)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Child Care Home (7-12)</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Hospitals</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Assisted Living Home Nursing/Convalescent Home</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MFG, INDUSTRIAL, MINING, &amp; WASTE MGMT</th>
<th>FF-1</th>
<th>FF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home-Based Industry</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Mines, quarries &amp; gravel pits</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Sanitary Landfills</td>
<td>S*</td>
<td>S*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISC</th>
<th>FF-1</th>
<th>FF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
<td>S*</td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
<td>P*</td>
<td>P*</td>
</tr>
<tr>
<td>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</td>
<td>S*</td>
<td>S*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLIC FACILITIES</th>
<th>FF-1</th>
<th>FF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Centers (public)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Government Offices</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Libraries</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Police/Fire Stations</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Post Office</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Works Facilities with Outdoor Storage</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public Works Facilities w/o Outdoor Storage</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**ARTICLE**

**P** = Permitted by right

**S** = Permitted with a Special Use Permit

**F** = Uses with Supplemental Regulations

### RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Uses with Supplemental Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Building without a Principal Building</td>
</tr>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
</tr>
<tr>
<td>Amateur Radio Antennae (roof- or ground-mounted)</td>
</tr>
<tr>
<td>Cabins, hunting and fishing</td>
</tr>
<tr>
<td>Cottages and Recreation Homes</td>
</tr>
<tr>
<td>Home Occupations</td>
</tr>
<tr>
<td>One-Family Dwelling</td>
</tr>
<tr>
<td>Temporary Mobile Homes or Travel Trailers</td>
</tr>
</tbody>
</table>

### TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING

<table>
<thead>
<tr>
<th>Uses with Supplemental Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, &amp; other functions related to aviation.</td>
</tr>
<tr>
<td>Storage Buildings for RV, Travel Trailer, Boat, Water Craft, and Similar – not sales, servicing or commercial warehousing.</td>
</tr>
</tbody>
</table>

### UTILITIES & ENERGY

<table>
<thead>
<tr>
<th>Uses with Supplemental Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
</tr>
<tr>
<td>Public Utility Facilities (with storage yards)</td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
</tr>
<tr>
<td>Wind Energy Systems: Utility Grid</td>
</tr>
</tbody>
</table>
## Section 8.02 District Development Standards

### A. Lot & Structure Standards

<table>
<thead>
<tr>
<th></th>
<th>FF-1</th>
<th>FF-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
<td>1 acre</td>
<td>2 acres</td>
</tr>
<tr>
<td>2. Minimum Lot Width</td>
<td>150 feet</td>
<td>200 feet</td>
</tr>
<tr>
<td>3. Maximum Building Height</td>
<td>30 feet</td>
<td></td>
</tr>
</tbody>
</table>

**Lot & Structure Standards**

#### 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 scenic 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 retain 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 Planning Commission 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

<table>
<thead>
<tr>
<th></th>
<th>35%</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>This provision does not apply to structures four (4) feet in height or less.</td>
</tr>
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</table>

#### 5. Minimum Floor Area

<table>
<thead>
<tr>
<th></th>
<th>720 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.</td>
</tr>
</tbody>
</table>
B. Setbacks

1. Minimum Front Yard

<table>
<thead>
<tr>
<th>40 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>35 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback.</td>
</tr>
<tr>
<td>RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</td>
</tr>
</tbody>
</table>

3. Minimum Side Yard

<table>
<thead>
<tr>
<th>20 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

b. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party-common walls if constructed to meet all codes.

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.

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 zones shall not occupy required side yards and/or required 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.
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 deem beneficial to protect natural resources by the application of the FR District.

Section 9.01 Purposes

A. To retain 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 that 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 retain 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 Land Use Master Plan that includes protecting the County’s rural character, promoting rural open space, discouraging the divestment of State Forest Lands, protecting wildlife habitat, 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.
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):

<table>
<thead>
<tr>
<th>AGRICULTURE &amp; FORESTRY</th>
<th>P = Permitted by right</th>
<th>S = Permitted with a Special Use Permit</th>
<th>*Uses with Supplemental Regulations</th>
<th>FR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farms, domestic</td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forest products processing (limited)</td>
<td>S*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related.</td>
<td>P*</td>
<td></td>
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</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature Parks/Nature Areas/Wildlife Preserves</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, &amp; public lands</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation Areas, private, nonprofit</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RV Parks/Travel Trailer Courts</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Cemeteries</td>
<td>S*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>EDUCATIONAL SERVICES &amp; RELIGION</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public or private schools</td>
<td>P</td>
<td></td>
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</tr>
<tr>
<td>Religious Institutions</td>
<td>P</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>MFG, INDUSTRIAL, MINING, &amp; WASTE MGMT</td>
<td>S*</td>
<td></td>
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</tr>
<tr>
<td>Home-Based Industry</td>
<td>S*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Mines, quarries, and gravel pits</td>
<td>S*</td>
<td></td>
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</tr>
<tr>
<td>Sanitary Landfills</td>
<td>S*</td>
<td></td>
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<tr>
<td>MISCELLANEOUS</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
<td>S*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises.</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PUBLIC FACILITIES</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Centers (public)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Offices</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Libraries</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police/Fire Stations</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Post Office</td>
<td>P</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Public Works Facilities with Outdoor Storage</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works Facilities w/o Outdoor Storage</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL USES</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building without a Principal Building</td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Cabins, hunting and fishing</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottages and Recreation Homes</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Home Occupations</td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-Family Dwelling</td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Mobile Homes or Travel Trailers</td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRANSPORTATION, WAREHOUSE, WHOLESALE, STORAGE &amp; SHIPPING</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, &amp; other functions related to aviation.</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UTILITIES &amp; ENERGY</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utility Facilities (with storage yards)</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
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<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
<td>S*</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
<td>S*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Energy Systems: Utility Grid</td>
<td>S*</td>
<td></td>
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</tr>
</tbody>
</table>
### Section 9.03 District Development Standards

#### A. Lot & Structure Standards

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Minimum Lot Area</td>
<td>40 acres</td>
</tr>
<tr>
<td>2.</td>
<td>Minimum Lot Width</td>
<td>300 feet</td>
</tr>
<tr>
<td>3.</td>
<td>Maximum Building Height</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

**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 scenic 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 retain 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 Planning Commission 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.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Maximum Lot Coverage by the Area of all Buildings</td>
<td>35%</td>
</tr>
<tr>
<td></td>
<td>This provision does not apply to structures four (4) feet in height or less.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Minimum Floor Area</td>
<td>720 feet</td>
</tr>
<tr>
<td></td>
<td>This provision applies to permanent dwelling units and not cottages, cabins, motels or similar uses.</td>
<td></td>
</tr>
<tr>
<td>B. Setbacks</td>
<td>40 feet</td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>1. Minimum Front Yard</td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Minimum Rear Yard</td>
<td>40 feet</td>
<td></td>
</tr>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Minimum Side Yard</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Other Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<tr>
<td>b. Unenclosed paved areas, patios, and other surfaced areas may occupy a required yard, if such surface is accessory to a residential use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. For non-residential uses - driveways, sidewalks, parking areas, and loading zones spaces shall not occupy required side yards and/or required rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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</tr>
</tbody>
</table>
Local Tourist Business District

Article 10

B-1

Local Tourist Business District

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):

<table>
<thead>
<tr>
<th>USES</th>
<th>P = Permitted by right</th>
<th>S = Permitted with a Special Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOMODATION &amp; FOOD SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakeries (goods produced &amp; sold on-site)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bed &amp; Breakfasts</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cabins &amp; Cabin Courts</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Caterers/Food Service Contractors</td>
<td>P</td>
<td></td>
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<tr>
<td>Coffee Shops</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Drinking Establishments</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hotels &amp; Motels, &amp; Motor Inns (attached or detached units)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Microbreweries, Wineries, Distilleries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants with Outdoor Dining</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tourist Homes</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>AGRICULTURE &amp; FORESTRY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouse, nursery, landscaping and floriculture</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>ARTS, ENTERTAINMENT, AND RECREATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Arcades</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Archery Ranges (&amp; as accessory use to a business)</td>
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</tr>
<tr>
<td>Boat Docks, tourist/commercial</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Boat Tours</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Dive Shops/Dive Tours</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Marinas (including boat fuel sales, boat supplies, &amp; accessories)</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Museums &amp; Galleries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Private Clubs; Fraternal Lodges</td>
<td>P</td>
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</tr>
<tr>
<td>Skating Rinks (indoor)</td>
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<td></td>
</tr>
<tr>
<td>COMMERCIAL</td>
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<tr>
<td>Boat and Boating Accessory Sales</td>
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</tr>
<tr>
<td>Boat Repair &amp; Storage</td>
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<td></td>
</tr>
<tr>
<td>Building &amp; Garden Equipment &amp; Supplies Dealers</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</td>
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<td></td>
</tr>
<tr>
<td>Cash Advance Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Clothing &amp; Clothing Accessories Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Convenience Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Dry Cleaning &amp; Laundry Services (cleaning equipment is used to service only the premises at which it is located)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Electronic &amp; Precision Equipment Repair &amp; Maintenance</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Electronics &amp; Appliance Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Extermination &amp; Pest Control Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>P</td>
<td></td>
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<tr>
<td>Florists</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Food &amp; Beverage Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes &amp; Mortuaries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Furniture &amp; Home Furnishings Stores; Antique Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Gasoline Service Station</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>General Merchandise Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>General Rental Centers</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hardware Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Health &amp; Personal Care Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Interior Designers/Showrooms</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

Page | 65
<table>
<thead>
<tr>
<th>Local Tourist Business District</th>
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</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL continued</strong></td>
</tr>
<tr>
<td>Medical Equipment Sales</td>
</tr>
<tr>
<td>Movie Rental Stores</td>
</tr>
<tr>
<td>Office Supply Stores</td>
</tr>
<tr>
<td>Outdoor Vendors</td>
</tr>
<tr>
<td>Pawn Shops/Resale Shops</td>
</tr>
<tr>
<td>Personal Services (barber/beauty shops, tailoring, massage)</td>
</tr>
<tr>
<td>Pet Care (except Veterinary and Animal Shelters)</td>
</tr>
<tr>
<td>Pet Stores</td>
</tr>
<tr>
<td>Pharmacies/Medical &amp; Optical Supplies</td>
</tr>
<tr>
<td>Photofinishing/Photographers</td>
</tr>
</tbody>
</table>
| 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 |
| Wineries/Distilleries/Breweries | S   |
| **COMMUNICATIONS**              |     |
| Television/Radio Broadcasting Stations (no tower) | P |
| **CONSTRUCTION & CONTRACTING**  |     |
| Special trade contractors (ex: electrical, plumbing, heating – 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 |
| **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 without a Main Use | S* |
| Minor Storage Buildings as a Main Use | S* |
| **PUBLIC FACILITIES**           |     |
| Government Offices              | P   |
| **RESIDENTIAL USES**            |     |
| Accessory dwelling Unit (ADU)   | P   |
| Dwelling Units above/attached to Commercial Establishment | 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                 | 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 10.02 District Development Standards

#### A. Lot & Structure Standards

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>2. Minimum Lot Width</td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td>3. Maximum Building Height</td>
<td>30 feet</td>
<td></td>
</tr>
</tbody>
</table>

**3. Maximum Building Height**

- 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.

- 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 scenic 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 retain 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 Planning Commission 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.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Maximum Lot Coverage by the Area of all Buildings</td>
<td>None</td>
</tr>
<tr>
<td>5. Minimum Floor Area</td>
<td>None</td>
</tr>
</tbody>
</table>
### B. Setbacks

<table>
<thead>
<tr>
<th>1. Minimum Front Yard</th>
<th>25 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
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<tr>
<th>2. Minimum Rear Yard</th>
<th>20 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</td>
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<tr>
<th>3. Minimum Side Yard</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>c. 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.</td>
<td></td>
</tr>
</tbody>
</table>

### 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.
**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):

<table>
<thead>
<tr>
<th>Section</th>
<th>Uses with Supplementation Regulations</th>
<th>B-2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACCOMMODATION &amp; FOOD SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakeries (goods produced &amp; sold on-site)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bed &amp; Breakfasts</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Cabins &amp; Cabin Courts</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Caterers/Food Service Contractors</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Coffee Shops</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Convention Centers/Conference Centers/Banquet Halls</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Drinking Establishments</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hotels &amp; Motels, &amp; Motor Inns (attached or detached units)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Microbreweries, Wineries, Distilleries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Restaurants with Drive-Through (Drive-In or Eat in Car)</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Restaurants with Outdoor Dining</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tourist Homes</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>AGRICULTURE &amp; FORESTRY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Shelter/Kennels</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Greenhouse, nursery, landscaping &amp; floriculture</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Lumber yards (pre-planed, finished lumber)</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Riding Arenas/Academies or Boarding Stables</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Veterinary Services/Animal Clinics/Animal Hospitals</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td><strong>ARTS, ENTERTAINMENT, AND RECREATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Arcades</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Archery Ranges (including accessory use to a business)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Assembly Halls</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Boat Docks, tourist/commercial</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Boat Tours</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bowling Centers/Billiard Parlors</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Drive Shops/Dive Tours</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted by right  
S = Permitted with a Special Use Permit  
*S = Uses with Supplemental Regulations
<table>
<thead>
<tr>
<th>Category</th>
<th>Use</th>
<th>Permitation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electronics &amp; Precision Equipment Repair</td>
<td>Permitted by right</td>
<td>B-2</td>
</tr>
<tr>
<td>Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extermination &amp; Pest Control Services</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Financial Institutions</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Florists</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Food &amp; Beverage Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Funeral Homes &amp; Mortuaries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Furniture &amp; Home Furnishings Stores;</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Antique Stores</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gasoline Service Station</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>General Merchandise Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>General Rental Centers</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hardware Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Health &amp; Personal Care Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Home Improvement Centers (lumber stored</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>in enclosed structure)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Designers/Showrooms</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home Dealers</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Medical Equipment Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Movie Rental Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Office Supply Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor Sales of automobiles, trucks,</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>motorcycles, ATV’s, marine craft, farm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>implements, contractor’s equipment, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>similar units.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Vendors</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Pawn Shops/Resale Shops</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Personal Services (barber/beauty shops,</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>tailoring, massage)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Care (except Veterinary and Animal</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Shelters)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pet Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Pharmacies/Medical &amp; Optical Supplies</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Photofinishing/Photographers</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Printing/Binding/Publishing of Printed</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Cleaning Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Professional Offices</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Real Estate Sales Office</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Retail Uses with Outdoor Storage</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Seasonal Use Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sexually Oriented Businesses</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td>Shopping Center – Multiple Businesses</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Small-Scale Craft Making</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Sporting Goods, Hobby, Book &amp; Music</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Stores</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studios for dance, physical exercise</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>and music</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wineries/Distilleries/Breweries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Wireless Telecommunications Towers &amp;</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td>Facilities &amp; Alternative Tower Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>CONSTRUCTION &amp; CONTRACTING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)</td>
<td>S*</td>
<td></td>
</tr>
</tbody>
</table>
# Section 11.02 District Development Standards

## A. Lot & Structure Standards

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
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</tr>
<tr>
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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.

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:

1. It is determined that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 Planning Commission 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.

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<tbody>
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</table>
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<th>25 feet</th>
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<td>a. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
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<td>c. For nonresidential uses, driveways, sidewalks, parking areas, and loading zones spaces shall not occupy required side yards and/or required rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.</td>
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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.
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):

<table>
<thead>
<tr>
<th>Section</th>
<th>Using</th>
<th>Name</th>
</tr>
</thead>
</table>

- **P** = Permitted by right
- **S** = Permitted with a Special Use Permit
- * = Uses with Supplemental Regulations

### ACCOMMODATION & FOOD SERVICES
- Bakeries (goods produced & sold on-site) **P**
- Bed & Breakfasts **P**
- Cabins & Cabin Courts **P**
- Caterers/Food Service Contractors **P**
- Coffee Shops **P**
- Convention Centers/Conference Centers/Banquet Halls **P**
- Drinking Establishments **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
- Greenhouse, nursery, landscaping and floriculture **S**
- Lumber yards (pre-planed, finished lumber) **S**
- Riding Arenas/Academies or Boarding Stables **S**

### ARTS, ENTERTAINMENT, AND RECREATION
- Amusement Arcades **P**
- Archery Ranges (as accessory use to a business) **P**
- Assembly Halls **P**
- Boat Tours **P**
- Bowling Centers/Billiard Parlors **P**
- Dive Shops/Dive Tours **P**
- Museums & Galleries **P**
- Private Clubs; Fraternal Lodges **P**
- Skating Rinks (indoor) **P**
- Theaters/Performing Arts Facilities **P**
- 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**
- Convenience Stores **P**
- Crematoriums **S**
- 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**
### Commercial/Industrial District

**ARTICLE 12**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Permitted by Right</th>
<th>Special Use Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL continued</strong></td>
<td>Food &amp; Beverage Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Funeral Homes &amp; Mortuaries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Furniture &amp; Home Furnishings Stores; Antique Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Merchandise Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>General Rental Centers</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hardware Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Health &amp; Personal Care Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Home Improvement Centers (lumber stored in enclosed structure)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interior Designers/Showrooms</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Equipment Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Laboratories</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Movie Rental Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office Supply Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pawn Shops/Resale Shops</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personal Services (barber/beauty shops, tailoring, massage)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pet Care (except Veterinary and Animal Shelters)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pet Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pharmacies/Medical &amp; Optical Supplies</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Photofinishing/Photographers</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Printing/Binding/Publishing of Printed Materials</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Professional Cleaning Services</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Professional Offices</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Real Estate Sales Office</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seasonal Use Sales</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexually Oriented Businesses</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Small-Scale Craft Making</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sporting Goods, Hobby, Book &amp; Music Stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Studios for dance, physical exercise and music</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wineries/Distilleries/Breweries</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>COMMUNICATIONS</strong></td>
<td>Television/Radio Broadcasting Stations (no tower)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>EDUCATIONAL SERVICES &amp; RELIGION</strong></td>
<td>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Religious Institutions</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Trade Schools</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td><strong>HUMAN CARE &amp; SOCIAL ASSISTANCE</strong></td>
<td>Health Care/Dental/Optical Clinics</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>MANUFACTURING, INDUSTRIAL, MINING &amp; WASTE MANAGEMENT</strong></td>
<td>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Computer, Electronic, &amp; Appliance Product Mfg</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Craft Product Mfg</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Food/beverage bottling &amp;packaging</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Laboratories</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Leather &amp;Allied Product Mfg</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Machine Shops</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mines, quarries, and gravel pits</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plastics Mfg (when cooling towers are not required)</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Research/Design/Experimental Product Development (within a completely enclosed building)</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sanitary Landfills</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Textile &amp; Apparel Mfg</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tool &amp; Die Shops</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wood Product Mfg (not mills)</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td><strong>MISC</strong></td>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minor Storage Buildings as a Main Use</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking lots, Off Street &amp; Accessory Loading Areas</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Parking Structures</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Dwelling Units above/attached to Commercial Establishment</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td><strong>TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE &amp; SHIPPING</strong></td>
<td>Couriers/Parcel Packing/Shipping/Delivery Establishments</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mail Order Establishments</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wholesale Trade</td>
<td>P*</td>
<td></td>
</tr>
<tr>
<td><strong>UTILITIES &amp; ENERGY</strong></td>
<td>Public Utility Facilities (without storage yards)</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
<td>S*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
<td>S*</td>
<td></td>
</tr>
</tbody>
</table>
Section 12.02 Required Conditions

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

A. No open storage of finished goods or raw materials in front or side yards, except screened dumpster locations for normal waste disposal purposes.

B. The locational and site limitations established for wholesale uses as regulated under Sec. 901-5, b, c, d.

C. 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.

D. The 10 ft. side setback may be waived where common wall buildings join a lot line, per Note e, Sec. 19.01. Rear and front setbacks, structure height, and signs as regulated in the B-2 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.
## Section 12.02 District Development Standards

### A. Lot & Structure Standards

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Minimum Lot Area</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>2. Minimum Lot Width</strong></td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td><strong>3. Maximum Building Height</strong></td>
<td>30 feet</td>
<td></td>
</tr>
</tbody>
</table>

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.

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:

1. It is determined by that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 **Planning Commission** 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.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>4. Maximum Lot Coverage by the Area of all Buildings</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>5. Minimum Floor Area</strong></td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
B. Setbacks

1. Minimum Front Yard
   - Minimum: 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
   - Minimum: 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
   - Minimum: 10 feet
   - a. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party 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.
   - c. For nonresidential uses, driveways, sidewalks, parking areas, and 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 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.
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):

<table>
<thead>
<tr>
<th>Section</th>
<th>Pg</th>
<th>Name</th>
</tr>
</thead>
</table>

**ACCOMODATION & FOOD SERVICES**
- Bakers (goods produced & sold on-site) **P**
- Bed & Breakfasts **P**
- Cabins & Cabin Courts **P**
- Caterers/Food Service Contractors **P**
- Coffee Shops **P**
- Drinking Establishments **P**
- Hotels & Motels, & Motor Inns (attached or detached units) **P**
- Microbreweries, Wineries, Distilleries **P**
- Restaurants **P**
- Restaurants with Outdoor Dining **P**
- Tourist Homes **P**

**ARTS, ENTERTAINMENT, AND RECREATION**
- Amusement Arcades **P**
- Archery Ranges (as accessory use to a business) **P**
- Boat Tours **P**
- Dive Shops/Dive Tours **P**
- Museums & Galleries **P**
- Private Clubs; Fraternal Lodges **P**
- Public Parks, Playgrounds, Recreation Areas including accessory shelters and apparatus, and public lands **P**

**COMMERCIAL**
- Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale) **P**
- Cash Advance Stores **P**
- Clothing & Clothing Accessories Stores **P**
- Convenience Stores **P**
- 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**

P = Permitted by right
S = Permitted with a Special Use Permit
*Uses with Supplemental Regulations

P-T
<table>
<thead>
<tr>
<th><strong>COMMERCIAL continued</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by right</strong></td>
</tr>
<tr>
<td><strong>S = Permitted with a Special Use Permit</strong></td>
</tr>
<tr>
<td><strong>*Uses with Supplemental Regulations</strong></td>
</tr>
<tr>
<td><strong>MANUFACTURING, INDUSTRIAL, MINING &amp; WASTE MANAGEMENT</strong></td>
</tr>
<tr>
<td>Food/beverage bottling &amp; packaging</td>
</tr>
<tr>
<td>Mines, quarries, and gravel pits</td>
</tr>
<tr>
<td>Sanitary Landfills</td>
</tr>
<tr>
<td><strong>MISC</strong></td>
</tr>
<tr>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
</tr>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
</tr>
<tr>
<td>Parking lots, Off Street &amp; Accessory Loading Areas</td>
</tr>
<tr>
<td>Uses that are an expansions of existing business properties from an adjoining B-1, B-2, or B-3 District</td>
</tr>
<tr>
<td><strong>COMMUNICATIONS</strong></td>
</tr>
<tr>
<td>Television/Radio Broadcasting Stations (no tower)</td>
</tr>
<tr>
<td><strong>EDUCATIONAL SERVICES &amp; RELIGION</strong></td>
</tr>
<tr>
<td>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</td>
</tr>
<tr>
<td>Public or private schools</td>
</tr>
<tr>
<td>Religious Institutions</td>
</tr>
<tr>
<td><strong>HUMAN CARE &amp; SOCIAL ASSISTANCE</strong></td>
</tr>
<tr>
<td>State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults).</td>
</tr>
<tr>
<td><strong>P = Permitted by right</strong></td>
</tr>
<tr>
<td><strong>S = Permitted with a Special Use Permit</strong></td>
</tr>
<tr>
<td><strong>*Uses with Supplemental Regulations</strong></td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
</tr>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
</tr>
<tr>
<td>Dwelling Units above/attached to Commercial Establishment</td>
</tr>
<tr>
<td>Home Occupations</td>
</tr>
<tr>
<td>One-Family Dwelling</td>
</tr>
<tr>
<td>Multiple-Family Dwelling Units</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE &amp; SHIPPING</strong></td>
</tr>
<tr>
<td>Wholesale Trade</td>
</tr>
<tr>
<td><strong>UTILITIES &amp; ENERGY</strong></td>
</tr>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>A. Lot &amp; Structure Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
<td>None</td>
</tr>
<tr>
<td>2. Minimum Lot Width</td>
<td>100 feet</td>
</tr>
<tr>
<td>3. Maximum Building Height</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

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.

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:

(1) It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 Planning Commission 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.
### B. Setbacks

<table>
<thead>
<tr>
<th>1. Minimum Front Yard</th>
<th>25 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Minimum Rear Yard</th>
<th>20 feet</th>
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</thead>
<tbody>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback. RESIDENCES ONLY: Setback sixty (60) feet from the high water mark.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Minimum Side Yard</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

### 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 zones 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.
**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):

<table>
<thead>
<tr>
<th>Category</th>
<th>Uses</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by right</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>S = Permitted with a Special Use Permit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Uses with Supplemental Regulations</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACCOMMODATION &amp; FOOD SERVICES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakeries (goods produced &amp; sold on-site)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Cabins &amp; Cabin Courts</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Caterers/Food Service Contractors</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Coffee Shops</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Convention Centers/Conference Centers/Banquet Halls</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Drinking Establishments</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Hotels &amp; Motels, &amp; Motor Inns (attached or detached units)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Microbreweries, Wineries, Distilleries</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Restaurants</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Restaurants with Drive-Through (Drive-In or Eat in Car)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Restaurants with Outdoor Dining</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Tourist Homes</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td><strong>AGRICULTURE &amp; FORESTRY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Shelter/Kennels</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Greenhouse, nursery, landscaping and floriculture</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Riding Arenas/Academies or Boarding Stables</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Sawmills, Planing Mills, Veneer Mills and related operations</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Veterinary Services/Animal Clinics/Animal Hospitals</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td><strong>ARTS, ENTERTAINMENT, AND RECREATION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly Halls</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Bowling Centers/Billiard Parlors</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Museums &amp; Galleries</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Outdoor Performance Facilities/Theaters</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Private Clubs; Fraternal Lodges</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td><strong>COMMERICAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural products processing and storage (excluding concentrated animal feeding operations)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Auto Body/Paint/Interior &amp; Glass; Auto Repair; Oil Change</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Automotive Equipment Rental/Leasing</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Carwashes</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Cash Advance Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Clothing &amp; Clothing Accessories Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Commercial/Industrial Equipment Rental &amp; Leasing</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Convenience Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Crematoriums</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Dry Cleaning &amp; Laundry Services (cleaning equipment is used to service only the premises at which it is located)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Electronic &amp; Precision Equipment Repair &amp; Maintenance</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Electronics &amp; Appliance Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Extermination &amp; Pest Control Services</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Financial Institutions</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Florists</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Food &amp; Beverage Stores</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Funeral Homes &amp; Mortuaries</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Furniture &amp; Home Furnishings Stores; Antique Stores</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>
# Light Industrial District

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food/beverage bottling &amp; packaging</td>
<td>P*</td>
</tr>
<tr>
<td>Furniture &amp; Related Product Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Incinerator Plant (pyrolysis type)</td>
<td>S*</td>
</tr>
<tr>
<td>Laboratories</td>
<td>P*</td>
</tr>
<tr>
<td>Leather &amp; Allied Product Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Machine Shops</td>
<td>P*</td>
</tr>
<tr>
<td>Metal Plating/Buffing/Polishing/Cutting/Slitting/Shaping</td>
<td>S*</td>
</tr>
<tr>
<td>Mineral Processing Facilities &amp; Operations</td>
<td>S*</td>
</tr>
<tr>
<td>Mines, quarries, and gravel pits</td>
<td>S*</td>
</tr>
<tr>
<td>Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)</td>
<td>P*</td>
</tr>
<tr>
<td>Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution</td>
<td>S*</td>
</tr>
<tr>
<td>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</td>
<td>S*</td>
</tr>
<tr>
<td>Research/Design/Experimental Product Development (within a completely enclosed building)</td>
<td>P*</td>
</tr>
<tr>
<td>Sanitary Landfills</td>
<td>S*</td>
</tr>
<tr>
<td>Sign Painting &amp; Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Textile &amp; Apparel Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Tool &amp; Die Shops</td>
<td>P*</td>
</tr>
<tr>
<td>Wood Product Mfg (not mills)</td>
<td>R*</td>
</tr>
</tbody>
</table>

## I-1

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Buildings &amp; Uses Incidental to Main Permitted Uses</td>
<td>P</td>
</tr>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
<td>S*</td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
<td>S*</td>
</tr>
<tr>
<td>Parking lots, Off Street &amp; Accessory Loading Areas</td>
<td>P</td>
</tr>
<tr>
<td>Parking Structures</td>
<td>P</td>
</tr>
</tbody>
</table>

## PUBLIC FACILITIES

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water &amp; Wastewater Treatment Plants &amp; Reservoirs</td>
<td>S*</td>
</tr>
</tbody>
</table>

## RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
<td>P</td>
</tr>
<tr>
<td>Dwelling Units above/attached to Commercial Establishment</td>
<td>P</td>
</tr>
<tr>
<td>Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose, Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</td>
<td>S*</td>
</tr>
</tbody>
</table>

## MANUFACTURING, INDUSTRIAL, MINING & WASTE MANAGEMENT

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Dry Cleaning Plants (not dealing directly with customers)</td>
<td>P*</td>
</tr>
<tr>
<td>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products</td>
<td>P*</td>
</tr>
<tr>
<td>Computer, Electronic, &amp; Appliance Product Mfg</td>
<td>P*</td>
</tr>
<tr>
<td>Food/beverage processing</td>
<td>P*</td>
</tr>
</tbody>
</table>

## COMMERCIAL

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interior Designers/Showrooms</td>
<td>P*</td>
</tr>
<tr>
<td>Manufactured Home Dealers</td>
<td>S</td>
</tr>
<tr>
<td>Medical Equipment Sales</td>
<td>P*</td>
</tr>
<tr>
<td>Medical Laboratories</td>
<td>P*</td>
</tr>
<tr>
<td>Movie Rental Stores</td>
<td>P*</td>
</tr>
<tr>
<td>Office Supply Stores</td>
<td>P*</td>
</tr>
<tr>
<td>Pawn Shops/Resale Shops</td>
<td>P*</td>
</tr>
<tr>
<td>Personal Services (barber/beauty shops, tailoring, massage)</td>
<td>P*</td>
</tr>
<tr>
<td>Pet Care (except Veterinary and Animal Shelters)</td>
<td>S</td>
</tr>
<tr>
<td>Pet Stores</td>
<td>P*</td>
</tr>
<tr>
<td>Pharmacies/Medical &amp; Optical Supplies</td>
<td>P*</td>
</tr>
<tr>
<td>Photofinishing/Photographers</td>
<td>P*</td>
</tr>
<tr>
<td>Professional Cleaning Services</td>
<td>P</td>
</tr>
<tr>
<td>Professional Offices</td>
<td>P*</td>
</tr>
<tr>
<td>Real Estate Sales Office</td>
<td>P*</td>
</tr>
<tr>
<td>Retail Uses with Outdoor Storage</td>
<td>S</td>
</tr>
<tr>
<td>Seasonal Use Sales</td>
<td>P</td>
</tr>
<tr>
<td>Sexually Oriented Businesses</td>
<td>P*</td>
</tr>
<tr>
<td>Small-Scale Craft Making</td>
<td>P</td>
</tr>
<tr>
<td>Sporting Goods, Hobby, Book &amp; Music Stores</td>
<td>P*</td>
</tr>
<tr>
<td>Studios for dance, physical exercise and music</td>
<td>P*</td>
</tr>
<tr>
<td>Wineries/Distilleries/Breweries</td>
<td>P</td>
</tr>
</tbody>
</table>

## COMMUNICATIONS

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Television &amp; Radio Towers</td>
<td>S*</td>
</tr>
<tr>
<td>Public Utility Microwaves</td>
<td>S*</td>
</tr>
<tr>
<td>Public Utility TV Transmitting Towers</td>
<td>S*</td>
</tr>
<tr>
<td>Television/Radio Broadcasting Stations (no tower)</td>
<td>P</td>
</tr>
<tr>
<td>Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
<td>S*</td>
</tr>
</tbody>
</table>

## CONSTRUCTION & CONTRACTING

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage Facilities for Contractors</td>
<td>S*</td>
</tr>
</tbody>
</table>

## EDUCATIONAL SERVICES & RELIGION

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Religious Institutions</td>
<td>P*</td>
</tr>
</tbody>
</table>

## HUMAN CARE & SOCIAL ASSISTANCE

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care / Dental / Optical Clinics</td>
<td>P*</td>
</tr>
<tr>
<td>State- Licensed Residential Facilities (Adult Foster Care - 6 or less adults)</td>
<td>P</td>
</tr>
</tbody>
</table>

## TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING

<table>
<thead>
<tr>
<th>Industry</th>
<th>Permitted Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couriers/Parcel Packing/Shipping/Delivery Establishments</td>
<td>P</td>
</tr>
<tr>
<td>Freight Terminals/Trucking Facilities</td>
<td>P*</td>
</tr>
<tr>
<td>Mail Order Establishments</td>
<td>P</td>
</tr>
<tr>
<td>Meat Lockers and/or Freezer Plants</td>
<td>P*</td>
</tr>
<tr>
<td>Rail yards</td>
<td>P*</td>
</tr>
<tr>
<td>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</td>
<td>P</td>
</tr>
<tr>
<td>Warehousing &amp; Storage (including ministorage)</td>
<td>P*</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>P*</td>
</tr>
<tr>
<td>UTILITIES &amp; ENERGY</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Electrical Transformer Stations &amp; Substations</td>
<td>P*</td>
</tr>
<tr>
<td>Gas Regulator Stations</td>
<td>P*</td>
</tr>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
<td>P*</td>
</tr>
<tr>
<td>Public Utility Facilities (with storage yards)</td>
<td>P*</td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
<td>S*</td>
</tr>
</tbody>
</table>
Section 14.02 District Development Standards

A. Lot & Structure Standards

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>2. Minimum Lot Width</td>
<td>100 feet</td>
<td></td>
</tr>
<tr>
<td>3. Maximum Building Height</td>
<td>30 feet</td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Maximum Lot Coverage by the Area of all Buildings</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>5. Minimum Floor Area</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
## B. Setbacks

<table>
<thead>
<tr>
<th>1. Minimum Front Yard</th>
<th>30 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>b. 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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Minimum Rear Yard</th>
<th>20 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refer to Section 22.11.2 for Minimum Waterfront Setback.</td>
<td></td>
</tr>
<tr>
<td>RESIDENCES ONLY: Setback sixty (60) feet from the high water mark</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Minimum Side Yard</th>
<th>10 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party common walls if constructed to meet all codes.</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>c. On nonconforming lots measuring 60 feet in width, or less, one side yard setback may be reduced to five (5) feet for one accessory residential building.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Other Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Driveways, sidewalks, parking areas, loading zones, spaces shall not occupy required side yards and/or required rear yards unless the Planning Commission approves a plan for shared parking, shared loading spaces, or shared access.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>
Section 14.03 Required Conditions

A. For all uses permitted Subject to Special Conditions 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.

B. The extent of walls or fences in the I-1 District, where required, and for all uses Subject to Special Conditions as may be required by the Planning Commission, 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 said fence, shall be considered to be an obscuring fence.

C. 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.
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 above permitted uses 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.

<table>
<thead>
<tr>
<th>Section</th>
<th>Pg</th>
<th>Name</th>
</tr>
</thead>
</table>

### ACCOMODATION & FOOD SERVICES
- Bakeries (goods produced & sold on-site) - P*
- Cabins & Cabin Courts - P*
- Caterers/Food Service Contractors - P
- Coffee Shops - P*
- Convention Centers/Conference Centers/Banquet Halls - P
- Drinking Establishments - 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*

### 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*
- 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*
<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>General Industrial District</td>
<td></td>
</tr>
</tbody>
</table>

**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 S*
- Funeral Homes & Mortuaries S*
- 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 (items stored in enclosed 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*
- 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*
- Wineries/Distilleries/Breweries 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*

**EDUCATIONAL SERVICES & RELIGION**

- Religious Institutions 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*
- Laboratories P*
- Leather & Allied Product Mfg P*
- Machine Shops P*
- Metal Plating/Buffing/Polishing/Cutting/Slit/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) R*

**MISC**

- Accessory Buildings & Uses Incidental to Main Permitted Uses P
- Customary Accessory Buildings without a Main Use S*
- Minor Storage Buildings as 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**

- Accessory dwelling Unit (ADU) P
- Dwelling Units above/attached to Commercial Establishment P
- Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose. S*
### General Industrial District

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)</td>
</tr>
</tbody>
</table>

#### TRANSPORTATION, WAREHOUSING, WHOLESALE, STORAGE & SHIPPING

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PERMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Couriers/Parcel Packing/Shipping/Delivery Establishments</td>
<td>P</td>
</tr>
<tr>
<td>Freight Terminals/Trucking Facilities</td>
<td>P*</td>
</tr>
<tr>
<td>Mail Order Establishments</td>
<td>P*</td>
</tr>
<tr>
<td>Meat Lockers and/or Freezer Plants</td>
<td>P*</td>
</tr>
<tr>
<td>Rail yards</td>
<td>P*</td>
</tr>
<tr>
<td>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</td>
<td>P</td>
</tr>
<tr>
<td>Warehousing &amp; Storage (including mini storage)</td>
<td>P*</td>
</tr>
</tbody>
</table>

#### UTILITIES & ENERGY

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>PERMIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Transformer Stations &amp; Substations</td>
<td>P*</td>
</tr>
<tr>
<td>Gas Regulator Stations</td>
<td>P*</td>
</tr>
<tr>
<td>Heating &amp; Electric Power Generating Plants</td>
<td>P</td>
</tr>
<tr>
<td>Public Utility Facilities (without storage yards)</td>
<td>P*</td>
</tr>
<tr>
<td>Public Utility Facilities (with storage yards)</td>
<td>P*</td>
</tr>
<tr>
<td>Wind Site Assessment Systems</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, greater than 60’ in height</td>
<td>S*</td>
</tr>
<tr>
<td>Wind Energy Systems, On-Site, up to 60’ in height</td>
<td>S*</td>
</tr>
</tbody>
</table>
## Section 15.02 District Development Standards

<table>
<thead>
<tr>
<th>A. Lot &amp; Structure Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Minimum Lot Area</td>
<td>None</td>
</tr>
<tr>
<td>2. Minimum Lot Width</td>
<td>100 feet</td>
</tr>
<tr>
<td>3. Maximum Building Height</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

- 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.

- 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:

  1. It is determined by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 Planning Commission 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.

<table>
<thead>
<tr>
<th>Maximum Lot Coverage by the Area of all Buildings</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Floor Area</td>
<td>None</td>
</tr>
</tbody>
</table>
### B. Setbacks

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum</th>
<th>Notes</th>
</tr>
</thead>
</table>
| 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.  
   b. 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. |
| 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 party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party 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.  
   c. On nonconforming lots measuring 60 feet in width, or less, one side yard setback may be reduced to five (5) feet for one accessory residential building. |

#### Diagram:
- **Shared parking approved by Planning Commission**
- **Building Envelope**
- **Property bordering a residential district**
- **10' buffer for front yard parking**

### 4. Other Regulations

a. Driveways, sidewalks, parking areas, and 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 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.
Section 16.00 Intent
The intent of this section is to incorporate the airport approach plans for the Pellston Regional Airport, which have been approved by the Michigan Aeronautics Commission in 2002, into the Emmet County Zoning Ordinance. The zones designated in the airport approach plan will function as airport overlay zones for zoning purposes. Furthermore, the land use guidelines applying to these overlay zones have been adapted from the Airport Approach Plan Land Use Guidelines which were approved by the Michigan Aeronautics Commission on November 15, 2006.

Airport Approach Zones 1-5
## Section 16.01 Development Regulations for Airport Approach Zones

### ZONE 1

The following table imposes additional standards for property located within Zone 1 of the Airport Approach Plan in addition to those standards which apply to the underlying districts. If any standard within the Airport Overlay District conflicts with that of an underlying district or the PUD-1 overlay district, the more restrictive standard shall apply.

**Underlying Districts:** FF-2, FR, SR-1, I-2, PUD-1

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Details</th>
</tr>
</thead>
</table>
| A. Prohibited specific land uses: | 1. Assisted Living Home; Nursing/Convalescent Home  
2. Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution (fueling provisions for aircraft are allowed)  
3. Public parks, playgrounds, or recreation areas.  
4. Hospitals  
5. Residential Human Care & Treatment Facility  
6. Residential Uses  
7. Community Centers; Libraries  
8. Commercial Television and Radio Towers  
10. Wind Energy Systems; Wind Site Assessment Systems  
11. Convention Centers/Conference Centers/Banquet Halls  
12. Hotels, Motels & Resorts  
13. Colleges/Universities; Other Institutions of Higher or Specialized Learning; Public/Private schools  
14. Religions Institutions |

| B. Permitted land uses shall be approved with a maximum occupancy of five (5) persons per acre. |

| C. All aviation uses are permitted. |

<table>
<thead>
<tr>
<th>ADDITIONAL REGULATIONS</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Only low-growing vegetation shall be allowed (i.e. shrubs and ground cover).</td>
<td></td>
</tr>
<tr>
<td>E. Lighting shall be no greater in height than the maximum allowable height of the building and shall be shaded downward.</td>
<td></td>
</tr>
<tr>
<td>F. Utilities shall be placed underground.</td>
<td></td>
</tr>
<tr>
<td>G. During the development process, all structures shall be sited as far from the runway centerline as possible.</td>
<td></td>
</tr>
<tr>
<td>H. Noise-sensitive permitted uses may not be approved.</td>
<td></td>
</tr>
<tr>
<td>I. Permitted uses which create large areas of standing water or which generate smoke and/or steam may not be approved.</td>
<td></td>
</tr>
<tr>
<td>J. Permitted uses which involve the storage of large quantities of hazardous of flammable material may not be approved.</td>
<td></td>
</tr>
</tbody>
</table>
ZONE 2

The following table imposes additional standards for property located within Zone 2 of the Airport Approach Plan in addition to those standards which apply to the underlying districts. If any standard within the Airport Overlay District conflicts with that of an underlying district or the PUD-1 overlay district, the more restrictive standard shall apply.

Underlying Districts: FF-2, FR, SR-1, I-2, PUD-1

<table>
<thead>
<tr>
<th>LAND USES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Prohibited specific land uses:</td>
<td>1. Assisted Living Home; Nursing/Convalescent Home</td>
</tr>
<tr>
<td></td>
<td>2. Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp;</td>
</tr>
<tr>
<td></td>
<td>Distribution (fueling provisions for aircraft are allowed)</td>
</tr>
<tr>
<td></td>
<td>3. Public parks, playgrounds, or recreation areas.</td>
</tr>
<tr>
<td></td>
<td>4. Hospitals</td>
</tr>
<tr>
<td></td>
<td>5. Residential Human Care &amp; Treatment Facility</td>
</tr>
<tr>
<td></td>
<td>6. Residential Uses</td>
</tr>
<tr>
<td></td>
<td>7. Community Centers; Libraries</td>
</tr>
<tr>
<td></td>
<td>8. Commercial Television and Radio Towers</td>
</tr>
<tr>
<td></td>
<td>Tower Structures</td>
</tr>
<tr>
<td></td>
<td>10. Wind Energy Systems; Wind Site Assessment Systems</td>
</tr>
<tr>
<td></td>
<td>11. Convention Centers/Conference Centers/Banquet Halls</td>
</tr>
<tr>
<td></td>
<td>12. Hotels, Motels &amp; Resorts</td>
</tr>
<tr>
<td></td>
<td>13. Colleges/Universities; Other Institutions of Higher or Special</td>
</tr>
<tr>
<td></td>
<td>Learning; Public/Private schools</td>
</tr>
<tr>
<td></td>
<td>14. Religions Institutions</td>
</tr>
<tr>
<td>B. Permitted land uses shall be approved with a maximum occupancy of five</td>
<td>5 persons per acre.</td>
</tr>
<tr>
<td>C. All aviation uses are permitted.</td>
<td></td>
</tr>
</tbody>
</table>

ADDITIONAL REGULATIONS

| D. Only low-growing vegetation shall be allowed (i.e. shrubs and ground  | E. Lighting shall be no greater in height than the maximum allowable height of |
|   cover).                                                               |   the building and shall be shaded downward.                            |
| F. Utilities shall be placed underground.                               | G. During the development process, all structures shall be sited as far from the |
|                                                                           |   runway centerline as possible.                                       |
| H. Noise-sensitive permitted uses may not be approved.                  | I. Permitted uses which create large areas of standing water or which generate |
|                                                                           |   smoke and/or steam may not be approved.                             |
| J. Permitted uses which involve the storage of large quantities of hazardous of | J. Permitted uses which involve the storage of large quantities of hazardous of |
|   flammable material may not be approved.                               |   flammable material may not be approved.                             |
ZONE 3
The following table imposes additional standards for property located within Zone 3 of the Airport Approach Plan in addition to those standards which apply to the underlying districts. If any standard within the Airport Overlay District conflicts with that of an underlying district or the PUD-1 overlay district, the more restrictive standard shall apply.

Underlying Districts: FF-1, FF-2, FR, R-2B, I-2, PUD-1

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>A. Prohibited specific land uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Assisted Living Home; Nursing/Convalescent Home</td>
</tr>
<tr>
<td></td>
<td>2. Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution (fueling provisions for aircraft are allowed)</td>
</tr>
<tr>
<td></td>
<td>3. Public parks, playgrounds, or recreation areas.</td>
</tr>
<tr>
<td></td>
<td>4. Hospitals</td>
</tr>
<tr>
<td></td>
<td>5. Multiple-Family Dwelling Units</td>
</tr>
<tr>
<td></td>
<td>6. Manufactured Housing Communities</td>
</tr>
<tr>
<td></td>
<td>7. Residential Human Care &amp; Treatment Facility</td>
</tr>
<tr>
<td></td>
<td>8. Community Centers; Libraries</td>
</tr>
<tr>
<td></td>
<td>9. Commercial Television and Radio Towers</td>
</tr>
<tr>
<td></td>
<td>10. Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
</tr>
<tr>
<td></td>
<td>11. Wind Energy Systems; Wind Site Assessment Systems</td>
</tr>
<tr>
<td></td>
<td>12. Convention Centers/Conference Centers/Banquet Halls</td>
</tr>
<tr>
<td></td>
<td>13. Hotels, Motels &amp; Resorts</td>
</tr>
<tr>
<td></td>
<td>14. Colleges/Universities; Other Institutions of Higher or Specialized Learning; Public/Private schools</td>
</tr>
<tr>
<td></td>
<td>15. Religions Institutions</td>
</tr>
</tbody>
</table>

|          | B. Permitted land uses shall be approved with a maximum occupancy of twenty-five (25) persons per acre. |
|          | C. All aviation uses are permitted. |

<table>
<thead>
<tr>
<th>ADDITIONAL REGULATIONS</th>
<th>D. Lighting shall be no greater in height than the maximum allowable height of the building and shall be shaded downward.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>E. Utilities shall be placed underground.</td>
</tr>
<tr>
<td></td>
<td>F. During the development process, all structures shall be sited as far from the runway centerline as possible.</td>
</tr>
<tr>
<td></td>
<td>G. Noise-sensitive permitted uses may not be approved.</td>
</tr>
<tr>
<td></td>
<td>H. Permitted uses which create large areas of standing water or which generate smoke and/or steam may not be approved.</td>
</tr>
<tr>
<td></td>
<td>I. Permitted uses which involve the storage of large quantities of hazardous of flammable material may not be approved.</td>
</tr>
</tbody>
</table>
ZONE 4

The following table imposes additional standards for property located within Zone 4 of the Airport Approach Plan in addition to those standards which apply to the underlying districts. If any standard within the Airport Overlay District conflicts with that of an underlying district, the more restrictive standard shall apply.

**Underlying Districts:** FF-1, FF-2, FR, SR-1

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>A. Prohibited specific land uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Assisted Living Home; Nursing/Convalescent Home</td>
</tr>
<tr>
<td></td>
<td>2. Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution (fueling provisions for aircraft are allowed)</td>
</tr>
<tr>
<td></td>
<td>3. Hospitals</td>
</tr>
<tr>
<td></td>
<td>4. Multiple-Family Dwelling Units</td>
</tr>
<tr>
<td></td>
<td>5. Manufactured Housing Communities</td>
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<tr>
<td></td>
<td>6. Community Centers; Libraries</td>
</tr>
<tr>
<td></td>
<td>7. Commercial Television and Radio Towers</td>
</tr>
<tr>
<td></td>
<td>8. Wireless Telecommunications Towers &amp; Facilities &amp; Alternative Tower Structures</td>
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<tr>
<td></td>
<td>9. Wind Energy Systems; Wind Site Assessment Systems</td>
</tr>
<tr>
<td></td>
<td>10. Convention Centers/Conference Centers/Banquet Halls</td>
</tr>
<tr>
<td></td>
<td>11. Hotels, Motels &amp; Resorts</td>
</tr>
<tr>
<td></td>
<td>12. Colleges/Universities; Other Institutions of Higher or Specialized Learning; Public/Private schools</td>
</tr>
<tr>
<td></td>
<td>13. Religions Institutions</td>
</tr>
<tr>
<td>B. Permitted land uses shall be approved with a maximum occupancy of forty (40) persons per acre inside of buildings and seventy-five (75) persons per acre outside of buildings.</td>
<td></td>
</tr>
<tr>
<td>C. Clustered development is allowed provided the clustering shall be placed as far as possible from extended runway centerlines.</td>
<td></td>
</tr>
<tr>
<td>D. All aviation uses are permitted.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL REGULATIONS</th>
<th>A. Lighting shall be shaded downward.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. Utilities shall be placed underground.</td>
<td></td>
</tr>
<tr>
<td>C. Noise-sensitive permitted uses may not be approved.</td>
<td></td>
</tr>
<tr>
<td>D. Permitted uses which create large areas of standing water or which generate smoke and/or steam may not be approved.</td>
<td></td>
</tr>
<tr>
<td>E. Permitted uses which involve the storage of large quantities of hazardous of flammable material may not be approved.</td>
<td></td>
</tr>
</tbody>
</table>
### ZONE 5

The following table imposes additional standards for property located within Zone 5 of the Airport Approach Plan in addition to those standards which apply to the underlying districts. If any standard within the Airport Overlay District conflicts with that of an underlying district or the PUD-1 overlay district, the more restrictive standard shall apply.

**Underlying Districts:** FF-1, FF-2, FR, SR-1, I-2, PUD-1

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>A. Prohibited specific land uses:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Assisted Living Home; Nursing/Convalescent Home</td>
</tr>
<tr>
<td></td>
<td>2. Petroleum Products, Gas Products, Paint &amp; Chemical Bulk Storage &amp; Distribution (fueling provisions for aircraft are allowed)</td>
</tr>
<tr>
<td></td>
<td>3. Public parks, playgrounds, or recreation areas.</td>
</tr>
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<td></td>
<td>4. Hospitals</td>
</tr>
<tr>
<td></td>
<td>5. Residential Human Care &amp; Treatment Facility</td>
</tr>
<tr>
<td></td>
<td>6. Residential Uses</td>
</tr>
<tr>
<td></td>
<td>7. Community Centers; Libraries</td>
</tr>
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<td></td>
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<td>12. Hotels, Motels &amp; Resorts</td>
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<tr>
<td></td>
<td>13. Colleges/Universities; Other Institutions of Higher or Specialized Learning; Public/Private schools</td>
</tr>
<tr>
<td></td>
<td>14. Religions Institutions</td>
</tr>
<tr>
<td></td>
<td>B. Permitted land uses shall be approved with a maximum occupancy of five (5) persons per acre.</td>
</tr>
<tr>
<td></td>
<td>C. All aviation uses are permitted.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>ADDITIONAL REGULATIONS</th>
<th>D. Only low-growing vegetation shall be allowed (i.e. shrubs and ground cover).</th>
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<tbody>
<tr>
<td></td>
<td>E. Lighting shall be no greater in height than the maximum allowable height of the building and shall be shaded downward.</td>
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<td></td>
<td>F. Utilities shall be placed underground.</td>
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<td></td>
<td>G. During the development process, all structures shall be sited as far from the runway centerline as possible.</td>
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<tr>
<td></td>
<td>H. Noise-sensitive permitted uses may not be approved.</td>
</tr>
<tr>
<td></td>
<td>I. Permitted uses which create large areas of standing water or which generate smoke and/or steam may not be approved.</td>
</tr>
<tr>
<td></td>
<td>J. Permitted uses which involve the storage of large quantities of hazardous of flammable material may not be approved.</td>
</tr>
</tbody>
</table>
Article 17
PUD-1 and PUD-2
Planned Unit Development District

Section 17.00 Intent

The Planned Unit Development Districts (PUD-1 and PUD-2) are 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.

The PUD-1 Planned Unit Development District is an Overlay Zoning District which, when applied, does not change the underlying district designations. The PUD-2 District is a full Zoning District, and when applied, changes the underlying district to PUD-2 by the rezoning process. Unless otherwise noted, all of the following text provisions apply to both PUD-1 and
Section 17.01 Procedures

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

Section 17.01.1 Pre-Application Conference

The applicant is urged 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 informational meeting with the Planning Commission, but no official action on the PUD may be taken at such meeting.

The applicant is directed to meet informally with the governing body of 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, mechanical).

Section 17.01.2 Preliminary PUD Development 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 Development Plan for the subject property. When a Mixed-Use Preliminary PUD Development Plan is proposed, final approval of the Preliminary 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.

Section 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 prior to 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. At least fifteen (15) days published notice shall be given in a newspaper of general circulation in the community.
D. Map scale and identification information as prescribed for Site Plans under Article 20 of this Ordinance.

Section 17.01.4 Plan Requirements (Preliminary)

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, 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 PUD 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 or items requiring a zoning variance, the number of acres devoted to on-site open space and/or recreation uses, and any natural features or resources to be preserved.

Section 17.01.5 Review for Decision (Preliminary)

The Planning Commission, upon a review of the Preliminary Development 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 a non-mixed use Preliminary PUD Development Plan authorizes the applicant to proceed with the preparation of the Final Development Plan. In a mixed use Preliminary Development Plan, final approval is by the County Board of Commissioners.

Section 17.01.6 Final Development Plan Review

A. No PUD plan can be approved until a Final Development Plan has been reviewed and given final approval by the Planning Commission.
B. When a Mixed Use PUD is proposed, the Planning Commission shall review the Final Development Plan and send recommendations to the County Board of Commissioners, who shall be the final reviewing agency.

C. 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 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 Development 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.

Section 17.01.7 Filing Requirements (Final)

A. The Final Development Plan 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 designation is to be scheduled.

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
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.

Section 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.

B. In the case of Mixed Use PUD's the Planning Commission shall recommend its approval, conditional approval, or rejection to the County Board of Commissioners.

C. 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.

Section 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 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.
Section 17.01.10 Short Procedure Alternative

It is recognized that smaller and/or less complicated PUD project plans may benefit from a more simplified procedural alternative. Projects deemed to qualify as smaller and less complicated by the applicant, may elect to by-pass the Preliminary Development Plan step, and proceed directly to Final Development Plan review. In exercising this election, the applicant shall schedule a Pre-Application Conference with the Zoning Administrator, and given the presentation of sufficient detailed information and documentation, the Zoning Administrator shall advise the applicant as to whether or not the preliminary procedural step may be waived.

The Planning Commission may overrule the Zoning Administrator if in its opinion, it feels the Preliminary Development Plan step should not be waived.

Section 17.01.11 The Site Plan

Following the approval of the FINAL PUD Development Plan, the applicant shall prepare a site plan pursuant to Article 20. 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 Project Development Plan may also be submitted as the Site Plan and reviewed simultaneously.

Section 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.

Section 17.01.13 PUD Plan Expiration and Renewal

The expiration, repeal and renewal of a PUD Development Plan, whether Preliminary or Final shall be in accord with the following standards:

A. Plan Expiration

An approved PUD Development Plan shall automatically expire after 24 months, following the effective approval date, if one or more of the following apply:

1. In the case of a Final Development Plan no earthwork or construction activities are in evidence, and no valid construction permits are in effect.

2. The project appears to be abandoned, there is no apparent interest in continuing the PUD as established, and no applications for renewal have been received.
3. No apparent effort is being made to market the PUD project or operate it as an active development.

4. In the case of a Preliminary Development Plan, the use proposals are different from the approved Preliminary Development Plan.

In the PUD 2 District, the PUD Development Plan may expire, but the PUD 2 District remains with the property unless formally rezoned to another classification.

B. Plan Renewal

To forestall automatic expiration, the PUD owner shall request renewal of the PUD prior to the expiration date. Renewal shall be by formal action of the Planning Commission, or the County Board of Commissioners in the case of a Mixed Use PUD. 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. Renewals shall be for periods not to exceed 12 months, and only two such renewals shall be permitted.

Section 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 Non-Mixed 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-2 District shall include those uses listed in the R-1A One 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. The PUD-1 District is a Special Use Permit overlay zoning classification and only those uses and services identified on or in the approved final "Project Development Plan" shall be permitted in the PUD District even though other uses may be listed as permitted in the underlying district.

C. All PUD Projects shall include only those uses and services identified on or in the approved Final Development Plan. The permitted uses, therefore, are Special Permit Uses 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,
Planned Unit Development District

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.

D. 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.

E. 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.

F. 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.

G. A PUD-1 Planned Unit Development Overlay District shall not be permitted to overlay any R-1A, RR-2 or SR-2 District.

Section 17.03 Land Use Standards in Mixed PUDs

An applicant for the Planned Unit Development (PUD) Project may apply for a Mixed Use PUD that provides for any use permitted in the Zoning Ordinance, provided:

A. The announced public hearing specifies that the applicant is seeking a Mixed Use PUD Project.

B. All uses are regulated and permitted as Special Permit Uses, and documented as appropriate to the PUD as stipulated in Sec. 17.02.

C. Standard Multiple Family, Commercial or Industrial zoning is not being circumvented by employing a Mixed Use PUD, either by Overlay or by District.

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
ARTICLE 17

Planned Unit Development District

may reject a Mixed Use Plan in a PUD-2 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-1 District, the County Board of Commissioners may reject the PUD plan for the reasons stated in this paragraph. A PUD-1 Planned Unit Development District shall not be permitted to overlay any R1-A, RR-2 or SR-2 District.

Section 17.04 Design Standards

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

Section 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.

Section 17.04.2 Dwelling Unit Density, PUD-1

The density of residential units within a designated PUD-1 Project shall not exceed a gross density that equals the minimum lot size for dwelling units in the underlying Zoning District classifications as follows:

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Gross-Dwelling Unit- No Sewer</th>
<th>Density per Acre - Sewers</th>
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<tbody>
<tr>
<td>R-1</td>
<td>1.980 Units/Acre</td>
<td>3.63 Unit/Acre</td>
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<tr>
<td>R-2</td>
<td>(See Sec. 1900)</td>
<td>(See Sec. 1900)</td>
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<td>RR, SR</td>
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<td>I-1, I-2</td>
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<td>3.00 Unit/Acre</td>
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Section 17.04.2 Dwelling Unit Density, PUD-2

The density of residential units within a designated PUD-2 District Project shall not exceed a gross density of 1.980 units per acre, that equals the minimum lot size for dwelling units in the R-1A One Family Zoning District classification as follows:

Section 17.04.3 Other Density Standards, PUD-1 and PUD-2

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 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.

Section 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 (30) 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, 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 (30) feet apart. Add an additional two feet of separation for each foot of approved height above thirty feet.

**Section 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.

**Section 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 permissives 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.

**Section 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, 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.

Section 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

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<th>Section</th>
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### 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.
### ACCOMMODATION & FOOD SERVICES

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<td>Restaurants with Drive-Through (Drive-In or Eat In Car)</td>
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### AGRICULTURE & FORESTRY

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<td>Farms, domestic</td>
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<td>Forest production and harvesting operations, tree farms including portable sawmills, log storage yards, and related</td>
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<td>Sawmills, Planing Mills, veneer Mills and related operations</td>
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<td>Slaughter Houses/Meat Packing Plants</td>
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<td>Veterinary Services/Animal Clinics/Animal Hospitals</td>
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### ARTS, ENTERTAINMENT & RECREATION

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<td>Assembly Halls</td>
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<td>Boat Launching Pads and Minor Accessory Facilities (other than marinas and enclosed storage buildings)</td>
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<td>Art Studios and/or Handcrafted Products when operated in the character of a home occupation</td>
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### Article 18

**Boat Docks, tourist/commercial**  
- R-1: S  
- R-2: S

**Boat Tours**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Bowling Centers/Billard Parlors**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Campgrounds**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Country Clubs**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Dive Shops/Dive Tours**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Golf Courses**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Marinas (including boat fuel sales, boat supplies, & accessories)**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Museums & Galleries**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Nature Parks/Nature Areas/Wildlife Preserves**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Outdoor Recreation Facilities (commercial: ex – go karts, mini-golf)**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Private Clubs; Fraternal Lodges**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Race Tracks (including midget auto and carting tracks)**  
- SR: P  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Recreation Areas, private, nonprofit**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Recreational Areas/Theaters**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**RV Parks/Travel Trailer Courts**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Skating Rinks (indoor)**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Theaters/Performing Arts Facilities**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**COMMERCIAL**

**Agricultural products processing and storage (excluding concentrated animal feeding operations)**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change**  
- SR: S*  
- B-1: P  
- B-2: P  
- B-3: P  
- P-T: P  
- I-1: P  
- I-2: P  
- FF-1: P  
- FF-2: P

**Automotive Equipment Rental/Leasing**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Boat and Boating Accessory Sales**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Boat Repair & Storage**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Building & Garden Equipment & Supplies Dealers**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Cash Advance Stores**  
- SR: S*  
- B-1: S*  
- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Cemeteries**  
- SR: S*  
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- B-2: S*  
- B-3: S*  
- P-T: S*  
- I-1: S*  
- I-2: S*  
- FF-1: S*  
- FF-2: S*

**Clothing & Clothing Accessories Stores**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
- I-1: S  
- I-2: S  
- FF-1: S  
- FF-2: S

**Commercial/Industrial Equipment Rental &**  
- SR: S  
- B-1: S  
- B-2: S  
- B-3: S  
- P-T: S  
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### Leasing

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</table>

- **Commercial Equipment, Repair & Maintenance**
- **Convenience Stores**
- **Crematoriums**
- **Drive-Through Establishments (ex: pharmacy, dry cleaners, restaurants)**
- **Dry-Cleaning & Laundry Services** (cleaning equipment is used to service only the premises at which it is located)
- **Electronics & Precision Equipment, Repair & Maintenance**
- **Electronics & Appliance Stores**
- **Extermination & Pest Control Services**
- **Financial Institutions**
- **Florists**
- **Food & Beverage Stores**
- **Funeral Homes & Mortuaries**
- **Furniture & Home Furnishings Stores; Antique Stores**
- **Gas Station**
- **General Merchandise Stores**
- **General Rental Centers**
- **Hardware Stores**
- **Health & Personal Care Stores**
- **Home Improvement Centers (lumber stored in enclosed structures)**
- **Interior Designers/Showrooms**
- **Manufactured Home Dealers**
- **Medical Equipment Sales**
- **Medical Laboratories**
- **Movie Rental Stores**
- **Office Supply Stores**
- **Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor’s equipment, and similar units.**
- **Outdoor Vendors**
- **Pawn Shops/Resale Shops**
- **Personal Services (barber/beauty shops, tailoring, massage)**
- **Pet Care (except Veterinary and Animal Shelters)**
- **Pet Stores**
- **Pharmacies/Medical & Optical Supplies**
- **Photofinishing/Photographers**
- **Printing/Binding/Publishing of Printed Materials**
<table>
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<tr>
<th>Article</th>
<th>Professional Cleaning Services</th>
<th>Professional Offices</th>
<th>Real Estate Sales Office</th>
<th>Retail Uses with Outdoor Storage</th>
<th>Seasonal Use Sales</th>
<th>Sexually Oriented Businesses</th>
<th>Shopping Center – Multiple Businesses</th>
<th>Small Scale Craft Making</th>
<th>Sporting Goods, Hobby, Book &amp; Music Stores</th>
<th>Studios for dance, physical exercise and music</th>
<th>Wineries/Distilleries/Breweries</th>
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**COMMUNICATIONS**

- Commercial Television & Radio Towers
- Public Utility Microwaves
- Public Utility TV Transmitting Towers
- Wireless Telecommunications Towers & Facilities & Alternative Tower Structures (See Section 26.01)

**CONSTRUCTION/CONTRACTING**

- Special trade contractors (ex: electrical, plumbing, heating – indoor storage of materials/equipment)
- Storage Facilities for Contractors as Home Occupation (for Materials/Contractor’s Equipment/Vehicles) within an enclosed building
- Storage Facilities for Contractors as Home Occupation – with outdoor storage

**EDUCATIONAL SERVICES/RELIGION**

- Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)
- Public or private schools
- Religious Institutions
- Trade Schools

**HUMAN CARE & SOCIAL ASSISTANCE**

- Child Care Services (see following)
  - Family Child Care Home (6 or less)
  - Group Child Care Home (7-12)
  - Child Care Center or Day Care Center/Nursery School
  - Health Care/Dental/Optical Clinics
  - Hospitals
  - Assisted Living Home/Nursing/Convalescent Home
### Residential Human Care and Treatment Facility
(residential care facility or a halfway house) unless otherwise exempt by law.

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### MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT

**Blast Furnace, Steel Furnace, Blooming or Rolling Mill**

**Central Dry Cleaning Plants (not dealing directly with customers)**

**Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products**

**Computer, Electronic, & Appliance Product Mfg**

**Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg**

**Craft Product Mfg**

**Food/beverage bottling & packaging**

**Furniture & Related Product Mfg**

**Incinerator Plant (non-pyrolysis)**

**Incinerator Plant (pyrolysis type)**

**Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards**

**Laboratories**

**Leather & Allied Product Mfg**

**Machine Shops**

**Metal Plating/Buffing/Polishing/Cutting/Slapping/Shearing**

**Mineral Processing Facilities & Operations**

**Mines, quarries, and gravel pits**

**Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)**

**Oil and Gas Processing Facilities**

**Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution**

**Plastics Mfg (when cooling towers are not required)**

**Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.**

**Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection**

**Research/Design/Experimental Product Development (within a completely enclosed building)**
<table>
<thead>
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<td>Sanitary Landfills</td>
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<tr>
<td>Sign Painting &amp; Mfg</td>
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<tr>
<td>Smelting Industries</td>
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<tr>
<td>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</td>
<td></td>
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<tr>
<td>Textile &amp; Apparel Mfg</td>
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<tr>
<td>Tool &amp; Die Shops</td>
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<tr>
<td>Wood Product Mfg (not mills)</td>
<td>R*</td>
<td>R*</td>
<td>R*</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Miscellaneous</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customary Accessory Buildings without a Main Use</td>
</tr>
<tr>
<td>Minor Storage Buildings as a Main Use</td>
</tr>
<tr>
<td>Historical restoration or renovation projects including historic communities, archaeological excavations and displays of historical artifacts related to the premises</td>
</tr>
<tr>
<td>Parking lots, Off Street &amp; Accessory Loading Areas</td>
</tr>
<tr>
<td>Parking Structures</td>
</tr>
<tr>
<td>Uses that are an expansions of existing business properties from an adjoining B-1, B-2, or B-3 District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Centers (public)</td>
</tr>
<tr>
<td>Police/Fire Stations</td>
</tr>
<tr>
<td>Post Office</td>
</tr>
<tr>
<td>Public Works Facilities with Outdoor Storage</td>
</tr>
<tr>
<td>Public Works Facilities w/o Outdoor Storage</td>
</tr>
<tr>
<td>Water &amp; Wastewater Treatment Plants &amp; Reservoirs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Building without a Principal Building</td>
</tr>
<tr>
<td>Accessory dwelling Unit (ADU)</td>
</tr>
<tr>
<td>Intraurban Radio Antennae (roof- or ground-mounted)</td>
</tr>
<tr>
<td>Cabins, hunting and fishing</td>
</tr>
<tr>
<td>Cottages and Recreation Homes</td>
</tr>
<tr>
<td>Dwelling Units above/attached to Commercial Establishment</td>
</tr>
</tbody>
</table>

Page | 118
### Home Occupations Level 1
- P* P* P* P* P* P* P*

### Home Occupations Level 2
- S* S* S* S* S* S* S*

### Living Quarters for Watchman or Caretaker – including the use of manufactured homes for this purpose.
- S* S* S* S* S* S*

### Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building)
- P P P P P P P

### One-Family Dwelling
- P P P P P P P

### Transient Dwelling Units
- P

### Multiple-Family Dwelling Units
- P

### Multiple-Family Dwelling Units for Seniors
- P

### Rooming & Boarding Houses (group quarters)
- P

### Temporary Mobile Homes or Travel Trailers
- P

### Townhouses
- P

### Two-Family Dwelling (duplex)
- P

### TRANSPORTATION/WAREHOUSING/WHOLESALE/STORAGE/SHIPPING

#### Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other functions related to aviation.
- S* S* S*

#### Couriers/Parcel Packing/Shipping/Delivery Establishments
- P P P P P

#### Freight Terminals/Trucking Facilities
- P P P P P

#### Mail Order Establishments
- P P P P P

#### Meat Lockers and/or Freezer Plants
- P P S

#### Rail yards
- P P P

#### Scenic & Sightseeing Transportation/Ground Passenger Transportation
- S P P P P

#### Storage Buildings for RV, Trailer, Boat, Water Craft, and Similar – not sales, servicing or commercial warehousing.
- S* S*

#### Warehousing & Storage (including ministorage)
- S* P* P* P* P* P*

### UTILITIES/ENERGY

#### Electrical Transformer Stations & Substations
- P P P

#### Gas Regulator Stations
- P 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 P

#### Public Utility Facilities (with storage yards)
- P P P P P

#### Wind Site Assessment Systems
- 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*

#### Wind Energy Systems, On-Site, up to 60’ in height
- S* S* S* S* S* S* S* S* S* S*
## Article 19
### Schedule of Regulations

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

<table>
<thead>
<tr>
<th>DISTRICTS</th>
<th>Minimum Lot Size per Unit or Use</th>
<th>Maximum Height of Structure in Feet</th>
<th>Minimum Yard Setback in Feet</th>
<th>Maximum Percent of Lot Coverage by the Area of all Buildings (2)</th>
<th>Minimum Floor Area in Square Feet (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1A &amp; R-1B Single Family Residential</td>
<td>½ acre (a)</td>
<td>100 30 (g, h)</td>
<td>30 (h) (e, g, l)</td>
<td>10 (h) (d, g, i)</td>
<td>25 (i)</td>
</tr>
<tr>
<td>R-2A, R-2B &amp; R-3C General Residential</td>
<td>- (e, g)</td>
<td>100 (g)</td>
<td>30 (h) (b, e, g, l)</td>
<td>20 (b, d, g, i, h)</td>
<td>35 (b, i)</td>
</tr>
<tr>
<td>RR-1 &amp; RR-2 Recreation Residential</td>
<td>½ acre (a)</td>
<td>100 30 (f, h)</td>
<td>40 (h) (e, g, l)</td>
<td>10 (h) (d, g, i)</td>
<td>35 (i)</td>
</tr>
<tr>
<td>SR-1 &amp; SR-2 Scenic Resource</td>
<td>30,000 Sq. ft. (a)</td>
<td>150 30 (f, h)</td>
<td>40 (h) (e, g, l)</td>
<td>15 (b, h) (d, g, i)</td>
<td>40 (i)</td>
</tr>
<tr>
<td>B-1 Local Tourist Business</td>
<td>none</td>
<td>100 30 (f, h)</td>
<td>25 (h) (e)</td>
<td>10 (e) (d)</td>
<td>20 none</td>
</tr>
<tr>
<td>B-2 &amp; B-3 General Business</td>
<td>none</td>
<td>100 30 (f, h)</td>
<td>25 (e)</td>
<td>10 (h) (d)</td>
<td>20 none</td>
</tr>
<tr>
<td>P-T Parking Transition</td>
<td>- -</td>
<td>30 (f, h)</td>
<td>See (4)</td>
<td>10 (d, i)</td>
<td>20 (i)</td>
</tr>
<tr>
<td>I-1 &amp; I-2 Light &amp; General Industrial</td>
<td>none</td>
<td>100 30 (f, h)</td>
<td>30 (h) (f, h)</td>
<td>10 (e) (d)</td>
<td>20 none</td>
</tr>
<tr>
<td>FF-1 Farm Forest</td>
<td>1 acre</td>
<td>150 30 (f, h)</td>
<td>40 (h) (e, g, l)</td>
<td>20 (b, h) (d, g, i)</td>
<td>35 (i)</td>
</tr>
<tr>
<td>FF-2 Farm Forest</td>
<td>2 acres</td>
<td>200 30 (f, h)</td>
<td>40 (h) (e, g, l)</td>
<td>20 (b, h) (d, g, i)</td>
<td>35 (i)</td>
</tr>
<tr>
<td>FR Forest Recreation</td>
<td>40 acres</td>
<td>300 30 (f, h)</td>
<td>40 (h) (e, g)</td>
<td>20 (b, h) (d, g)</td>
<td>35</td>
</tr>
</tbody>
</table>

**PUD Planned Unit Development**

SEE ARTICLE XVIII 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 2210.23.09 for Minimum Waterfront Setback.

FOR RESIDENCES ONLY: Setback sixty (60) feet from the 1986 High Water Mark. ([GLD 582.35’, 10/96](#))

(4) Refer to Article XII, Section 120, for setback standards in P-T Districts.

(5) Refer to Article XVIII, Dune Overlay District, minimum lot width is 200’.

(6) 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 19.00.20.0, on the pages following.
Section 19.01 Notes to Section 19.00

a. Unless approved central domestic water and sewerage facilities serve the development, the minimum lot requirements shall be stated in the “Schedule of Regulations”. If central water and/or central sewerage facilities serve the development, the minimum lot requirements may be reduced to 12,000 square feet (100 x 120).

b. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.

b. 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.

c. Multiple family and/or apartment buildings, including row houses, town houses and the like, shall not exceed a density expressed in dwelling units per acre as follows:

1. Where detached single family units are constructed, apply the R-1 One-family District lot standards.

MULTIPLE FAMILY DENSITY SCHEDULES: R-2A, R-2B AND R-2C DISTRICTS

<table>
<thead>
<tr>
<th>Type of Units in R-2A &amp; R-2B Districts</th>
<th>Minimum Land Area per Dwelling Unit Excluding Public Roads</th>
<th>Net Density in Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>6,000 Square Feet</td>
<td>7.260</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>6,000 Square Feet</td>
<td>7.260</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>8,500 Square Feet</td>
<td>5.125</td>
</tr>
<tr>
<td>Each Additional Bedroom – Add</td>
<td>Add 4,000 Square Feet</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Units in R-2C Districts</th>
<th>Minimum Land Area per Dwelling Unit Excluding Public Roads</th>
<th>Net Density in Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>4,000 Square Feet</td>
<td>10.890</td>
</tr>
<tr>
<td>One Bedroom</td>
<td>4,000 Square Feet</td>
<td>10.890</td>
</tr>
<tr>
<td>Two Bedroom</td>
<td>5,667 Square Feet</td>
<td>7.687</td>
</tr>
<tr>
<td>Each Additional Bedroom, Add</td>
<td>Add 3,000 Square Feet</td>
<td>n/a</td>
</tr>
</tbody>
</table>

DENSITY NOTES:

(d) A "den" or "library" or "extra room" shall count as a bedroom for the purposes of computing density.

(c) 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.

(f) 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.

DENSITY NOTES:

- A "den" or "library" or "extra room" shall count as a bedroom for the purposes of computing density.
- 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.

4) Storm water problems shall be anticipated and resolved to the satisfaction of the Emmet County Planning Commission, subject to review by the County Drain Commissioner or any other property owner or municipality that may be impacted by storm water runoff.

d. Side yards may be omitted for common party walls which abut a side yard, provided the adjoining building is constructed at the same time. Pedestrian access-ways may pass through party-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 required 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 by the Planning Commission that the added height will not significantly interfere with line-of-sight scenic 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 retain 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 Planning Commission 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.)

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.
Article 20
Plot Plans & Site Plan Review

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:

The Zoning Administrator shall require that all applications for Zoning Permits shall be accompanied by plans and specifications including a Plot Plan showing 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 27.06 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 (100) 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.

2. Seasonal Use Sales

   Except for one family or two family dwellings or permitted accessory buildings, per Section 22.01, a complete Site Plan shall be submitted to the Emmet County Planning Commission (or Board of Appeals if so required), for the approval of any use for which a Site Plan is required by 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 (2) full sized and fourteen (14) reduced size (maximum 11"x17") copy of all maps or graphics. Digital format including data layers may be required, if deemed 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 deemed 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.

The Planning Commission shall consider whether the following standards have been addressed to promote public health and safety, protect land values and carry out the spirit and 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. PUBLIC WELFARE AND ADJOINING PROPERTIES: The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.

C. LIGHT, AIR, AND ACCESS: The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.

D. 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.
Site Plan Review

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**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.

**E.** 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.

**F.** LOADING AND STORAGE: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by 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.

**G.** 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.

**H.** The location and design of driveways and entrances features with respect to vehicular and pedestrian traffic.

**I.** The arrangement of uses on the property, including the orientation of buildings, parking areas, open spaces, the visual exposure of waste storage facilities, snow storage, loading spaces, loading docks and service doors.

**J.** The traffic circulation plan and off-street parking with respect to public safety, on-site uses and adjacent properties.

**K.** 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.

**L.** EXTERIOR LIGHTING: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.

**M.** Methods proposed to prevent or minimize damage to sensitive or critical environmental areas.

**N.** 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 retain 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.

O. Spaces, right-of-ways, 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.

P. 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. The enclosure must be spaced at least three (3) feet from the waste receptacle.

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.

Q. 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.

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
Section 20.04 Certification

For developments regarded to be complex or where deemed 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.

The Planning Commission may require that engineered storm drainage systems, including appropriate grading and earth work, be certified by a Michigan Registered Professional Civil Engineer as having been completed according to the stipulations of the approved site plan. Other critical site construction features may also be subject to engineering certification as to site plan compliance.

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

Section 20.05 Application Process

The Planning Commission shall commence formal review of the Site Plan at its next regularly scheduled meeting provided a complete Application is submitted at least twenty-four (24) days prior to that meeting. A complete application shall include the application form, signed by the property owner authorization, Site Plan which meets the standards—requirements of Section 20.03, Impact Statement, Site Plan Review Checklist and applicable fees.

Section 20.06 Performance Guarantees

A performance guarantee in the form of a bond, cash, certified check, or irrevocable letter of credit shall—may be required for all commercial projects and for all other projects with unusual or challenging site conditions determined by the Planning Commission. The Planning Commission may require a performance guarantee where enforcement or collection action was required relative to a previous permit issued to the applicant or developer. The performance guarantee shall be in the form and 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 20.07 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 20.08 As Built Review Conformity to Approved Site Plan Required**

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 and to pay penalties as deemed appropriate by the Zoning Administrator. [D21]

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance. The Zoning Administrator shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to the revocation by the Planning Commission. The Planning Commission may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

**Section 20.09 Environmentally Sensitive Areas**

The protection of areas of environmental concern, such as wetlands, high risk erosion, designated critical dune areas, dune lands, 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 Resources & Environmental Protection Act, 1994 PA 451.

F. Shoreline Bluff Protection Zone. See Section 22.10 of this Ordinance.

Section 20.10 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
Site Plan Review

Administrator must report each modification approved to the Planning Commission at the monthly meeting.

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 retains 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 20.11 Expiration of Site Plan

A. The site plan shall expire unless construction of an approved site plan improvement has begun within one (1) year of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

B. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

Article 21
Section 21.00 Intent

The Special Land and Conditional Uses in this Article are uses requiring special reviews because they may have activities that have effects which project beyond property lines, may require lengthy standards for review and/or may not be currently allocated to one zoning district, uses herein may be considered to be Special Uses, Conditional Uses, and/or Exception Uses.

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 and Conditional Use Review Procedures

Section 21.01.1 Authority to Approve Uses

A. Whenever in this Ordinance the lawful exercise or existence of a use is not otherwise provided for in this Ordinance, the Planning Commission is the body authorized to approve Special Land Uses. Subject to the provisions of this Ordinance, The Commission is hereby 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.  

Section 21.01.2 Hearing: Notice

Prior to conducting a Public Hearing, where required, public notice, stating the time and place of Hearing, shall be published, at least fifteen (15) days prior to 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 prior to 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
Section 21.01.3 Rules of Procedure

The Planning Commission is hereby authorized to adopt Rules of Procedure consistent with the statutes of Michigan and the provisions of this Ordinance.

Section 21.01.3 Surveys and Plans

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 said Commission for the proper evaluation and consideration of the matter.

Section 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, including, but not limited to Sections 19.00 and 21.02.

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, including but not limited to Article 19 and Sections 22.02 thru 22.07.

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 and Conditional Land Use Review Standards

In reviewing all requests for Special Land Uses Principal Uses Subject to special Conditions and Conditional Uses Authorized by Special Permit, 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 Site 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.

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 Permit 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.

1. Scenic Easement
2. Conservation Easement
3. Deed Restriction
4. A 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 and Conditional Use Permit Termination

A special land or conditional 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 if the following is determined to exist: The owner’s intent to no longer continue 
the special use shall be established by a preponderance of the following points of physical 
evidence:

   a. Utilities have been disconnected,
   b. If there were signs, the signs have been removed or have fallen into disrepair,
   c. Fixtures within and outside the building have been removed,
   d. The property falls into disrepair,
   e. U.S. Mail delivery has been terminated or mail is forwarded to another address,
   f. The classification of the property for tax purposes has been changed to reflect another use, and
   g. Other similar changes to the Special Land Use.

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

   a. Property held in Probate;
   b. Insurance settlement in dispute; or
   c. Criminal investigation.

E. When after 48 months, from the date of a signed permit, and based on evidence of 
vacating, abandoning and/or moving to another location, the Planning Commission by 
public hearing declares a special use to be null and void for reasons stated.

F. When, after 12 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.

A. Once granted a Special or Conditional Use Permit becomes a Permitted Use within 
the district in which such use is located, provided:

   1. Such permit was issued in conformity with the provision of this ordinance.

   2. Such permit shall be deemed to effect only the lot or portion thereof and uses 
thereupon for which the Special Use Permit shall have been granted.

   3. Such permit authorizes a use which is subsequently built, operated and 
maintained in compliance with the Ordinance, and all conditions established 
at the time of its approval.

   4. The Special or Conditional Use has not expired or has not been terminated as 
provided for herein.
The general standards and regulations of this Section are applicable to all uses authorized by Conditional or 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 20.10.
Section 22.00 General

Section 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 herein. Except as hereinafter specified, each building, structure or premises shall hereafter 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 herein specified for the zoning district in which it is located. The applicable zoning permit or building permit shall be obtained.

B. In the event that any lawful use, activity, building or structure which 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 said 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 said 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. If a required area is already less than the minimum required under this

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 on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.
Performance Uses are regulated herein as development features that are generally in addition to the main uses of a property. It is intended that these features be separated in the zoning text from Special Permit Uses.

Section 22.00.2 Application of Regulations

A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter 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 herein 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, said 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.

Section 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 hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein 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 issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

Section 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.

Section 22.00.5 Repair and Maintenance

Nothing in this Ordinance shall be deemed 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, however, 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 commenced; and provided, further, there shall be no change of use of said building or part thereof.

Section 22.00.6 Access

Every principal structure hereafter 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

Section 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 provided that they meet the applicable front yard setback standard, 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.

Accessory residential buildings shall be regulated as to size and setback according to the following standards:

3. Accessory residential buildings greater than 200 sq. ft. shall be subject to the side and front setback requirements as regulated by District in Section 19.00 but no 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 need be farther from a lot line in the rear yard than ten (10) feet. 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:

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<thead>
<tr>
<th>Zoning District</th>
<th>Location on the Property</th>
<th>Maximum Ground Floor Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, RR, and SR</td>
<td>Front or Side Yard</td>
<td>1,000 Sq. Feet</td>
</tr>
<tr>
<td>R-1, R-2, RR, and SR</td>
<td>Rear Yard**</td>
<td>1,200 Sq. Feet</td>
</tr>
<tr>
<td>FF-1, FF-2, and FR</td>
<td>Front or Side Yard</td>
<td>1,200 Sq. Feet</td>
</tr>
<tr>
<td>FF-1, FF-2, and FR</td>
<td>Rear Yard**</td>
<td>2,400 Sq. Feet</td>
</tr>
</tbody>
</table>

*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 lot 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 file 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 (Sec 300) 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 zoning lot parcel of five (5) acres or less.

   b. For each additional five (5) acres of zoning lot 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, animal shelter, and the like.

For purposes of this section an attached accessory residential building is one that is designed and constructed so as to be an integral architectural feature of the main residence, i.e. structurally attached and of the same or equivalent building materials.

7. Existing accessory residential buildings shall be considered to be conforming buildings for the purposes of this Section.

B. ACCESSORY BUILDINGS AS A MAIN USE

1. In Residential Zoning Districts, customary accessory residential buildings may be constructed without the requirement for a main building subject to a Hearing [D25] 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 Sec. 22.01.1 (A.4). For these regulations, rear yard shall refer to a location 100 feet in Residential Districts and 250 ft. in FF-1 & FF-2 Districts 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 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 animals (unless on a farm) or otherwise be a base for any activities not permitted in the district.

f. The applicant shall file an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded prior to 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 23.0.1b. 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 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 file an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded prior to issuance of a zoning permit.

Section 22.01.2 Additional Accessory Buildings and Uses

Properties are not limited from having more than one accessory building or accessory use such as gazebos, pool houses, garden tool shelters, wood storage sheds. Such additional uses, however, shall be in keeping with the definition of accessory uses and further shall be in keeping with the spirit and intent of Section 22.01.

Section 22.01.2 Guest House

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

Section 22.01.3 Accessory Dwelling Unit (ADU)

Accessory Dwelling Units may be permitted in all Zoning Districts provided the following standards are met:

A. A maximum of one ADU is allowed. Properties with two dwellings or more on the property shall not be permitted an ADU.

B. An ADU shall not be used for tourist lodging or for rentals of less than 3 consecutive months.

C. The floor area of the ADU does not exceed the greater of: 720 sq. ft. or fifty (50) percent of the primary dwelling unit.

D. The ADU may not have more than two (2) bedrooms.
E. One conforming off-street parking space is required.

F. The property owner must occupy either the primary or accessory dwelling.

G. All sanitary code permits have been obtained for the main use and the ADU.

H. The addition of an ADU to the principal dwelling shall be designed so that the appearance of the building remains that of a single family dwelling.

I. The accessory dwelling unit shall not be condominiumized or sold separately from the primary use.

J. A Declaration of Covenants, Conditions, and Restrictions shall be filed with the Emmet County Register of Deeds which includes the restrictions identified in a. thru i. above.

Section 22.01.4 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 not constitute a visual safety hazard or impediment for persons entering, exiting, or passing by the entryway on adjacent streets (e.g. corner clearance).

Section 22.01.5 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 II - 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.

Section 22.01.6 Exceptions

Where it can be demonstrated to the Planning Commission by the applicant that no good purpose would be served by a 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 notifications to adjoining property owners within 300 feet.
Section 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.

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 and until equal facilities are provided elsewhere.

C. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Board of Appeals may grant an exception by reducing the total number of spaces required.

D. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited on required off-street parking lots.

E. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

F. 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.

G. For the purpose of computing the number of parking spaces required, the definition of USEABLE FLOOR AREA shall govern.

H. 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 prior to investing in physical improvements. In allowing a deferral the Planning Commission does not waive its rights to require providing the development of the full number of spaces at a future time.

I. The number of off-street parking spaces required by this Ordinance shall be considered the minimum required, however, the Planning Commission, subject to approval of the Site Plan, may defer until a future time the construction the full number of parking spaces based on the following:
1. The Site Plan shall indicate that the legal number of spaces required per Sec. 22.02.2 can be physically provided to serve the use.

2. The Planning Commission may rule to defer the actual construction of up to 50% of the required parking space for the following reasons:

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 times 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.

Section 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:

<table>
<thead>
<tr>
<th>A. Residential Use</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-Family &amp; Multiple-Family Dwelling</td>
<td>Two (2) per Dwelling</td>
</tr>
<tr>
<td>2. Mobile Home Parks and Trailer Courts</td>
<td>Two (2) per each Mobile Home or Trailer</td>
</tr>
<tr>
<td>3. Housing for the Elderly</td>
<td>One (1) for each three (3) Dwelling Units</td>
</tr>
<tr>
<td>4. Rooming Houses</td>
<td>One (1) for each two (2) beds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Public and Quasi-Public Use</th>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Studios specializing in the instruction of dance,</td>
<td>One (1) for each two hundred(200) sq. ft. of useable</td>
</tr>
<tr>
<td>physical exercise and musical arts</td>
<td>floor area</td>
</tr>
<tr>
<td>2. Churches, Temples, theaters, stadiums,</td>
<td>One (1) for each three seats in the main unit, plus</td>
</tr>
<tr>
<td>auditoriums and assembly building</td>
<td>one for each two (2) employees</td>
</tr>
</tbody>
</table>
### General Provisions: Performance Uses

| 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 (100) sq. ft of useable floor area whichever is greater |
| 6. **Regulation golf course** | Six (6) per green |
| 7. **Par “3” or mini golf** | Four (4) for each golf hole |

### C. Commercial & Business Use

| 1. **Bank, Business offices or nonmedical professional offices** | One (1) for each two hundred (200) sq. ft. of useable floor area. Two (2) stacking spaces are required for each service bay, window or pedestal. |
| 2. **Offices of doctors, dentists or similar professions** | One (1) for each fifty (50) sq. ft. of useable floor area in the waiting room, plus one (1) for each examining room or dental chair. Three (3) stacking spaces are required for each service bay, window or pedestal. |
| 3. **Retail stores except as otherwise specified** | One (1) for each one hundred (100) sq. ft. of useable 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) feet of useable floor area, plus one (1) for each two (2) employees |
| 5. **Planned commercial or shopping center by sq. ft. of floor area:** | Spaces per sq. ft. of useable floor area: |
| a. 1 to 15,000 sq. ft. | One (1) space per 100 sq. ft. |
| b. 15,001 to 45,000 sq. ft. | One (1) space per 125 sq. ft. |
| c. 45,001 sq. ft. and larger | One (1) space per 150 sq. ft. |
| 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) sq. ft. of useable floor area |
| 9. **Motor vehicle sales and service establishments** | One (1) for each two hundred (200) sq. ft. of useable 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 sq. ft. of showroom, but not less that five (5) spaces with or without a showroom |
| 11. **Pool hall, private club, dance hall or places** | One (1) for each two (2) persons of the legal capacity |
for the consumption of food or beverages as established by health, fire or building officials

12. Restaurants and establishments for on premises sale and consumption of food, refreshments and/or beverages
   One (1) for each two (2) persons of seating capacity

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 and one half (1½) for each rental unit

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. 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.

D. Industrial and Wholesale Use

<table>
<thead>
<tr>
<th>Number of Minimum Parking Spaces Per Unit by Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Industrial or research establishments</strong></td>
</tr>
<tr>
<td>Five (5), plus one (1) for each employee in the largest working shift</td>
</tr>
<tr>
<td><strong>2. Wholesale establishments</strong></td>
</tr>
<tr>
<td>Five (5), plus one (1) for every employee in the largest working shift or one (1) for every seventeen hundred (1700)sq. Ft or usable floor area, whichever is greater</td>
</tr>
<tr>
<td><strong>3. Warehouse and/or storage building</strong></td>
</tr>
<tr>
<td>Five (5) spaces, plus one (1) for each employee over three (3) employees, or one (1) for every 1,700 square feet or usable floor area, whichever is greater</td>
</tr>
</tbody>
</table>

Section 22.02.03 Parking Space Dimensions

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

<table>
<thead>
<tr>
<th>Parking Pattern in Degrees</th>
<th>Maneuvering Lane Width</th>
<th>Parking Space Width</th>
<th>Parking Space Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 (Parallel Parking)</td>
<td>12 feet</td>
<td>8 feet</td>
<td>23 feet</td>
</tr>
<tr>
<td>30 to 53</td>
<td>12 feet</td>
<td>9 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>54 to 74</td>
<td>15 feet</td>
<td>9 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>75 to 90</td>
<td>20 feet</td>
<td>10 feet</td>
<td>20 feet*</td>
</tr>
</tbody>
</table>

* May include a maximum two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.
Section 22.02.4 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.

22.02.5 Bicycle Parking

A. Whenever full off-street parking compliance is required, a minimum of one bicycle rack or locker which can accommodate four (4) bicycles total is required and shall be located within one hundred (100) feet of the main entrance of a building or inside a building in a location that is easily accessible by bicyclists. For sites that require more than twenty-five (25) motor vehicle spaces, the ratio is one rack or locker which can accommodate four (4) bicycles total for every twenty-five (25) motor vehicle spaces. When units of measurement determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

OR

For sites that require more than ten (10) parking spaces, one bicycle parking space provided may be substituted for one (1) vehicle parking space.

B. Exception. The requirements of this section do not apply to residential uses in all districts.

C. Standards

1. Bicycle lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.

2. Bicycle Racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

   a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle.

   b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
c. The rack must be securely anchored.

3. Maneuvering Areas

a. Each required bicycle parking space must be accessible without moving another bicycle; and

b. (2) There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

Section 22.03 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. A registered professional engineer's certification of a loading/unloading plan may be required to assure compliance.

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 or lot of record 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. [D28]

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.

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

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.

E. The Planning Commission shall be empowered to modify greenbelt, fence or wall requirements as deemed necessary by conditions affecting a particular development or to waive requirements where no good purpose would be served by compliance with these standards.

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 Building Permit or prior to occupancy of the building whichever occurs first, and shall thereafter 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 planting, as required by this section, shall be provided in any greenbelt or designated planting.

A. Plant Material - Minimum Sized - Maximum Spacing

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

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:

<table>
<thead>
<tr>
<th>General Plant Types</th>
<th>Maximum Spacing Center to Center (feet)</th>
<th>Minimum Allowable size Hgt. Cal. Sprd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TREES</td>
<td>Single Row Grouping</td>
<td></td>
</tr>
<tr>
<td>Large Deciduous (Canopy)</td>
<td>30 40</td>
<td>- 2½” -</td>
</tr>
<tr>
<td>Large Evergreen</td>
<td>15 20</td>
<td>7” - -</td>
</tr>
<tr>
<td>Medium-Small Deciduous</td>
<td>10 15</td>
<td>- 1½” -</td>
</tr>
<tr>
<td>Columnar Deciduous</td>
<td>8 10</td>
<td>10’ - -</td>
</tr>
<tr>
<td>Narrow Evergreen</td>
<td>5 8</td>
<td>8’ - -</td>
</tr>
<tr>
<td>SHRUBS</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
22.07.2 Suggested Plant Materials

A. Trees

1. Large Deciduous (Canopy):
   - Oak, Linden, Hard Maple, Beech, Ash, Birch, Honey locust
   - (Seedless/Thornless), Ginko (Male Only)

2. Large Evergreen:
   - Pine, Hemlock, Spruce, Cedar, Fir

3. Medium - small Deciduous:
   - Crabapple, Amelanchier, Cherry, Hawthorn (Thornless), Plum, Redbud
   - Bradford Pear, Mountain Ash, Amur Maple, Russian Olive, Magnolia

4. Columnar Deciduous (Varieties Of):
   - Crabapple, Oak, Maple, Linden

5. Narrow Evergreen (Varieties Of):
   - Arborvitae, Cedar, Cypress, Yew, Juniper

B. Shrubs

1. Large Upright:
   - Lilac, Forsythia (Var.), Privet, Viburnum (Var.), Dogwood, Honeysuckle,
   - Sumac, Smoketree, Cotoneaster (Var.), Witch Hazel, Buckthorn
   - Common Ninebark, Bayberry, Mt. Laurel, Mockorange, Holly, Pyracantha

2. Large Spreaders (Varieties Of):
   - Juniper, Pine, Cotoneaster, Yew

3. Medium Upright:
   - Burning Bush, Rhododendron, Yew, Quince, Sumac (Var.), Forsythia (Var.),
   - Viburnum (Var.), Barberry (Var.), Holly (Var.), Weigela (Var.), Rose (Var.),
   - Arborvitae (Var.)

4. Medium Spreader (Varieties Of):
   - Juniper, Yew, Cotoneaster

5. Small Upright:

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Azalea, Deutzia, Yucca, Leucothoe, Weigela (Var.), Fl. Almond, Arborvitae (Var.), Rose (Var.), Potentilla, Spiraea, Yew (Var.)

6. **Small Spreader (Varieties Of):**
   - Juniper, Yew, Cotoneaster, Spruce, Barberry

7. **Conical:**
   - Hinoki False Cypress, Yew (Var.), Arborvitae

**22.07.3 Secondary Trees**

A. The following list of trees are generally not permitted for landscape purposes in areas near buildings, parking lots, utilities, or any other places where the following trees might create a nuisance or become a potential hazard to persons or property:

- Box Elder
- Tree of Heaven
- Poplars
- Willows
- Soft Maples
- Catalpa
- Elms
- Horse Chestnut (nut-bearing)

B. The following plant materials are permitted:

<table>
<thead>
<tr>
<th>General Plant Types</th>
<th>Materials Permitted – common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trees</strong></td>
<td></td>
</tr>
<tr>
<td>Large Deciduous</td>
<td>Oak, Linden, Hard Maple, Beech, Ash, Birch, Honey locust (seedless/thornless), Ginko (Male only)</td>
</tr>
<tr>
<td>Large Evergreen</td>
<td>Pine, Hemlock, Spruce, Cedar, Fir</td>
</tr>
<tr>
<td>Medium/Small Deciduous</td>
<td>Crabapple, Amelanchier, Cherry, Hawthorn (thornless), Plum, Redbud, Bradford Pear, Mountain Ash, Amur Maple, Russian Olive, Magnolia</td>
</tr>
<tr>
<td>Columnar Deciduous</td>
<td>Crabapple, Oak, Maple, Linden</td>
</tr>
<tr>
<td>Narrow Evergreen</td>
<td>Arborvitae, Cedar, Cypress, Yew, Juniper</td>
</tr>
<tr>
<td><strong>Shrubs</strong></td>
<td></td>
</tr>
<tr>
<td>Large: Upright</td>
<td>Lilac, Forsythia, Privet, Viburnum, Dogwood, Honeysuckle, Sumac, Smoketree, Cotoneaster, Witch Hazel, Buckthorn Common Ninebark, Bayberry, Mt. Laurel, Mockorange, Holly, Pyracantha</td>
</tr>
<tr>
<td>Large: Spreader</td>
<td>Juniper, Pine, Cotoneaster, Yew</td>
</tr>
<tr>
<td>Medium: Upright</td>
<td>Burning Bush, Rhododendron, Yew, Quince, Sumac, Forsythia, Viburnum, Barberry, Holly, Weigela, Rose, Arborvitae</td>
</tr>
<tr>
<td>Medium: Spreader</td>
<td>Juniper, Yew, Cotoneaster</td>
</tr>
<tr>
<td>Small: Upright</td>
<td>Azalea, Deutzia Yucca, Leucothoe, Weigela, Fl. Almond, Arborvitae, Rose, Potentilla, Spiraea, Yew</td>
</tr>
<tr>
<td>Small: Spreader</td>
<td>Juniper, Yew, Cotoneaster, Spruce, Barberry</td>
</tr>
<tr>
<td>Conical</td>
<td>Hinoki False Cypress, Yew, Arborvitae</td>
</tr>
</tbody>
</table>
B. Trees listed above may be permitted, upon review and approval of the Planning Director. Approval will be given only upon determination that selected trees will serve a specific purpose, e.g.:  
- Provide windbreaks  
- Assist in soil stabilization  
- Provide distant screening  
- Provide over-story protection for permanent tree seedlings  
- Animal Habitat  

It must also be shown that any of the above trees, subsequent to installation, will not create safety hazards to any populated areas.

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 prior to the issuance of a Building Permit. 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, 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
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 canopy 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") in caliper.

3. Trees shall be planted prior to 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 said notice.

Section 22.05 Outdoor Speakers and Sound Devices

Uses requiring outdoor speakers, outdoor public address systems or similar sound devices shall not operate said 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.
   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).

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

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
the community, the Planning Commission, or committee appointed by the Planning Commission, 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 reviewing agency shall use the Illuminating Engineering Society of North America (IESNA) current lighting guidelines for illumination levels. The current issues of these publications shall be maintained and available to the public at the Office of Planning and Zoning.

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**

   a. Unshielded luminaires of any type.
   
   b. 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 prior to 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.

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, however, 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.
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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 commence formal review of the lighting plan at its next regularly scheduled meeting provided a complete plan has been submitted at least ten (10) days prior to the meeting.

22.06.5 Exceptions

Subject to a hearing and notification to adjoining property owners of record within 300 feet of the subject parcel, the Planning Commission may grant an exception of 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, in consultation with any Advisory Sign Review Committee appointed by the County Planning Commission. Non-illuminated signs or replacement signs which meet the standards of this section may be reviewed and approved by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.
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 reflect the primary purpose of signage as being the identification of a particular
user or use on a property, but not necessarily every activity or service performed
thereon.

B. To promote signs which are visible at eye level and can be readily seen from moving
vehicles with the least amount of eye distraction.

C. 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.

D. 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.

E. To place and size signs in such a way that scenic views are protected and visual
obstructions to the natural landscape are minimized.

F. To protect the resource character and Northern Michigan image of Emmet County by
encouraging the design of institutional business, and industrial signs that reflect the
County's favorable environment as a permanent and seasonal home community.

G. To maintain and enhance economic stability by retaining 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.

H. 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.

I. To encourage the use of subdued colors, with bright colors used only for accent.

J. 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.

K. To enhance the effectiveness of necessary directional and warning signs.

L. To preserve property values from the negative impacts of unsafe, cluttered, and
otherwise unregulated signs on abutting property or in the area.
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M. To avoid bright lights and reflection, and to protect views of the night sky against poorly shielded lights.

N. 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.

22.07.2 Signs Authorized Requiring a Permit

A. Accessory Signs in R-1, R-2, RR-1, RR-2, SR-1 and SR-2
For permitted nonresidential uses, one (1) freestanding sign not to exceed eighteen (18) square feet in area, or eight (8) feet in height, and/or one (1) wall mounted or projecting sign that is wood crafted or is a sign of equivalent character, which may project outward up to three (3) feet, not to exceed eight (8) square feet. (See Section 2207.8, Measuring Area & Height of Sign)

B. Accessory Signs in FF-1 and FF-2 Districts
For permitted nonresidential uses, one (1) sign not to exceed thirty-two (32) square feet and no such sign shall be longer than four (4) times its width. Signs may be freestanding or, if attached, 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. Freestanding signs shall not exceed a height of ten (10) feet. (See Section 2207.8, Measuring Area & Height of Sign)

C. Accessory Signs in B-1, B-2, B-3, PT and I Districts
Accessory signs placed in B-1, B-2, B-3, PT and/or I Districts may be permitted at the rate of two (2) per business or industrial premises, except that at least one sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding sign.

Signs mounted on and parallel with the wall of the main building shall not exceed a total area of fifteen (15) percent of the surface area of the mounting wall and
computed on the ground level story only. For purposes of this Ordinance, the ground level story height may not exceed twelve (12) feet. A second wall mounted sign may be permitted on buildings located on a corner lot bordering a County Primary or State Trunkline, provided the same calculation is used to determine the area of the sign. The second wall mounted sign may be in addition to the other permitted signs. 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.

No sign shall project beyond or overhang the wall or any permanent architectural feature 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.

Freestanding signs shall not exceed a height of ten (10) feet. The total sign area of all freestanding signs shall not exceed an area of fifty-six (56) square feet, and no such sign shall be longer than four times its width. (See Section 2207-8, Measuring Area & Height of Sign).

Signs located in a road right-of-way shall not exceed an area of thirty-two (32) square feet or a height of eight (8) feet. 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.
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<table>
<thead>
<tr>
<th>Freestanding Sign</th>
<th>R-1, R-2, RR, and SR</th>
<th>FF-1 and FF-2</th>
<th>B-1, B-2, B-3, PT, and I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number allowed</td>
<td>Maximum size allowed</td>
<td>Number allowed</td>
<td>Maximum size allowed</td>
</tr>
<tr>
<td>1</td>
<td>18 sq. ft</td>
<td>1</td>
<td>32 sq. ft</td>
</tr>
<tr>
<td></td>
<td>8 ft in height</td>
<td></td>
<td>Shall not be longer than four (4) times its width</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10 ft in height</td>
</tr>
<tr>
<td>AND/ OR</td>
<td>OR</td>
<td>AND</td>
<td>15% of the surface area of the mounting wall</td>
</tr>
<tr>
<td>Wall-Mounted Sign</td>
<td>1</td>
<td>8 sq. ft</td>
<td>32 sq. ft</td>
</tr>
<tr>
<td></td>
<td>May project outward up to three (3) feet</td>
<td>Shall not be longer than four (4) times its width</td>
<td>A second wall-mounted sign may be permitted on buildings located on a corner lot bordering a County Primary or State Trunkline.</td>
</tr>
<tr>
<td></td>
<td>Wood crafted or is a sign of equivalent character.</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Canopy or Marquee Signs</td>
<td>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</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Signs cannot obstruct the view of permanent signs, drives, roads, and 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.
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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.

E. Accessory Signs in all Districts
In addition to the business center sign or main identification sign, a development may have one non-illuminated free standing directory sign, located within the project area, for each separate main building. Such sign shall not be readily visible from the frontage road. Also one (1) sign mounted on and parallel with the wall may be permitted for each tenant provided the signs in total do not exceed the area standards for the wall mounted signs in the applicable Zoning District.

F. Non-accessory Signs and Billboards
Billboards, poster boards, and other non-accessory signs shall be restricted to the B-2 District on vacant parcels 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 such signs on both sides of the road and two hundred (200) feet of separation between a billboard and an accessory sign, and two hundred (200) feet of separation between a billboard and any other existing building over two hundred (200) square feet.

A billboard may not include a changeable message sign or changeable message component.

All required permits from the Michigan Department of Transportation shall also be obtained prior to erecting the billboard.

1. Illumination: An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

2. Maintenance: The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.

3. Rate of Change of Digital Signage: The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.

4. Luminance: The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour
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after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

5. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

G. 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 all one color.

4. Electronic changeable message signs must meet all other standards of Section 22.07 and may be permitted to change the message up to four (4) times per hour at the quarter hour.

5. 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.

6. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.

7. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.

8. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

H. 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.

I. Temporary Signs
Temporary signs may be permitted for periods not to exceed ten (10) consecutive days within any sixty (60) day period. Temporary signs include banners, sandwich
boards, and other freestanding signs not to exceed twelve (12) sq. ft. A permit for temporary signs shall be required and obtained from the Zoning Administrator. Signs shall only be approved if they are placed outside of the right-of-way and in an area which will not cause a hazard.

**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 terminated upon their natural deterioration, destruction, removal, or replacement. The continuance of all 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, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this ordinance for the use it is intended.

B. **Placement:** No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized so as to conform with 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 (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)

**22.07.4 Signs Prohibited**

A. Signs containing flashing, intermittent, or moving: lights, images, motion pictures, messages, graphics, 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, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

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, in need of repair, or signs which imitate official traffic signals or traffic directional signs or devices.

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.

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. [D32]

H. Signs which overhang or extend into a dedicated public right-of-way [D33] 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, and sign structures, which advertise a business or service use that no longer occupies the premises, and has not occupied the premises for sixty consecutive days.

K. 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. Small Sign
   In addition to other permitted signs: one (1) sign in a residential district which is not illuminated and does not exceed a total area of two (2) square feet, and one sign in a Farm and Forest, Business, or Industrial District not to exceed a total area of three (3) square feet.

B. Home Occupations signs in all Districts are permitted one (1) non-illuminated sign not to exceed an area of two (2) square feet, provided the home occupation is approved per Section 26.11.

C. Signs that have been approved in conjunction with a valid Zoning Permit or Building Permit for any principal use or accessory use in connection with a Plot Plan or Site Plan. Signs required by Federal or State agencies in connection with federal or state grant projects and programs.
D. Street name signs, route markers and other traffic control signs, signs established by or approved by state, county or township units of government when necessary for giving proper directions or otherwise safeguarding the public, in any district.

E. Non-advertising signs erected by any organization, person, firm or corporation that are needed to warn the public of dangerous conditions and unusual hazards such as but not limited to; caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc.

F. Non-advertising signs exclusively devoted to controlling property access (such as but not limited to: no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages) provided the sign size limitations are observed.

G. Non-advertising signs demarcating an historically or environmentally significant place, building or area when sanctioned by national, state or local historic or preservation oriented agencies/organizations provided the sign size limitations are observed.

H. In addition to other permitted signage, one temporary sign on property for sale, lease, or rent, not exceeding ten (10) square feet and eight (8) feet in height, on residentially and Farm and Forest zoned parcels; and not exceeding thirty-two (32) square feet and ten (10) feet in height on Business, or Industrially zoned parcels.

I. Accessory signs on farms in the FF-1 and FF-2 Districts, not to exceed thirty-two (32) square feet.

J. Accessory signs not to exceed four (4) square feet in area on buildings, such as, but not necessarily limited to: entrance, exit, loading space, low clearance, garage, office, warehouse, service and the like. A maximum of four (4) such signs are permitted.

Signs located at an approved driveway not to exceed four (4) sq. ft. and six (6) feet in height, but not more than one (1) such sign per approved driveway, and may be in addition to the allowable main sign.

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.

K. One temporary poster or sign involving local community events such as educational, charitable, historical, institutional, sporting events or similar activities of general community wide significance is permitted provided the sign does not exceed thirty-two (32) square feet in sign area ten (10) feet in height and is placed on the lot where the activity is to take place. Such sign may be erected not sooner than two (2) weeks before the event and must be removed not later than two (2) days after the event.

L. Political Signs erected in connection with elections or political campaigns are permitted. Such signs shall be removed within six (6) days following the election or
conclusion of the campaign. Such sign shall not exceed the maximum area allowed in the underlying zoning district for an accessory sign.

M. Window signs attached or applied to the surface of any exterior window will be limited to coverage of ten (10) percent of the total window space. The area of such signs shall not be deducted from the total area of signs allowed.

N. Signs on public hiking, biking, snowshoeing, skiing and snowmobile trails identifying the trail, provided all such signs are erected per the requirements of the entity responsible for trail maintenance and operations, and provided all commercial signs are posted not less than two-hundred (200) feet from the intersection of a public road right-of-way, the sign face with a message is not visible from the right-of-way, and the sign area of each sign is not more than two (2) square feet.

O. Signs on sites under construction, development, or redevelopment may be permitted one sign, not to exceed thirty-two (32) square feet in sign face area, and not more than eight (8) feet in height. In place of one sign, up to four (4) individual signs may be erected on the site, provide each sign does not exceed a sign area of four (4) square feet in sign face area per sign and shall not be more than four (4) feet in height. All such signs shall be removed not more than one (1) year after the sale of seventy (70) percent of the lots or dwelling units within the development or no more than thirty (30) days after a project has been completed.

P. Temporary activity signs, such as but not limited to yard or garage sale signs, auction signs, and not covered in the foregoing categories, so long as such signs meet the following restrictions:

1. Not more than one (1) such sign may be located on any lot or parcel.
2. Such sign shall not exceed the sign area permitted in the underlying zoning district upon which the sign is located.
3. Such signs may be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
4. Such signs shall not be erected more than one (1) time per each six (6) months.
5. Directional signs not exceeding two (2) square feet in area may be erected, but no advertising signs may be installed on public or utility poles, or within the public right-of-way unless permitted by the road agency having jurisdiction.
6. All directional signs shall be removed within twenty-four (24) hours of the temporary activity.

Q. Temporary off-premise directional signs, intended to direct traffic to a property during times of road construction, may be permitted by the Zoning Administrator provided the sign meets the following standards:
1. The sign does not exceed a height of eight (8) ft.
2. The sign does not exceed an area of eight (8) sq. ft.
3. The sign is located a minimum of 30 ft. from the edge of the roadway (or the white line along the edge on highways without barrier-type curbs) or a minimum of 3 ft. from the back of the curb on highways with barrier curbs, and the sign must allow for clear vision areas at intersections or driveways.
4. The sign owner is responsible for obtaining written permission from the property owner prior to placing the sign on the property.
5. The sign must be removed at the end of the road construction, as determined by the Zoning Administrator, in consultation with the road agency having jurisdiction.

R. Memorial signs or tablets, names of buildings, and dates of erection.

S. 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.

T. 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.

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.

B. Billboards are main property uses and 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.

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 unnecessarily reflect onto adjacent properties. Lighting sources shall
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. 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 non-advertising 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, 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.

22.07.10 Off-Premises Directory Sign-Private
When the owner of a use requests an off-premises directory sign, the Zoning Administrator, may permit such sign upon determining an appropriate site and location, subject to the following:

A. One off-premises directory sign may be permitted, but such sign shall not exceed an area of eight (8) square feet for one user.

B. The maximum sign size may be increased up to the maximum allowed in the affected zoning district in sign size increments not to exceed eight (8) square feet for each user sharing the same sign structure.

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.

A ten day advance submittal shall be required for sign review to be conducted by the Sign and Lighting Committee; however, Sign Variances shall follow the procedures for Zoning Board of Appeals review. The sign plan may be separately submitted or be an integral feature of the Site Plan, however, a separate application process and fee applies. 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 deemed approved. Sign Variances per Section 2207-10 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 deemed approved.

22.07.14 Substitution Clause

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

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 the Shore Lands Protections and Management Act (1970 PA 245, as amended) 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 in Section 2 of 1970 PA 245, 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 herein after imposed for each use and subject to Site Plan Review by the Planning Commission.

1. The minimum setback from the bluffline 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.

   (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
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.

**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, provided that 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 said 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, 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 prior to 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 20.01 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.


7. Construction staging and progress schedule.

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 20.02 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.
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.

and/or 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: [D34]
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, provided that 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.

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. Said guarantee shall be refunded upon satisfactory completion of the work, per engineer’s certification as required in this Section.

20.10.6 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 20.03 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 (See Section 200) 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.

20.10.7 Conflicting Regulations

The requirements of Section 27.10, 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.

20.10.8 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 deemed 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 not to 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 amendment (insert date), the setback shall be measured from the altered shoreline location or the documented 1986 High Water Mark, whichever is further 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 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.

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 the Schedule of Regulations, Section 19.00, 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.
ARTICLE 22

Section 22.12 Supplementary Height and Area Regulations

A. Intent
When a permitted building is constructed in any District, structural appurtenances (architectural features) shall be permitted to exceed the building height limitations, as follows:

1. ORNAMENTAL
   Superstructures, e.g., church steeples, belfries, cupolas, domes, ornamental towers, spires and flagpoles 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, radio/tv towers, aerials, fire and hose towers, cooling towers, solar panels and utility screens.

B. The foregoing permitted exceptions shall not be used for human occupancy and can only be accessed for maintenance purposes.

Section 22.13 Outdoor Lighting
Reserved

Section 22.14 Temporary Dwellings

A. No person shall use or permit the use of any temporary dwelling or "trailer" 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 Section XX of this Ordinance when the following conditions are met:
   a. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
   b. The use of the temporary dwelling or trailer shall not be contrary to the public health, safety or welfare.
   c. The use of the temporary dwelling or trailer 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 trailer or temporary dwelling shall be considered a permanent structure which shall comply with District Regulations, or shall not be permitted on the parcel.

C. If a trailer 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 trailer 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 trailer 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:
General Provisions

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.

<table>
<thead>
<tr>
<th>DISTRICTS</th>
<th>No Utilities Health Department Approval Required</th>
<th>Water or Sewer Services</th>
<th>Both Water and Sewer Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2 and RR</td>
<td>None</td>
<td>None</td>
<td>12,000 square feet</td>
</tr>
<tr>
<td>RR</td>
<td>None</td>
<td>None</td>
<td>9,600 Sq. Feet</td>
</tr>
<tr>
<td>SR, FF-1, FF-2</td>
<td>20,000 Sq. Feet</td>
<td>12,000 Sq. Feet</td>
<td>9,600 Sq. Feet</td>
</tr>
<tr>
<td>FF-1</td>
<td>20,000 Sq. Feet</td>
<td>12,000 Sq. Feet</td>
<td>9,600 Sq. Feet</td>
</tr>
<tr>
<td>FF-2</td>
<td>20,000 Sq. Feet</td>
<td>12,000 Sq. Feet</td>
<td>9,600 Sq. Feet</td>
</tr>
</tbody>
</table>

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.

This plan for reduced lot sizes, shall be permitted only if it is mutually agreeable to the Legislative Body of the County and the developer.

C. Under this planned unit approach, the developer shall dedicate the total open space (see item a) 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:

1. The gross dwelling unit density shall not exceed the maximum allowable for detached single family homes in the same District.

2. 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.
3. 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.

4. 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.

5. 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.

6. No such cluster building plan shall be approved in an area zoned R-1, RR-2 or SR-2.

7. 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:

   a) It borders R-2B, R-2A, B-1, B-2, I-1 or I-2 zoned properties and would be a suitable transition use with detached housing areas.

   b) 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.

   c) It borders a State Trunkline Highway.

8. The applicant or developer can construct a sanitary sewer system and domestic water system that will pass Health Department requirements.

9. The Site Plan contains an engineered plan for the control of storm water runoff. Drainage ways, sedimentation ponds or similar water control measures shall be illustrated as applicable.

10. A Site Plan is submitted according to the terms of Article 20, Section 2405 Site Plan Review.
11. A Building Cluster Plan shall not be approved without first considering the recommendations of the Township Board in the affected Township or the Township's designated review agency in the affected Township.
**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 passed, 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 or Appeals, subject to a Hearing, may allow an expansion or enlargement, provided that 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 retain 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 (but not accessory dwelling unit) 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. Variance to yard requirements shall be obtained through the Board of Appeals.
A. Expansion of a Nonconforming Use

1. 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.

2. 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.

3. 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.

B. Alteration of Nonconforming Structure

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

C. Removal or Destruction of a Nonconforming Structure

1. 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.

2. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

D. Maintenance of a Nonconforming Structure

1. 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.

2. 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.

E. Change of Nonconforming Use
ARTICLE 23

1. Any nonconforming use of a structure, land or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use.

2. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

F. 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.

When a nonconforming use of land, structure, or structure and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

G. Abandonment of Nonconforming Use

1. 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 thereafter 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:

   a. Utilities have been disconnected;

   b. If there were signs, the signs have been removed or have fallen into disrepair;

   c. Fixtures within and outside the building have been removed;

   d. The property falls into disrepair;

   e. U.S. Mail delivery has been terminated or mail is forwarded to another address;

   f. The classification of the property for tax purposes has been changed to reflect another use; and

   g. Other similar changes to the nonconforming building or use.

2. Action to find a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

   a. Property held in Probate;

   b. Insurance settlement in dispute; or

   c. Criminal investigation.
Article 24
General Exceptions

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, however, that the Planning Commission Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a Special Land Use, use permitted on special condition or a use permitted in the Section CONDITIONAL USES AUTHORIZED BY SPECIAL PERMIT of this Ordinance.

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
24.00.6 Projections Into Required Open Spaces

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. Unenclosed paved areas, patios and other surfaced areas may occupy a required yard.
Section 25.00 Creation and Membership

There is hereby 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:

1. The first member shall be a member of the County Planning Commission.

2. 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.

3. 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; provided that 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.

4. 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 said 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 said 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 shall be prescribed by said 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 forthwith 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 be its duty to:

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.

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 herein contained 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 hereinafter provided by law.

Section 25.05 Board Review

The Zoning Board of Appeals shall commence review of the Case at its next regularly scheduled meeting provided a complete Application is submitted at least twenty-two (22) days prior to 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 said 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.
Section 26.00 General

In every case the uses herein-after 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 Commercial Television And Radio Towers and Public Utility Microwaves and Public Utility T.V. Transmitting Towers and Personal Wireless Communication Facilities Wireless Communications Equipment (WCE) and Wireless Communications Support Structures (WSS)

26.01.1 Approval Process

A. Compliance with the Michigan Zoning Enabling Act

A. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval if the following requirements are met:

   a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

   b. The existing wireless communications support structure or existing equipment compound is in compliance with this Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.

   c. The proposed collocation will not do any of the following:
Supplemental Regulations: Specified Uses

1) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten (10) percent of its original height, whichever is greater.

2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

3) Increase the area of the existing equipment compound to greater than twenty-five hundred (2,500) square feet.

d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.

B. Wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) or (d) is a permitted use of property if it receives special land use approval under subsections 3 to 6 below.

C. An application for special land use approval of wireless communications equipment described in subsection 2 (above) shall include all information required by Article 20 (Site Plan Review).

D. 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.

E. If, before the expiration of the 14-day period under subsection 4, 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 4 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.

F. The Planning Commission shall approve or deny the application not more than sixty (60) 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.

G. Special land use approval of wireless communications equipment described in subsection 2 may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
H. If the County requires special land use approval for wireless communications equipment that does not meet the requirements of **subsection 1(a)** or for a wireless communications support structure, **subsections 4 to 6** apply to the special land use approval process, except that the period for approval or denial under **subsection 6** is 90 days.

I. The County may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

B. 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 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 Radio and television towers, public utility microwaves, and public utility T.V. transmitting towers may be permitted by the Planning Commission after a Hearing, in B-2, I-1, I-2, FF-1 and FF-2 Districts provided the use is setback not less than a distance equal to the height of the tower measured from the base of said tower to all points on each property line. said use shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said 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.

### 26.01.2 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 (B) 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 there are proven technical limitations related to tower strength or signal interference. Co-location may be denied for reasons of aesthetics or other negative impacts on other properties in the vicinity.

5. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

6. All new towers must meet the applicable requirements for a commercial tower, per Section 2102 paragraph 2 subsection a) of this Ordinance.

B. Wireless communication facilities may be approved, by the Planning Commission, for locations in R-1 and R-2 Residential 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 deemed 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
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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 private or individual television/radio 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 private or individual television/radio tower that exceeds 50 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 50 sixty (60) feet above the natural grade is necessary to reasonably accommodate amateur communications.
Section 26.03 Wind Energy Systems (WES’S)

Section 26.03.1 On-site Wind Energy Systems (WESs or WES singular) Under-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 of Section 2102, Paragraph 17, sub-paragraph B. 2 thru 6 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.

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 Section 2102-17-C 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.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum dB(A) level</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, RR, FR-1, FR, B-1, B-2, B-3, I-1, I-2</td>
<td>40</td>
</tr>
<tr>
<td>FF-2</td>
<td>35</td>
</tr>
</tbody>
</table>

A manufacturer’s specification sheet or similar data shall be provided documenting decibel levels.

Section 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 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 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 utilize 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). 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 herein by reference shall be the document utilized 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
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 utilize guy wires. Anemometer towers may, for up to two (2) years, be lattice type towers and may use guy wires.
   
   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.

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 one-time 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.**
   
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 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 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 herein by reference shall be the document utilized to determine the Ambient Noise Levels. Ambient
Supplemental Regulations: Specified Uses

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.

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 utilize 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 prior to 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, noise sound levels, or vibrations exceed those projected by the developer, the WES shall not be operated until such nuisance is eliminated.
Supplemental Regulations: Specified Uses

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:
   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 prior to 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 prior to a decision by the Planning Commission.
Section 26.04 Riding Academies or Stables

Commercial facilities for horseback riding may be allowed in the B-2, FF and I Districts, subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least 300 feet from any off-premises residential structure. Riding facilities in R-1 and RR Districts may be allowed on farms or on a temporary permit basis, subject to a finding by the Planning Commission that there is protection for developing residential uses including seasonal home areas.

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 to locate in the RR-1 Recreation District and the SR-1 Scenic Resource District by the Planning Commission, 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 retained in a healthful growing condition. Planted greenbelts may be required by the Planning Commission as deemed necessary.

C. The use does not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed 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..."
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 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 mobile home park shall be of such area as to provide a minimum of twenty (20) manufactured mobile home sites or pads.

A. No mobile-manufactured home shall be nearer to a manufactured housing community mobile home park boundary line or property line than the minimum required setback in the District where located.

B. Manufactured Mobile home sites within a mobile home park 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 mobile home park
shall be in lawn, or landscaped, or kept in a natural wooded state as applicable.

D. Recreation space and other improvements within a mobile home park shall be in accordance with the laws and rules of Act 419 of 1976, the Mobile Home Commission Act.

**Section 26.07 Other Uses of Mobile Homes and Trailers**

Manufactured Mobile homes, travel trailers and motor homes 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 connection with a construction project authorized by Zoning and Building Codes.

D. Other temporary uses of manufactured mobile homes, travel trailers, or motor homes 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 motor home or travel trailer 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**

General hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in R-1, R-2 and FF Districts on sites of at least five (5) acres, subject to approval by the Planning Commission.

R-1 District: 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

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.

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:

(3) Intended or projected extraction/fill areas are three (3) acres in area or less, and the operation is not located in a Residential District.

(4) At least 100 feet separates the edge of the earth disturbance area from the nearest property line.

(5) 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.

(6) 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.

(7) 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.
Supplemental Regulations: Specified Uses

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, overburden, or other earth fill material replaces the resources removed as the work progresses (in cases of a pit).

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 therewith.

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 deemed 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 thereafter, 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 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, Act 347, of 1972, the Soil Erosion and Sedimentation Control Act, 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 20.06 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 prior to undertaking the next phase.

**Section 26.11 Sanitary Landfills**

All sanitary landfill operations shall be approved by the Planning Commission and shall comply with standards prescribed by applicable State and County health regulations; provided no such operation shall be permitted in any R-1, RR or SR District and further shall be conducted on sites located no less than 1,000 feet from any public street and be screened from sight by natural terrain, greenbelts, natural wooded areas or finished and maintained screening fences.

**Section 26.11 Home Occupations**

Home occupations that are operated in accordance with the Definition in Section 2.00, may be approved by the Planning Commission subject to the following conditions:

A. Any structural additions to the home for purposes of operating said 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.

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.

F. Home occupations shall only be approved on the basis of individual merit and the special conditions stated in the permit. The permit shall automatically be revoked upon the sale, lease, or rental of the premises to a party other than the applicant, and/or the conditions of the permit have been violated, either by intent or by the unforeseen nuisance conditions arising from its operation.

G. Home Based Business - Home Occupations may be approved by the Zoning Administrator if, in addition to the standards of paragraph 10 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 product inventory or 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.

H. 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 declared to be Special Land Uses in that

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
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 See. 200 of this Ordinance.

**B. Type II**

A limited salvage facility with open storage on less than 40,000 sq. ft. 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

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 an 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 obscuration 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 herein 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.

I. The minimum site size to consider for uses permitted herein 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 herein, 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, provided that 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 zoning parcel dimensional, area, height, bulk and setback provisions as regulated in this Ordinance. See Sec. 19.00, Schedule of Regulations. Said zoning lots parcels may be required to be staked in the field for use in identification.

B. Zoning lots 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 zoning lots 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:

<table>
<thead>
<tr>
<th>Access Types</th>
<th>Land Division Size Categories</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>3 to 4 lots</td>
</tr>
<tr>
<td>Road Easement</td>
<td>50’</td>
</tr>
<tr>
<td>Road Surface</td>
<td>20–22’</td>
</tr>
<tr>
<td>Shoulders</td>
<td>2’on each side</td>
</tr>
<tr>
<td>Total Road Width</td>
<td>26’</td>
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</tbody>
</table>
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 such 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.

All road sub bases shall be designed and constructed to withstand usage by utility/service vehicles. 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 30 ft. right-of-way or easement) 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, sanitary sewage collection, storm water run-off, snow storage, and the like.

D. Intersections
E. Road Names

Roads shall be named according to current Road Commission specifications to avoid duplication and confusion, the current Emmet County Street and Road Numbering Ordinance.

26.13.4 Engineering Requirements

All plans subject to review as described in the "Land Development Standards" paragraph must have road plans prepared and sealed by a Michigan registered professional engineer. Said engineer must perform adequate oversight during construction and give his/her professional opinion in writing that the work conforms to the standards of this Section. Road construction shall not result in accelerated storm water runoff on any adjacent properties that are not a part of the project. Storm drainage design shall include road drainage systems that prevent flooding, roadway/ditch erosion and damage to adjacent properties.

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%.

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 retain 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 26.11.4 shall be defined as soils that meet a percolation rate consistent with the Emmet County Sanitary Code of 0 to 15 minutes.

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.

26.13.5 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 Planning Commission – 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 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:

1. Vehicular access drives shall be located at least 60' from the nearest right-of-way line of all intersecting streets.

2. 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.

3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and to drive-thru lanes.

4. 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.

5. Planted greenbelts, berms, and/or fencing may be required by the Planning Commission if deemed appropriate to achieve compatibility with adjacent uses.

6. 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 Planning Commission 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 provided that 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:

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) herein, 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.
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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 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 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. The applicant shall file 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 23.0.1b. 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 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 file an affidavit with the Register of Deeds stating the proposed use of the building. Such affidavit shall be recorded prior to issuance of a zoning permit.

Section 26.18 Minor Storage Buildings as a Main Use

Where there is no residence or other permitted use on the same property, minor storage buildings may be permitted in all districts, by the Planning Commission, subject to the following conditions:

A. Only one such structure shall be permitted.

B. The ground floor area shall not exceed 200 sq. ft. in Residential and Farm Forest Districts.

C. The top height of any such building shall not exceed 10 ft.

D. Landscaping/plantings may be required to at least partially screen the building from adjacent roads and/or properties.
E. Structures shall not be improved with slab floors or permanent foundations in Residential Districts.

F. Structures in the Farm Forest District which meet these requirements can be approved by the Zoning Administrator.

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 prohibited in the district.

Section 26.17 Reserved

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 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

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.

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 said secondary effects.

The County hereby 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
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.

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 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 said 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, 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 said Section hereunder, are hereby declared to be independent divisions and subdivisions and, not notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said 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 hereby 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, Churches

26.19.1 R-1 District

A. All sites for uses permitted, herein, 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.

D. All school buildings and school facilities shall be limited to serving the area of the school district, unless the Planning Commission finds that serving a larger geographic area will not have detrimental effects on surrounding areas.

E. Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

26.19.2 RR 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 District

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 Dwelling Units

26.21.1 R-1A District; RR-2 District; SR-2 Districts

The following performance standards shall apply to housing constructed in or placed in the R-1A One family Residential District, and shall be in addition to the requirements of other codes, ordinances, or provisions of this Ordinance. These requirements are to assure a degree of structural comparability between site built dwellings and preconstructed or factory built housing.
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intended for one (1) family occupancy. On-site construction modifications may be necessary and shall be permitted to attain the standards of comparability.

A. The minimum building width across any front and any side elevation shall be twenty (20) feet on an unbroken building line, excluding garages and accessory buildings.

B. Every detached dwelling unit shall provide useable accessory storage space in the amount of ten percent (10%) of gross floor area, but not less than 100 sq. ft. of storage space. Basements, attics, closets, or separate accessory structures shall count as storage space.

C. Foundation supports shall extend below the prevailing frost line.

D. Housing units moved onto any lot in the District shall have its wheels removed. Towing devices or hitches shall be removed or be totally obscured from view.

E. Modular or mobile home units shall not be structurally attached to one another or placed together unless specifically designed and engineered at the site of manufacture to be attached.

F. All factory-assembled dwelling units constructed prior to June 15, 1976 shall not be placed on or moved upon a lot or parcel unless all minimum code requirements for site built housing are in compliance.

26.21.2 FF-1 and FF-2

One family detached dwelling units and permanent mobile homes shall have direct access to a public street or thoroughfare fully maintained twelve (12) months of the year.

Section 26.22 Artist’s Studio as a Home Occupation

There shall 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.
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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 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 RR

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 herein 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.

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.

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Section 26.27 Public Buildings (except public works and storage yards), Assembly Halls, Schools

26.27.1 R-1 District; RR District; B-1 District

A. All sites for uses permitted, herein, 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.
ARTICLE 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.

D. All school buildings and school facilities shall be limited to serving the area of the school district, unless the Planning Commission finds that serving a larger geographic area will not have detrimental effects on surrounding areas.

E. Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

Section 26.28 Temporary Mobile Homes and Travel Trailers

26.28.1 FF-1 and FF-2

A. Temporary Mobile Homes and Travel Trailers shall be maintained in sound running condition with a current vehicle license

B. Occupancy shall be limited to not more than thirty (30) 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 be effectively screened from public streets and thoroughfares with a natural or planted greenbelt. 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, unless the owner of the residence signs a statement agreeing to a lesser setback.

D. Log storage and sawn timber or lumber shall not be located nearer than 500 feet from an off-premises residence, unless the owner signs a statement agreeing to a lesser setback.

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, and any Township, Community, or County Land Use Plans for the area. 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, existing uses, and the like.

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 planning 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 provided that:

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 prior to 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, travel trailers, 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 herein shall only be approved on properties occupied by the owner 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 herein 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.
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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, provided that the intent of Article 8 is retained 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 retained, and the uses are compatible with properties in the vicinity. Uses herein approved shall be considered as enabling larger tracts of land to be retained 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 herein 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. 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 retain a visual farm forest character, and shall not
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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 801-5 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 hereunder 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, provided that the intent of this section is retained 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 Districts

The ground floor premises facing upon and visible from any abutting street, shall be used only 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.
Supplemental Regulations: Specified Uses

C. Wholesale uses shall not occupy property bordering lakes, or rivers as defined by Act 346 of 1972, the Inland Lakes and Streams Act, (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.
Supplemental Regulations: Specified Uses

ARTICLE

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, trailers, mobile homes, farm implements, contractors equipment/vehicles, and similar units, for new and/or used units, 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 retained 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 herein 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 underframe 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.

D. Display lot lighting shall comply with terms of Section 22.13, 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 herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated as to the display units of new, used 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, landscape screening may be required by the Planning Commission per subparagraph c) of this paragraph, 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. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least three-hundred (300) feet from public road right-of-way lines.

C. 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.

Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.

**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-2 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.

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 District

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 manufacture, 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 22.06 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.

Section 22.06.1 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:

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 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 said Permit.

**Section 27.01 Zoning Permit**

The following shall apply in the issuance of any Permit:

A. PERMITS FOR NEW USE OF LAND

   No land heretofore vacant shall hereafter be used or an existing use of land be hereafter 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 hereafter 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
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: Nothing in this section exempts or requires construction permits, other than required by 1972 PA 230, as amended, (being the State Construction Code Act, MCL 125.1501 et.seq.)

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. 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. 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 said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.

6. 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, hydrants, towers, pools, electrical substations, gas regulation stations and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customers/clients, but no including regional, long distance, interstate distribution or collection systems.
7. Open Space.

8. Individual recreation uses such as boating, hiking, hunting, fishing, and trapping.

9. 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. Harvesting of timber as part of a forest management activity when part of a forest management plan.

11. Hedges, arbors, trees, gardens, plants, shrubs.

12. Sidewalks, driveways to dwellings and duplexes.


14. 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.

15. Personal property sales.

16. Signs which indicate land is private property, trespassing is not allowed, hunting or other specific activities are not allowed.

Deviations from the approved Permit may result in Enforcement action as outlined in Section 27.08 of this Ordinance.

**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 by resolution 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 for development approval 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 Deemed Given: Notice shall be deemed 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 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.

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.
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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 herein 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 hereby designated as the authorized County official to issue Municipal Civil Infraction action.

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, razed, or converted in violation of this Ordinance 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 herein 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 is authorized to 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 herein or subsequently established herein 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.

**Section 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?

Section 27.12 Vested Right

It is hereby 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 deemed 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. Wherever in Emmet County there are provisions in two (2) or more laws or Ordinances that have conflicting provisions, the law or Ordinance with the more stringent requirements shall govern, except as permitted under the provision of Act 110 of 2006, as amended.

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 Effective Date

Public Hearing having been held hereon, the provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public health, peace and safety and are hereby ordered to take immediate effect after final passage. Made and passed this 30th day of October, 1972.

Hugh Heynig, Chairman
I, Harriet L. Kilborn, Emmet County Clerk and Clerk of the Circuit Court for the County of Emmet, the same being a Court of Record and having a seal, do hereby certify that I have compared the foregoing copy of the EMMET COUNTY ZONING ORDINANCE, adopted by the Emmet COUNTY BOARD of Commissioners, August 24th, 1972 with the original record thereof now remaining in my office, and that it is a true and correct transcript therefrom, and of the whole thereof. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Petoskey this 24th day of August, 1972.

(SEAL)  
Harriet L. Kilborn  
Emmet County Clerk

Public Hearings: March 29, 1972 and March 30, 1972  
Adoption by the Emmet County Board of Commissioners: August 24, 1972  
Approval by the State of Michigan, the effective date: October 30, 1972